

North Ayrshire Council  
7 September 2011

**IRVINE, 7 September 2011** - At a Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

Pat McPhee, Ian Clarkson, Robert Barr, Tom Barr, John Bell, Matthew Brown, Andrew Chamberlain, Margie Currie, Anthea Dickson, John Ferguson, Alex Gallagher, William Gibson, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Ruby Kirkwood, Elizabeth McLardy, Pater McNamara, Ronnie McNicol, Elisabeth Marshall, John Moffat, Jim Montgomerie, Alan Munro, David O'Neill, Ryan Oldfather, Robert Rae and Joan Sturgeon.

**In Attendance**

E. Murray, Chief Executive; C. Kirk, Corporate Director (Education and Skills) and J. Leckie, Head of Service (Community and Culture); I. Colvin, Corporate Director (Social Services and Health); A. Herbert, Corporate Director (Finance & Infrastructure); I. T. Mackay, Solicitor to the Council (Corporate Services); J. Montgomery, General Manager (Policy and Service Reform); M. McKeown, Committee Services Manager and L. McEwan, Communications Manager (Chief Executive's Service).

**Also In Attendance**

J. McCubbin and J.Hodge, Kilwinning Sports Club.

**Chair**

Provost McPhee in the Chair.

**Apologies for Absence**

Margaret McDougall and John Reid.

**1. Provost's Remarks**

The Provost welcomed Councillor Jim Montgomerie to the meeting and congratulated him on his election to serve as a Member in the Saltcoats and Stevenston Ward.

**2. Declarations of Interest**

There were no declarations of interest by Elected members in terms of Standing Order 16.

**3. Minutes**

The Minutes of the previous meeting of the Council held on 29 June 2011 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Kilwinning Sports Club**

At its meeting on 29 June 2011, the Council agreed (a) to invite Kilwinning Sports Club to make a presentation to a future meeting on their plans for development, with any supporting paperwork to be issued to Elected Members in advance of the meeting; (b) that Officers give consideration to, and report on, what governance arrangements require to be put in place to ensure that the Council is consulted on, and has direct input to, how the project is delivered; and (c) that following the presentation to the Council, a report on proposed funding to the Club from the Council, be submitted to a future meeting of the Executive.

Representatives of Kilwinning Sports Club were in attendance. Information was presented on the structure of the club; the range of activities offered; awards received by the club; current facility problems facing the club; and the club's plans for developing a new clubhouse and full sized synthetic pitch. In relation to the proposed developments, information was provided on the rescoping of the project to match the club's revised and current assumptions around how the developments would be funded.

Members asked questions and received clarification from the club representatives in relation to the information presented, particularly in relation to the scope of the proposed developments; sources of funding; and arrangements for overseeing the developments if funding is secured.

Thereafter the Corporate Director (Finance and Infrastructure) presented a report on proposed governance arrangements to be put in place in the event that the Council agrees to provide a financial contribution to Kilwinning Sports Club in support of their plans to develop their facilities. To ensure that the Council's interests are fully protected in the project, a scheme of governance is considered appropriate. This will include:-

- the Council participates in the appointment of a Project Manager
- on the formation of a Project Board, the Council is represented at Officer and Member level
- a condition of any contribution from the Council would be on the understanding that a full funding package is in place and that a project plan has to be submitted to the Council for approval
- appropriate monitoring arrangements are in place and regular reports are presented to the Council by its representatives on the Project Board.

The Council (a) noted the information provided; (b) approved the proposed governance arrangements in the event the Council agrees to provide a financial contribution; and (c) agreed that the Corporate Director (Finance and Infrastructure) report on the proposed level of funding to a future meeting of the Executive.

## **5. Items referred to the Council**

### **5.1 Interim Financial Management Strategy**

In terms of Standing Order 9.1, submitted report by the Corporate Director (Finance and Infrastructure) on a referral from the meeting of the Executive of North Ayrshire Council held on 30 August 2011 on the development of financial management arrangements within North Ayrshire Council and seeking approval of the interim Financial Management Strategy 2011-2016.

Since local government reorganisation in 1996, the Council has established and developed sound policies and governance arrangements for the management of its financial affairs. The Council's financial strategy has been reflected in a number of short to medium term financial documents and policies, however there was no overarching strategy in place. Audit Scotland highlighted this issue in their BV2 report which was published in March 2011.

The Audit Commission and CIPFA have each produced guidance on strategic financial management and long-term financial planning within Councils. Both documents emphasise the need to develop financial planning arrangements that recognise key service priorities and extend into the longer term e.g. up to ten years.

