

North Ayrshire Council
13 April 1995

Irvine, 13 April 1995 - Minutes of the First Meeting of the newly constituted North Ayrshire Council held in the Cunninghame District Council Chambers, Cunninghame House, Irvine on Thursday 13th April, 1995 at 6.00 p.m.

Present

Thomas Barr, Ian Clarkson, James Clements, Stewart Dewar, Thomas Dickie, John Donn, David Gallagher, Samuel Gooding, Jane Gorman, Elliot Gray, Margaret Hight, Joseph McKinney, Elizabeth McLardy, Peter McNamara, Thomas Morris, David Munn, Margaret Munn, Irene Murdoch, David O'Neill, Robert Rae, Robert Reilly, Gena Seales, John Sillars, George Steven and Samuel Taylor.

In Attendance

The Designated Person (James D.G. Gordon) and an Administration Officer of CDC (Marjorie Hewitt).

Chair

The Returning Officer for the Local Government Elections held on 6th April, 1995 for the North Ayrshire Council had appointed the Designated Person to act on his behalf at the First Meeting. Mr. Gordon therefore occupied the Chair pending the appointment of a Convener of the Council.

Apologies for Absence

Patrick Browne, Jack Carson, Irene Hamilton-Oldfather and James Jennings.

1. REPORT OF RETURNING OFFICER

Submitted return by the Returning Officer giving formal notice in terms of Rule 43 of the Scottish Local Elections Rules 1986 that the following 29 persons had been duly elected to the North Ayrshire Council for the first term of office ending in May 1999 namely:-

Ward	Name of Person Elected	Address
1.	Irvine West	David O'Neill 26 Norman Crescent, Irvine
2.	Irvine Townhead	Elliot Gray 10 Murchland Way, Irvine
3.	Irvine Vineburgh	Jack Carson 3 Seaton Terrace, Irvine

4.	Irvine North	Joseph McKinney 37 Sundrum Place, Kilwinning
5.	Irvine Woodlands	Thomas Barr 66 Dick Crescent, Irvine
6.	Dreghorn	Gena Seales 10 Riverside Road, Dreghorn, Irvine
7.	Irvine Landward	Jane Gorman 7 Greenside Terrace, Springside, Irvine
8.	Bourtreehill	Stewart Dewar 7 Pladda Wynd, Irvine
9.	Girdle Toll	John Donn 2 Cardon Place, Irvine
10.	Eglinton	James Clements 30 Winton Avenue, Kilwinning
11.	Kilwinning East	Irene Hamilton-Oldfather 13 Avon Court, Irvine
12.	Kilwinning South	Patrick Browne 24 Loudoun Crescent, Kilwinning
13.	Kilwinning West	John Clarkson 80 Boglemart Street, Stevenston
15.	Stevenston South	Samuel Gooding 93 High Road, Stevenston
16.	Beith	Robert Reilly 5 Ash Drive, Beith
17.	Dalry	Thomas Morris 24 Braehead, Dalry

18.	Garnock East	James Jennings 4 Place View, Kilbirnie
19.	Kilbirnie South	Thomas Dickie 45 Loadingbank Court, Kilbirnie
20.	Kilbirnie North	George Steven 13 Western Crescent, Kilbirnie
21.	Saltcoats East	David Munn 2 Hogarth Avenue, Saltcoats
22.	South Beach	Peter McNamara 2 Eglinton Place, Saltcoats
23.	Saltcoats North	Samuel Taylor 70 Ardrossan Road, Saltcoats
24.	Ardrossan South	Margaret Munn 2 Hogarth Avenue, Saltcoats
25.	Ardrossan North	David Gallagher 8 Moorpark Road West, Stevenston
26.	West Kilbride and Fairlie	Elizabeth McLardy 36 Nethermiln Road, West Kilbride
27.	Largs South	Irene Murdoch 9 Broom Court, Largs
28.	Largs Central and Cumbrae	Robert Rae 1 Boathouse Avenue, Largs
29.	Largs North and Skelmorlie	Margaret Highet 26 Sinclair Drive, Largs
30.	Arran	John Sillars Fasgadh, Brodick, Arran

Intimation has been received from the Returning Officer that an election for the casual vacancy in Ward 14 Stevenston North will be held on 1st June, 1995.

Noted.

2. DECLARATION OF ACCEPTANCE OF OFFICE

In terms of Section 33A of the Local Government (Scotland) Act 1973 and Section 31(7) of the Local Government and Housing Act 1989 the elected Members must sign a Declaration of Acceptance of Office before acting in the office of Councillor.

The temporary Chairperson confirmed that all members present had signed the Declaration.

3. ELECTION OF CONVENER

In terms of Section 4(1) of the Local Government Etc. (Scotland) Act 1994 the Council of each local government area shall elect a Convener from among the Councillors and in terms of Section 4(7) of the Act the Council have the right to select a name other than "Convener" for the person presiding at their Meetings.

In terms of Paragraph 7 of Schedule 2 of the 1994 Act the term of office of the Convener and any Depute Convener elected to a Council following the ordinary election on 6th April, 1995 shall terminate on the day of the First Meeting of the Council held on or after 1st April, 1996. At that Meeting the election of a Convener shall be the first business. The retiring Convener shall be eligible for re-election.

The temporary Chairperson then called for nominations for the office of Convener and Mr. Clements, seconded by Mr. Gooding, moved the appointment of Mr. George Steven.

