

North Ayrshire Council  
18 April 2012

**IRVINE, 18 April 2012** - At a Special Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive; L. Friel, Corporate Director and A. Bodie, Head of Infrastructure and Design (Finance and Infrastructure); C. Kirk, Corporate Director (Education and Skills); S. Gault, Head of Children, Families and Criminal Justice (Social Services and Health); I T Mackay, Solicitor to the Council; J. Montgomery, General Manager (Policy and Service Reform); K. Dyson and D. Moroney, Communications Officers; and M. McKeown, Committee Services Manager (Chief Executive's Service).

**Chair**

Provost McPhee in the Chair.

**Apologies for Absence**

Margaret McDougall, Ryan Oldfather and Robert Rae.

**1. Declarations of Interest**

There were no declarations of interest in terms of Standing Order No 16.

**2. Minutes**

The Minutes of the meeting of the Council held on 4 April 2012, were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to a revision to record Councillor Bell's request for clarification on the Local Development Plan Committee's discussion in relation to Lochshore, Glengarnock, at its meeting held on 5 March 2012. The Chief Executive confirmed that clarification on this matter had been circulated to all Members.

**3. Leader's Report**

The Leader reported on the following matters:-

**Save the Children:** On 27 April 2012, the Leader met a delegation of young people from Save the Children. They were promoting their campaign for the introduction of the Living Wage across all sectors. They outlined their view that children needed to

have a happy family life if they were to thrive and develop into confident young adults. This would be more easily achieved by their parents not having to work excessive hours just to make ends meet. Paying the Minimum Wage does not achieve this. The Leader offered the support of North Ayrshire Council to their campaign.

**Local Development Plan Committee:** The Leader indicated that the Labour Group's intention to revisit the decision taken by the Local Development Plan Committee at its meeting held on 5 March 2012 in relation to Lochshore, Glengarnock.

#### **4. Committee Minutes**

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

**Irvine Area Committee: 28 March 2012**

Moved by Councillor Sturgeon, seconded by Councillor Brown (pages 1 - 8). The Council agreed to accept the Area Committee's recommendation recorded at Item 8 of the Minute, that the market value for the rental of Quarry Road Depot be set at £3,000 per annum.

**Appeals Committee: 3 April 2012**

Moved by Councillor Robert Barr, seconded by Councillor McNicol (pages 9 - 10)

**The Executive of North Ayrshire Council: 10 April 2012**

Moved by Councillor O'Neill, seconded by Councillor Reid (pages 11 - 25)

**Staffing and Recruitment Committee: 10 April 2012**

Moved by Councillor O'Neill, seconded by Councillor Brown (pages 26 - 28)

**Education Executive: 10 April 2012**

Moved by Councillor Bell, seconded by Councillor Gallagher (pages 29- 37)

**Scrutiny Committee: 11 April 2012**

Moved by Councillor Highgate, seconded by Councillor Dickson (pages 38 - 44)

**Garnock Valley and West Kilbride Area Committee: 11 April 2012**

Moved by Councillor Robert Barr, seconded by Councillor Highgate (pages 45 - 48)

**North Coast Area Committee: 12 April 2012**

Moved by Councillor Hill, seconded by Councillor Marshall (pages 49 - 55)

**Kilwinning Area Committee: 12 April 2012**

Moved by Councillor Ferguson. There being no qualified other Member of the Committee present, the Council agreed to approve the minute (pages 56 - 58)

**Licensing Committee: 16 April 2012**

Moved by Councillor Gibson, seconded by Councillor Marshall (pages 59 - 64)

## **Planning Committee: 17 April 2012**

Moved by Councillor McLardy, seconded by Councillor Currie (pages 65 - 68)

### **5. Questions**

In terms of Standing Order No. 12 there was submitted a question by Councillor Dickson to the Leader of the Council in the following terms:-

"In 2001 and 2002, the Labour administration in North Ayrshire Council lobbied the then Scottish Government for extra funds to upgrade 3 dangerous sections of road ie re-alignment of the A737 at the Den: improve access to the Ardeer site at Stevenston: and the Head Street junction at Beith. The total works was estimated at £1.8m.

In 2003, the Scottish Government allocation £1.193m to North Ayrshire Council. These works were not carried out and the money has lain in a bank account since then and now totals £1.4m because of accrued interest.

Why were the works to improve these dangerous road sections not carried out and did no-one notice over the past 9 years, during which time road construction costs have risen fourfold?"

The Leader of the Council responded in the following terms:-

"Since 2001, three road improvement schemes have been under development on the A737 Trunk Road – The Den, Head Street, Beith and Barrmill Road, Beith.

Total funding of £2.6m has been made available to North Ayrshire Council for development of the schemes, with almost £1.2m of expenditure being incurred on consultancy, design fees, site surveys, site/ground investigations and payments to utility companies. Work had been carried out over a number of years with handover of the design scheme taking place in late 2010. On receipt of this information, Transport Scotland "acknowledged the assistance provided by NAC ....which have been instrumental in achieving robust options and conclusions for Transport Scotland to assist them achieve the trunk road objectives in relation to the A737".