The Council's General Services revenue budget for 2011/12 and indicative budgets for 2012/13 and 2013/14 were approved by the Council in February 2011. The approach to be adopted for preparing the 2012/13 revenue and capital budgets has also already been agreed and reflected in the Service Planning and Budgeting Guidance issued to Services on 30 June 2011. This approach was outlined to Members at the budget seminar that took place on 17 August 2011. The Council's interim Financial Strategy 2011-2016, which was commended to the Council by the Executive at its meeting held on 30 August, was appended to the report. The Strategy has been developed with the following key objectives:

- consolidation of existing financial plans and documents into a single report;
- recognition of the national and local issues that need to be considered in developing financial plans for future years;
- establishing a baseline financial position that will be used to further develop the Council's financial strategy;
- recognition of the influences and dependencies that could affect financial projections and modelling; and
- to provide a summary of the work that is already underway to develop the Council's financial management arrangements and details of further proposed developments.

Work is now underway within the Council to develop a rolling five-year financial planning model that recognises, and is sensitive to, key variables. This model will be available by summer 2012 and will form the basis for the preparation of future years' budgets.

The Council agree to (a) note the progress to date on financial management planning; and (b) approve the interim Financial Management Strategy 2011-2016.

## **5.2 Scotland Bill: Crown Estate - The Case for Change**

In terms of Standing Order 9.1, submitted report by the Chief Executive on a referral from the meeting of the Executive of North Ayrshire Council held on 30 August 2011 in relation to the Scottish Government's proposed enhancements to the Scotland Bill 2010-11 in terms of devolution of the Crown Estate in Scotland.

At present, all of Scotland's sea bed, most of Scotland's foreshore and some other public assets are currently managed by the Crown Estate Commissioners (CEC). Through leases, dues and fees, the CEC taxes development of the seabed and passes the profit to HM Treasury. The CEC also has the right to sell parts of the Crown Estate. Under the Scotland Act 1998, administration of the CEC is reserved to the UK Government in Westminster. Neither Scottish Ministers nor the Scottish Parliament have any formal role in relation to the CEC's administration of the Crown Estate in Scotland.

The First Minister is bringing forward a series of papers on the Scottish Government's proposed enhancements to the Scotland Bill 2010-11 which is currently being considered by the UK Parliament. The first of these papers setting out the case to devolve management and revenues of the Crown Estate in Scotland was published on 22 June 2011 and was contained in Appendix 1 to the report.

The paper argues that devolved control of the revenues from the Crown Estate in Scotland could assist in creating thousands of additional jobs across Scotland as well as supporting the transition to a low carbon economy. It also sets out the Scottish Government's views on how revenues could be used to deliver benefits for local communities through the creation of a Fund for Future Generations. Income from this fund would support a range of projects designed to deliver flourishing communities around Scotland's shores. The paper further advocates linking investment from Crown Estate revenues with released Fossil Fuel Levy resources, which currently stand at nearly £200 million, thus allowing greater investment to help expand Scotland's low energy sector.

If the CEC does devolve its responsibility and powers in Scotland to the Scottish Government, the changes in the administration of the Crown Estate in Scotland would be introduced in two phases, namely:-

- **Phase 1** - Pending the implementation of the legislation to devolve the CEC's responsibilities and powers in Scotland, a range of interim changes to the CEC's operations will be introduced to improve accountability, transparency and policy alignment, including a separate Scottish operating division; and
- **Phase 2** - When the Scottish Government becomes responsible for the Crown property rights currently managed by the CEC (and following a wide public and stakeholder consultation during the transition period) the Government will bring forward proposals to involve local authorities and communities in decisions about marine resources.

Members discussed the importance and implications of the document to North Ayrshire as a coastal authority, and noted that further consultations would follow.

The Council agreed that the Chief Executive write to the Scottish Government indicating the Council's support in principle for the proposals detailed in the consultation paper.

### **5.3 Appointments to Outside Bodies: Kelburn Castle Restoration Works Trust**

In terms of Standing Order 9.1, submitted report by the Chief Executive on a referral from the meeting of the Planning Committee held on 30 August 2011 in relation to the appointment of an Elected Member as Trustee on the Kelburn Castle Restoration Works Trust.

The current mainland Local Plan includes a Housing Policy, RES2B which relates to land adjacent to Kelburn Castle, Fairlie. This Policy was inserted following a public inquiry on the Local Plan and relates to enabling housing development designed to provide resources for the restoration of Kelburn Castle and Country Centre. One of the provisions of Policy RES2B is that a Trust be established the purpose of which is to ensure that "all monies from the development (known as Ladies Walk) will be used to for the restoration and subsequent maintenance of Kelburn Castle and improvements to the Country Centre and for no other purpose".

The Planning Committee, at its meeting on 9 August, approved a report by the Solicitor to the Council indicating that the Policy had been properly applied to expenditure arising out of the sale of land for the housing development. The Committee endorsed this action but requested that the Council should be represented on the Board of Trustees for the Trust.

Discussions have taken place with agents for the owner of Kelburn Castle, Lord Glasgow, and it has been agreed that one Officer and one Elected Member representing Ward 8 should be the Council's Trustees. This was reported to the meeting of Planning Committee on 30 August 2011.

The Solicitor to the Council advised that he had received a communication from Fairlie Community Council requesting that that body also be represented on the Trust. He advised that this was a matter for the Trust itself.

Councillor O'Neill, seconded by Councillor R. Barr, moved that Councillor Gallagher be appointed to the Trust. There being no amendment, the motion was carried.

Accordingly, the Council agreed that Councillor Gallagher be appointed as its Elected Member representative on the Trust, with the Solicitor to the Council or his nominee being the Officer representative.

## **6. Leader's Report**

The Leader of the Council reported on the following items:-

- **Business Breakfast:** On the morning of 7 September 2011, the Leader and the Chief Executive attended a business breakfast hosted by North Ayrshire Council and Skills Development Scotland. The purpose of the breakfast was to meet with local companies and to offer advice and information on modern apprenticeships. There were over 30 people in attendance from a variety of local businesses. The Council is doing its bit to tackle youth unemployment by doubling the number of modern apprentices employed to 90.
- **David Munn:** The Leader welcomed Councillor Jim Montgomerie to the meeting. He noted that the by election had been brought about by the resignation of former Councillor David Munn on the grounds of ill health. The Leader pointed to former Councillor Munn's years of public service with Cunninghame District Council and North Ayrshire Council. In recognition of this long and dedicated service, the Leader requested that the Provost make arrangements to call a special meeting of the Council in the near future with a single item on the agenda, namely to make David Munn a Freeman of North Ayrshire.

## **7. Committee Minutes**

Submitted reports of Committees, being the Minutes of the Meetings held on the following dates:-

**Irvine Area Committee (Special): 6 July 2011**

Moved by Councillor Sturgeon, seconded by Councillor T. Barr (pages 1-3).

**Licensing Committee (Special): 26 July 2011**

Moved by Councillor Marshall, seconded by Councillor R. Barr (pages 4-6), subject to the inclusion of Councillor Gibson's apologies for the meeting.

**The Executive of North Ayrshire Council: 2 August 2011**

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 7-18).

**Education Executive: 2 August 2011**

Moved by Councillor Bell, seconded by Councillor T. Barr (pages 19-29).

**Kilwinning Area Committee: 4 August 2011**

Moved by Councillor Ferguson, seconded by Councillor Chamberlain (pages 30-33).

**Planning Committee: 9 August 2011**

Moved by Councillor McLardy, seconded by Councillor Currie (pages 34-40).

**Local Review Body: 9 August 2011**

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 41-42).

**North Coast Area Committee: 10 August 2011**

Moved by Councillor Hill, seconded by Councillor Gallagher (pages 43-46), subject to proposed revisions to the body of the minute in relation to the Item 6. Largs Traffic Management Scheme.

**Garnock Valley and West Kilbride Area Committee: 11 August 2011**

Moved by Councillor R. Barr, seconded by Councillor Highgate (pages 47-50), subject to proposed revisions to the body of the minute in relation to Item 5. Request for Change of Street Name at William Tricker Crescent, Beith.

**Licensing Committee (Special): 12 August 2011**

Moved by Councillor Marshall, seconded by Councillor R. Barr (pages 51-54).

**Scrutiny Committee: 15 August 2011**

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 55-66).

**The Executive of North Ayrshire Council: 16 August 2011**

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 67-79).

**Ardrossan and Arran, Saltcoats and Stevenston Area Committee: 18 August 2011**

Moved by Councillor Gurney, seconded by Councillor Currie (pages 80-85).

**Licensing Committee: 23 August 2011**

Moved by Councillor Marshall, seconded by Councillor R. Barr (pages 86-93).

**Local Development Plan Committee: 29 August 2011**

Moved by Councillor McLardy, seconded by Councillor Currie (pages 94-100).

**The Executive of North Ayrshire Council: 30 August 2011**

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 101-110).

In moving the minutes, the Leader drew the Council's attention to Item 6. Economic Development and Regeneration Strategy 2010-2020: Business Plan, and sought the Council's endorsement of the recommendation that Leader of the Council and the Leader of the SNP Group (as the URC Elected Member representative) be appointed to the Economic Development and Regeneration Strategy Board, with substitutes being the Depute Leader and Depute Leader of the SNP Group, respectively.

The Council endorsed the recommendation.

**Planning Committee: 30 August 2011**

Moved by Councillor McLardy, seconded by Councillor Currie (pages 111-113).



## **Local Review Body: 30 August 2011**

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 114-115).

### **8. Questions**

In terms of Standing Order No. 12 there was submitted:-

(a) a question by Councillor Gurney to the Leader of the Council in the following terms:-

"To ask the Leader when he will next meet the head of COSLA".

The Leader responded in the following terms:

"Provost. There is no recognised position as "Head of COSLA".