Indicative costings identified a total project cost of £5.2m. The balance of funding retained by North Ayrshire Council, £1.4m, is required to contribute to construction of the schemes when funding becomes available within Transport Scotland.

Members will be aware that the Trunk Road network is the full responsibility of Transport Scotland and their agents Amey with decisions regarding road improvements; road safety works etc on Trunk Roads being at the discretion of Transport Scotland and Scottish Ministers.

Without the full funding being available it was not possible to proceed with the scheme.

In respect of an increase in the cost of the works over the 9 year period, this is likely

to be of the order of 60%.

In 2003 the then Scottish Executive provided funding of £1.193m to North Ayrshire as a contribution towards the costs associated with the realignment of the A737 at The Den and the work at Ardeer, recognising the need to remove barriers to economic growth through physical infrastructure. This allocation was not for the full funding required to construct both projects. The funding allocation also referred to a new access at Ardeer, off the A78 Trunk Road. Further funding was made available for both Head Street and Barmill.

In May 2003 North Ayrshire Council was engaged to design the three A737 schemes on behalf of Transport Scotland. Since then initial design proposals have been developed and presented to Transport Scotland together with some advance scheme preparation works including land acquisition, road orders and utility improvements being undertaken.

In August 2010, Transport Scotland confirmed that in relation to The Den, they intended to publish the draft road and compulsory purchase orders by the end of that year. It was confirmed at that time that the total cost of the work was £3.5m. It was also noted that the Head Street project, valued at £1.756m, was at land acquisition stage.

In August 2010 Transport Scotland advised that "The Den and Head Street are both on Transport Scotland's Motorway and Trunk Road programme, but that construction phases were dependent on satisfactory completion of statutory processes and the funding available in 2011/12 onwards.... was subject to the forthcoming spending review".

As a supplementary question, Councillor Dickson asked if, as the Chief Executive claimed in her recent press statement, this project had not been forgotten in all these years, where was the project recorded in the papers Members received during budget deliberations.

The Leader responded that as this was a Scottish Government project, Councillor Dickson would be better contacting Keith Brown, the Minister for Housing and Transport for an explanation as to when funding would be forthcoming. As a point of information, the Corporate Director (Finance and Infrastructure) advised that the project was captured in the Council's balance sheet and that the funding would be drawn down as the project was progressed.

## **6. Call In Request: Impact of Charges for the Special Uplift Service and Controls at Household Waste Recycling Centres**

Submitted report by the Chief Executive on a Call In, in relation to a decision taken by the Executive at its meeting held on 10 April 2012 on the above matter.

At its meeting on 10 April 2012, the Executive received a report by the Corporate Director (Finance and Infrastructure) on the impact of charges for the special uplift services and controls at Household Waste Recycling Centres (HWRC). This report arose from an issue raised by Councillor McNicol at the special meeting of the

Council held on 2 February 2012.

The report provided information on the introduction of the revised operating and charging structure, improved controls to prevent the illegal disposal of commercial waste at HWRCs, the number of reported instances of fly-tipping recorded by the Contact Centre, the number of recorded instances of fly-tipping collected by the Streetscene service, the reduction in tonnage of waste collected by the special uplift service and HWRCs, revenue budgetary information and initiatives to deter fly-tipping. The Executive noted the report.

Subsequently, a request was received in terms of the Call In procedures provided for in Standing Orders, that the Scrutiny Committee examine the decision taken by the Executive in relation to this particular item of business. The last scheduled meeting of the Scrutiny Committee took place on 11 April 2012. The Call In request was received on 17 April 2012. Members were reminded that at its meeting held on 4 April 2012, the Council noted that any 'Call In' arising from the meetings of the Executive and Education Executive on 10 April would be submitted directly to the Council on 18 April for resolution.

The request was signed by Councillors Barr, Hunter and McNicol in the following terms:-

"We request that the Scrutiny Committee considers a call in with respect of Agenda Item 13 of the Executive dated 10th April, 2012 - Impact of Charges for the Special Uplift Service and Controls at Household Waste Recycling Centres, on the basis that the Chief Executive requested at the Budget Meeting of 1st February 2012, "that a further report containing details on how fly tipping was being tackled be brought to the Executive for consideration".

We do not believe that the substantive issues of the motion, namely Fly Tipping, has been properly addressed.

The report which the Executive noted was not what the Council had requested. The Council agreed to review the charges levied to the tax payers of North Ayrshire in relation to Special Uplifts, and the impact of commercial waste permits into fly tipping in the area".

Councillors McNicol, Hunter and Barr addressed the Council in support of the call in request. The Chair of the Executive, advised that whilst he felt the report submitted to the Executive of 10 April 2012 addressed the points raised by Councillor McNicol, he was content for the request to be submitted to a future meeting of the Scrutiny Committee or its successor committee.

The Council agreed that the matter be remitted to the first meeting of the Scrutiny (or relevant) Committee in the new administration.

## **7. Closing Remarks**

The Provost, noting that this was the last meeting of the Council in the current administration, acknowledged and thanked all Elected Members, both past and

present, and Officers, for the contribution they had made to the work of the Council over the last 5 Years.

The meeting ended at 2.30 p.m.