Councillor Gurney, referred to a "proclamation from COSLA" which he indicated stated "the primary role for a teacher should not be to teach children" and, as a supplementary question, asked the Leader "if he regrets putting his name to that statement and if he will now join with me in giving this Council's full backing to our teachers in their efforts to educate our children".

The Leader advised that he did not recognise the statement. He indicated his support for the position of COSLA and the Council that teachers should work with parents and others to deliver results for pupils.

(b) a question by Councillor Hunter to the Leader of the Council in the following terms:-

"In the light of the September 2009/10 Audit Scotland report, and the subsequent October 2010 and February 2011 Internal Audit reports, would the Leader of the Council care to reconsider his response regarding the 'un-setting or unbalancing' of the budget which was raised during the presentation of a motion on the revocation of the amendment to Clause 19.1 of Standing Orders at the full Council meeting of the 18th May 2011?"

The Leader responded in the following terms:-

"Provost. Councillor Hunter's question isn't very specific. Accordingly it is difficult for me to respond."

As a supplementary question Councillor Hunter, referring to audit reports concerning pre-payments within Social Services, and to the provision within the Scheme of Delegation to Officers relating to consulting Portfolio Holders and local Members, asked the Leader if the Portfolio Holder was consulted with regard to the issues highlighted in the audit report.

In response, the Leader indicated that he was unaware of any discussions that took place with the Portfolio Holder on this issue. He noted however that the matter had been reported to the Scrutiny Committee as the appropriate forum for the matter to be scrutinised in detail.

(c) a question by Councillor McNicol to the Leader of the Council in the following terms:-

"At a meeting of Saltcoats Town Centre initiative an officer from Irvine Bay Urban Regeneration Company stated that the company had 'taken possession of the keys for Saltcoats Town Hall.'

Will the Leader of the Council explain why 'the Council' appears to have transferred responsibility for a public asset to a private company. What are IBURCS plans for the facility; who did they discuss these plans with; who initiated such discussions and when; why were local members not consulted; are there any plans for IBURC to share their proposals for the Town Hall with local members and the people of Saltcoats?"

The Leader responded in the following terms:-

"Provost.

The history of the attempts to redevelop the Saltcoats Town Hall is known to the local members. A scheme to refurbish the Hall was devised and reported to the Local Area Committee. However, the Council in agreeing its budget first reduced the capital funding available for the project then removed it, along with all other projects related to halls and centres due to the decision to review community facilities.

So at present there are no Council plans to address the Town Hall.

The review of Halls and Libraries has attracted a couple of enquiries for community based groups, one of these has certainly been made known to members through the various reports on the future of the halls.

In addition there has been a cross departmental officer group looking at the future of all the Council properties and the Town Hall has featured within that consideration. As yet no proposals are ready to be presented to members.

The Irvine Bay Regeneration Company has a role in regenerating the town scape and opportunities for Saltcoats. The Company has agreed to fund a survey of the property, as the Council's previous survey is now dated, and to undertake an exercise to outline options for the future use of the building. The Company is working in partnership with the Council and is funding an aspect of the investigation which will enable councillors to consider the future of the Hall - this is to be welcomed as it will assist in moving the matter forward.

The outcomes of the Irvine Bay investigations will be reported back to the Council for a decision on the future of the Town Hall.

The internal working group on the future of the Halls and Libraries, chaired by Cllr McNamara, received an update on this activity at its last meeting in June. Cllr McNamara had previously written to all members inviting them along to the meeting - and had members attended they would have heard this information and been able to seek clarification.

I can confirm that the property has not been transferred to the Irvine Bay Company and that the reason they currently have a set of keys is enable them to carry out this exercise as efficiently as possible and without the need to involve council staff time.

As indicated the outcomes of the exercise will be reported to Members for consideration and decision in due course."

Councillor McNicol thanked the Leader for his response, sought clarification on the membership of the Review Group on Halls and Centres, and indicated his support for any proposals to bring the town hall back in to use. As a supplementary question he asked the Leader to guarantee that all local Members will be fully involved in all stages of the project to redevelop the town hall, and that the town hall will be maintained in public ownership and returned to its former use.

In response, the Leader indicated that local Elected Members, including Councillor McNicol, have had opportunities to participate in decision making and discussions concerning the future of the town hall. He further indicated that there were no plans to transfer ownership of the property.

On a Point of Order, Councillor McNicol stated that both he and Councillor Hunter had indicated their dissent during budget discussions on this matter.

(d) a question by Councillor McNicol to the Environment portfolio-holder in the following terms:-

"In recent weeks, householders in North Ayrshire have received by post from Environment and Related Services, a calendar detailing uplift data on Household Waste recycling.

Will the portfolio-holder for Environment provide all details of costs to the taxpayers of North Ayrshire to supply and deliver said calendars?"

Councillor Barr, the Portfolio Holder responded in the following terms:-

"Provost.

The calendars are issued on an annual basis to advise residents of the appropriate collection days for general waste and recycling services. The current calendars expired at the end of August 2011.

Whilst changes to the materials for inclusion within the blue recycling bin are planned these have yet to be finalised. Accordingly a basic version was issued to residents to ensure that they had information regarding on-going collection dates whilst minimising the cost of production and distribution.

The costs were as follows:

To produce calendars - design and print - £1,300

To address calendars - insert in envelopes and address - £3,916.54

To distribute calendars - postage - £11,239

**Total cost £16,455.54**

Total calendars distributed is 64,409 households - works out at approx. 25p each."

Councillor McNicol thanked the Portfolio Holder for his response and indicated his surprise at the costs indicated. As a supplementary question, he asked if the calendars were issued by Environment and Related Services or external agents and whether or not there was a cheaper way of issuing the calendars.

Councillor Barr responded that external agents had been used. He indicated his view that any efforts to ensure that the Council meets its recycling targets were worthwhile.

## **9. Proposed Multi Fuel Power Station**

Submitted report by the Solicitor to the Council giving an update on the processing of the Scottish Government Consultation on a Proposed Multi-fuel power station at Hunterston.

On 3 June 2010, the Scottish Government, Energy Consents and Deployment Unit (ECDU) consulted North Ayrshire Council on an application submitted to them by Ayrshire Power Limited under Section 36 of the Electricity Act 1989 for consent to construct a power station at Hunterston; approval of the Section 36 application would carry with it deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997. The application was accompanied by an Environmental Statement (ES) as required by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000.

The Regulations state that representation should be made by the Planning Authority to Scottish Government within 4 months. The application was advertised by the Scottish Government in both national and local newspapers and Development Management has undertaken consultations on the application in order that members be fully informed of the implications of the proposed development before responding to the ECDU.

An interim report was submitted to a meeting of the Council on 18 August 2010 giving details of consultation replies and representations from members of the public received to date. It had been intended that a final report would be submitted to a special meeting of the Council in September 2010 to allow the Council to meet ECDU's consultation deadline. Following receipt of interim responses from SEPA, SNH and NHS Ayrshire & Arran, ECDU advised the applicants to produce a comprehensive addendum to the environmental statement to address the incomplete or missing information identified by these agencies and agreed to extend the Council's consultation period.

An addendum to supplement the environmental information provided in support of the application was lodged with ECDU on 20 July 2011. On the same date, ECDU consulted the Council on the addendum and asked that the Council provides its response on the power station by 10 November 2011. The report set out proposals for holding a special meeting of Council on 9 November 2011 to approve the Council's response to the application. A proposed format for this meeting, together with a proposed list of parties to be invited to attend was set out in the report.

Members discussed the proposed arrangements. The view was expressed that Elected Members and officers would require more time to hear from consultees and to formalise the Council's position in relation to the application by Ayrshire Power Limited. The Solicitor to the Council therefore suggested that an initial predetermination meeting be held on 24 October to allow Members to hear from invited parties, with a private Members Seminar following on 26 October. Thereafter a report would be prepared for consideration by Council at the Special Meeting on 9 November.

Councillor Marshall, seconded by Councillor Gallagher, moved that Largs Community Council be added to the list of invitees to the pre-determination meeting.

As an amendment, the Leader, seconded by Councillor Brown, instead moved that a letter be issued to Fairlie Community Council asking them to liaise with other community councils and to coordinate a response.

On a division there voted for the amendment 17, and for the motion 7, and the amendment was declared carried.

Accordingly the Council agreed (a) to approve the revised proposals set out by the Solicitor to the Council; and (b) that the Solicitor to the Council write to Fairlie Community Council asking them to liaise with other community councils and to coordinate a response.

## **10. Irvine Town Centre Development: Proposed Governance Arrangements**

Submitted report by the Chief Executive on proposals to move towards a co-ordinated and integrated approach to the management of the town centre projects and the overall regeneration of Irvine Town Centre.

Following special meetings of the Executive and Council held on 12 February 2009, a Steering Group consisting of Councillors Reid (Chair), Brown, Chamberlain, Gibson, McPhee and O'Neill was formed to take forward the project to replace the Magnum Leisure Centre in Irvine. To date, the Steering Group has met on 14 occasions to progress the two aspects of the project, namely (i) the refurbishment of the ice rink and associated works at Auchenharvie Leisure Centre, Stevenston, and (ii) to examine options for the replacement of the Magnum. The Council last received an update on progress in April 2011 when, inter alia, it endorsed the decision of the Steering Group that the Townhouse site in Irvine should be the preferred site for the new Leisure Centre.

At its meeting held on 5 August 2011, the Steering Group received a progress report on the two phases of the project. Phase 1 of the project - the refurbishment of the ice facility at Auchenhavie Leisure Centre, Stevenston, has now been largely completed. The Steering Group also received a report on progress of the 2nd phase of the project which involves the development of a new leisure centre in Irvine.

Amongst other things, the Steering Group noted the intention to submit a report to the Executive on 16 August 2011 seeking approval of a tender for the appointment of a design team to provide design services for the new leisure centre. This subsequently took place and LA Architects have been appointed to undertake this work. At the same meeting, the Steering Group,

- received a presentation by Architecture + Design Scotland on the output of workshops held with Elected Members in May 2011 in relation to Irvine Town Centre Scenario Planning;
- considered an initial report by V4 Services Limited on some of the key issues emerging from the ongoing Management Options Appraisal exercise;
- received a report on the development of a parking strategy for Irvine; and
- considered a report on proposals to move towards a coordinated and integrated approach to the management of the town centre projects and the overall regeneration of Irvine Town Centre.

In relation to the latter report, the Steering Group noted that the development of a new leisure centre in Irvine was just one of several projects currently underway in Irvine, including:-

- Refurbishment of Bridgegate House;
- Refurbishment of Trinity Church;
- Improvement works to the Public Realm; and
- Development of a Parking Strategy for the town centre.

To maximise the potential for regeneration of the town centre of Irvine, and ensure a collective outcome, it will be important to utilise a co-ordinated approach to the town centre projects. The Steering Group therefore agreed that a report be presented to the Council seeking approval to (a) disband the Magnum Steering Group; and (b) implement a revised governance model for the new leisure centre/Townhouse project and other town centre projects. The proposed governance model, details of which were appended to the report, takes into account the requirement to work within the new Management Board structure for major capital projects agreed by the Council in June 2011.

Members asked questions and received clarification in relation to the role of Irvine Bay URC in Irvine town centre developments, and in relation to investment opportunities within other town centres across North Ayrshire.

The Council agreed to (a) disband the Magnum Steering Group; (b) implement a revised governance model for the new leisure centre/Townhouse project which will enable a co-ordinated and integrated approach to the regeneration of Irvine Town Centre; and (c) invite Irvine Bay URC to make a presentation to a future meeting on developments being undertaken by the company.

## **11. Corporate Governance: Scheme of Delegation to Officers**

Submitted report by the Solicitor to the Council on amendments to the Scheme of Delegation to Officers.

In terms of Section 50G of Local Government (Scotland) Act 1973, the Council, as part of its governance arrangements can arrange for the delegation of duties to be undertaken by named Officers through a Scheme of Delegation to Officers. The Scheme sits along side the other governance documents e.g. the Scheme of Administration, Standing Orders Relating to Meetings and Proceedings of the Council, Standing Orders for Contracts and Financial Regulations and Codes of Financial Practice.

The Scheme of Delegation to Officers was last reviewed in September 2007 following the commencement of the current administration and reflects the administrative arrangements introduced at that time. Since then, there have been a number of adjustments in Senior Management structures of the Council which require to be reflected in the Scheme of Delegation to Officers.

A proposed revised Scheme was appended to the report. The Scheme has been updated to reflect current structures and the delegated powers contained therein have not been substantially altered. The amended Scheme will be maintained and will be presented to the new Council for approval along with other constitutional documents following the election in May 2012.

The Council agreed to approve the revised Scheme of Delegation to Officers, subject to the inclusion of the words "after timeous consultation with local Members" at the end of paragraph 15 of the specific functions delegated to the Chief Executive (page 87 of the agenda).

## **12. Treasury Management Annual Report 2010-11**

Submitted report by the Corporate Director (Finance and Infrastructure) on the Treasury Management Annual Report and Prudential Indicators for 2010-11.



The Chartered Institute of Public Finance and Accountancy (CIPFA) issued a revised Code of Practice for Treasury Management in November 2009 following consultation with Local Authorities during the summer of 2009. The revised Code requires that Elected Members be provided with regular monitoring reports on treasury management activities. The Council therefore agreed to receive reports on a twice yearly basis.

A mid-year report for the first half of the financial year was submitted to the Executive on 14 December 2010. The report before the Council summarises the year end position and ensures the Council is embracing best practice in accordance with CIPFA's Code of Practice. The 2010/11 annual report was appended to the report and covered:-

- The Council's treasury position at 31 March 2011
- The treasury strategy for 2010/11
- The economy and interest rate movements in 2010/11
- Capital activity during the year
- Capital Financing requirement
- The borrowing outturn for 2010/11
- Compliance with treasury limits
- Investment strategy and outturn for 2010/11

Members asked questions in relation to the information presented in the report.

The Council agreed to approve the Annual Report and Prudential Indicators for 2010/11.

### **13. An Investment Framework in Response to Hunterston A Decommissioning: Opportunities for North Ayrshire - Our Economy & Our People**

Submitted report by the Chief Executive on the preparation of an Investment Framework for submission to the Nuclear Decommissioning Authority (NDA) to take advantage of the decommissioning process in North Ayrshire.

In terms of the Energy Act 2004, the NDA is required to consider the socio-economic impact of its activities, either in the operation of its sites or in subsequent decommissioning. One way in which it addresses this issue is through its Socio-Economic Fund.

At its meeting on 7 April 2010, the Council agreed to make use of the maximum number of Elected Member positions on the Hunterston Site Stakeholder Group which has responsibility for monitoring operations on the Hunterston A and B sites. One reason for this was that the Council had been made aware that North Ayrshire had not, to date, benefitted from the Socio-Economic Fund and the potential for inward investment within the local communities and towns that will be affected by the decommissioning.

Over the last year, the Elected Members appointed to the Hunterston Site Stakeholder Group have worked with officers of the Council and Irvine Bay Urban Regeneration Company to identify a range of benefits that would provide an appropriate fit with the objectives of the NDA's role in addressing the socio-economic impact of decommissioning and the distribution of supporting funding.

A Working Group comprising of officers from Economic Development, Social Services & Health, Education & Skills and the Irvine Bay Urban Regeneration Company has now developed an Investment Framework, a copy of which was appended to the report, that will seek to secure up to £2m in investment per annum from the NDA to support a planned programme of projects within key areas of North Ayrshire affected by the result of decommissioning of Hunterston A Power Station (and future Hunterston B Station) for an initial period of five years. This funding will be matched by local and national partners, and will lever in additional funding opportunities and investment from the private sector. Together this could represent an investment of over £50m into the North Ayrshire economy.

The Investment Framework is based on the NDA's objectives for the decommissioning process. In its Socio-Economic Policy, the NDA states that its vision is to "support the creation of dynamic, sustainable local economies for communities living near our sites". The key features of the NDA's Socio-Economic Policy are:

- **Employment** – *with a focus on higher value jobs;*
- **Economic and social infrastructure** – *increasing the attractiveness of the area near NDA sites as places to live, work and invest;*
- **Skills, training and education** – *to support decommissioning and clean up and diversification into other areas; and*
- **Economic Diversification** – *support towards development of other industries and sectors, including local supply chain opportunities.*

The NDA welcomes applications for funding which draw in investment from other sources, and those which can be considered to be 'priming the pump'; providing funding to generate income that permits the development of a sustainable project.

Applications must also address the specific issue of deprivation, building community capacity and investment and have clear governance structures as well as clearly defined outcomes. In addition, projects or interventions must be targeted upon at least one of the following geographic priorities:

- Site and Surrounding Area
- NDA Spatial Impact
- Wider North Ayrshire

The Working Group has identified a working list of 21 projects which meet the aforementioned criteria. These projects, which were detailed in the Investment Framework, are arranged into five Key Intervention Themes:-

- Coastal Tourism & Leisure
- Hunterston Site & Energy Sector Potential
- Community Infrastructure & Skills
- Business Growth & Diversification
- Setting for Investment

It was noted that the Investment Framework was still being worked on and that not all projects listed therein would necessarily be taken forward. The Chief Executives of the Council and URC have met with the NDA to discuss the Investment Framework and hope to have another meeting towards the end of September.

Members asked questions and received clarification in respect of the information presented, including:-

- the need for the Hunterston SSG to be more proactive in relation to taking advantage of the decommissioning process;
- the extent of prior consultation with Elected Members in relation to the content of the Investment Framework;

The Council agreed (a) that a Members Seminar be arranged to allow consideration of the Investment Framework in more detail; (b) that any Members wishing to comment on the Investment Framework submit comments in writing to the Chief Executive in advance of the Seminar; and (c) to the submission of the Investment Framework to the NDA thereafter, subject to any final input from the Hunterston Site Stakeholders Group.

#### **14. Review of Polling Districts and Polling Places**

Submitted report by the Chief Executive on the outcome of the consultation in respect of the Review of Polling Districts and Polling Places.

Section 18 of the Representation of the People Act 1983, as amended, requires the Council to divide its area into polling districts for the purposes of UK Parliamentary elections for as much of any constituency as is situated in its area, and to designate polling places for each polling district. The area of North Ayrshire falls across two constituencies - North Ayrshire and Arran and Central Ayrshire. Section 18 further requires the Council to review its arrangements every 4 years. The last such review of arrangements in North Ayrshire was conducted in 2007.

At its meeting held on 23 February 2011, the Council noted the intention to undertake a review by the year end. A Notice of Review of Polling Districts and Polling Places was published in June 2011. The Notice was posted in libraries, halls and centres, and local offices, throughout North Ayrshire and a copy was also sent to all Elected Members and Community Councils. Maps and information relating to existing polling districts and polling places were also made available for public inspection and comment in designated libraries and at Cunninghame House.

The Notice invited individuals, groups or organisations, to comment on the adequacy, or otherwise, of the arrangements in place to provide electors with reasonable facilities for voting in person at elections. The Returning Officer for the Central Ayrshire constituency was also specifically invited to make representations in relation to that part of North Ayrshire falling in that constituency.

The deadline for the receipt of such representations was 29 July 2011. By the deadline, 2 written representations were received as summarised in Appendix 1 to the report.

No comments were received in relation to the existing polling districts of North Ayrshire. Nevertheless it was proposed that the opportunity be taken to merge some smaller polling district boundaries (in terms of electorate) and to realign others to allow more flexibility in terms of allocating voters to particular polling places. The proposed changes were set out in Appendix 2 to the report.

The local authority is required to designate polling places for each polling district and every effort is made to ensure that the designated polling places are convenient to voters. To ensure a degree of consistency, it has been the practice of the Council, so far as possible, to allocate voters in particular polling districts to the same polling place for every election - unless there are particular reasons why this cannot happen (e.g. external halls being unavailable). It has also been practice prior to each major electoral event for a list of proposed polling places to be submitted to the Council for approval. It was proposed that this arrangement should continue. Meantime, Appendix 2 provided details of proposed changes to designated Polling Places, reflecting the representations received and the impact of changes to polling districts.

Members asked questions and received clarification in respect of:-

- the issues raised by the representations (i.e. access to Barrfields Pavilion, availability of parking at Kelburn Primary School, and use of Parterre Hall);
- the costs associated with using external halls as polling places; and
- the possible use of Lanfine Hall as a polling place.

The Council agreed (a) to note the outcome of the review and the proposals in relation to polling districts and polling places; (b) that the Chief Executive consider the issues raised by the representations and investigate the use of Lanfine Hall as a polling place; and (c) to receive reports on the designation of polling places in advance of future electoral events.

## **15. Appointments**

Submitted report by the Chief Executive on the outcome of the recent By-Election in Saltcoats and Stevenston and on appointments to committees.

Following the resignation of former Councillor David Munn, vacancies arose on the Scrutiny Committee, Planning Committee, Local Review Body, and the Staffing and Recruitment Committee (named substitute for Councillor Reid). These positions required to be filled by the Labour Group. In addition a position became vacant on the Appeals Committee.

A By-Election was held in Electoral Ward 4 - Saltcoats and Stevenston on Thursday 25 May 2011 and Jim Montgomerie, the Scottish Labour Party candidate, was elected. Councillor Montgomerie has executed the declaration of acceptance of office and he automatically became a member of the Council (including for planning purposes), the Local Development Plan Committee, and the Ardrossan and Arran, Saltcoats and Stevenston Area Committee.

The Labour Group has confirmed that the vacancies on Scrutiny Committee, Planning Committee, and the Local Review Body will be filled by Councillor Montgomerie. In relation to the vacancy on the Staffing Recruitment Committee, the Leader of the Council advised that this position would be filled by Councillor Tom Barr.

Nominations were sought to fill the position on the Appeals Committee. Councillor Montgomerie was appointed to fill the position.

The Council agreed to (a) note the Labour Group appointments to committees per the Scheme of Administration; and (b) appoint Councillor Montgomerie to fill the vacancy on the Appeals Committee.

## **16. Committee Timetable: January to April 2012**

Submitted report by the Chief Executive seeking approval of the Committee Timetable for the period January to April 2012.

The Council agreed to approve a timetable for the period January 2011 to December 2012 at its meeting held on 1 December 2010. A proposed timetable covering the period January to April 2012 was appended to the report.

The timetable follows the established pattern of meetings for the first two cycles of meetings running from 16 January 2012 to the Council meeting on 4 April. Scottish local government elections will be held on 3 May 2012, with the Notice of Election likely to be published on Tuesday 13 March 2012.

It has been the previous practice to suspend meetings of the Council and its committees in the run up to an election to avoid influencing the campaign. The suspension of the committee cycle also allows key staff to concentrate on delivering the election. To ensure continuity of decision making so far as possible, it was proposed that meetings be suspended only in the two weeks running up to the election and that a Special Meeting of the Council be held on Wednesday 18 April 2012 to mark the end of the current administration. Meetings of committees will be timetabled in the weeks commencing 9 and 16 April as required, with minutes being submitted to the Special meeting of the Council. Any 'call in' arising from the meetings of the Executive and Education Executive on 10 April (deadline 17 April) would be submitted directly to the Council on 18 April for resolution.

Following the election, the new Council is required to hold a meeting within 21 days. It is anticipated that the new Council will meet on Wednesday 9 May 2012. Once the new Council has agreed its Scheme of Administration, setting out its committee structures, a timetable for the remainder of 2012 will be prepared.

The Council agreed to (a) approve the committee timetable as appended to the report; (b) suspend meetings in the two weeks running up to the election on 3 May 2012; and (c) note that the new Council will meet on Wednesday 9 May 2012.

The Meeting ended at 5.00 p.m.