There being no further nominations, the Council agreed that Mr. Steven be appointed to the office and should be called Convener of the North Ayrshire Council.

Mr. Steven then took the Chair, expressed thanks for his appointment and stressed the importance of working together at this challenging time for local government.

4. ELECTION OF DEPUTE CONVENER

In terms of Section 4(2) of the 1994 Act the Council agreed that a Depute Convener be elected. The Convener then called for nominations and Mr. Clements, seconded by Mr. Gooding, moved the appointment of Mr. John Donn.

There being no further nominations, the Council agreed that Mr. Donn be appointed

to the office and should be called Vice-Convener of the North Ayrshire Council.

NOTE: The Leader of the Council is Mr. James Clements, the Depute Leader of the Council is Mr. Patrick Browne and the Secretary of the Majority Group is Mr. Ian Clarkson.

5. STANDING ORDERS

Paragraph 5(3) of Schedule 2 to the 1994 Act requires the Secretary of State to designate the Standing Orders of an existing Authority which will apply at the First Meeting of the new Council. The Secretary of State designated the Standing Orders of Cunninghame District Council. Submitted Standing Orders of Cunninghame District Council, a copy of which had previously been circulated.

The Council agreed to the continued use of Cunninghame District Council's Standing Orders until the Head of Paid Service has been appointed and the Members have had an opportunity to review the position.

6. APPOINTMENT OF HEAD OF PAID SERVICE

(a) Arrangements

The Council took up consideration of arrangements for filling the post of Head of Paid Service and agreed (i) that a specialist independent adviser be appointed to assist and advise throughout the recruitment process; (ii) that the Convener and Leader of the Council be authorised to appoint the independent specialist adviser on the basis of the most appropriate offer received; and (iii) that a Recruitment Sub-Committee comprising the Convener, the Leader of the Council and the members for Wards 1, 8, 11, 15, 17, 18, 23, 24 and 30 be given full delegated powers to conduct the process including short-listing, interviewing and appointing the successful candidate.

(b) Job Description

Submitted general job description for the post of Head of Paid Service issued by the Staff Commission, a copy of which had previously been circulated.

Noted.

(c) Applications

Submitted 38 sealed envelopes containing applications for the post of Head of Paid Service of the North Ayrshire Council.

The Council agreed that each member be issued with a list of the candidates and that the applications be then passed to the specialist adviser as soon as appointed.

7. APPOINTMENT OF A CLERK AD INTERIM

The person designated under Paragraph 4(2) of Schedule 2 of the 1994 Act was required to convene the First Meeting of the New Council within 21 days following the election on 6th April; to determine where the Meeting was to be held; to give notice of the Meeting in accordance with Paragraph 2(1) of Schedule 7 to the Local Government (Scotland) Act 1973 and to exercise any functions falling to be exercised by the Proper Officer of the new Council in relation to the First Meeting. The designation extended only to convening and acting at the First Meeting.

The Council agreed to appoint the Designated Person to act as Interim Clerk until the appointment of the Head of Paid Service and further to designate him Proper Officer.

8. APPOINTMENT OF FINANCIAL OFFICER AD INTERIM

The Council agreed to appoint Mr. Robert D. Hunter, the Director of Finance of Cunninghame District Council, to act as Interim Financial Officer pending the appointment of an appropriate officer of the Council.

9. INTERIM FINANCIAL ARRANGEMENTS

Submitted note by the Designated Person on interim financial arrangements, a copy of which note had previously been circulated.

(a) Distribution of Funding to Shadow Council

The Secretary of State has allocated a sum of £36m to the Shadow Councils and this sum will be funded by way of grant. North Ayrshire Council's share will be £1.084m of which £165,000 relates to members' expenses. The balance of the amount has to cover such matters as the cost of recruiting staff, staffing costs of management teams, corporate identity i.e. stationery, logos, signposts, etc. and systems for Information Technology (but not the capital costs of acquisition of systems).

(b) Accounting Arrangements

All income and expenditure relative to the North Ayrshire Council can be negotiated through CDC's bank accounts and a separate section has been opened within the CDC Financial Ledger to account for this expenditure and income.

(c) Insurance

Arrangements have been made with Zurich Municipal Insurance for insurance cover for the period of the shadow year commencing 7th April, 1995. The insurance arrangements will include cover for staff appointed by the North Ayrshire Council and for additional buildings occupied.

The Council (i) agreed that the Interim Clerk and Interim Finance Officer be

authorised to approve expenditure incurred by the North Ayrshire Council until the formation of an appropriate Committee; and (ii) otherwise to note the terms of the report.

10. PECUNIARY INTEREST OF MEMBERS OF LOCAL AUTHORITIES

The Local Authorities (Members' Interests) Regulations 1992 introduced a requirement for members of local authorities to disclose both direct and indirect pecuniary interests. Members must also by law declare certain pecuniary interests in the Statutory Register kept for this purpose in terms of the Regulations. A form on registrable interest has been passed to each member who must complete and return the form to the Interim Clerk within one month of the date of the First Meeting viz. before Friday 12th May, 1995.

Noted.

11. MEMBERS' ALLOWANCES

Submitted note by the Designated Person, a copy of which had previously been circulated.

(a) Standard Maximum Allowance

Draft Regulations have been issued which indicate that the standard maximum amount for North Ayrshire will be £5,500 per member exclusive of travelling, subsistence and telephone payments. Of the total of £165,000 a sum of up to 25% can be set aside for Attendance Allowances. The advice of COSLA is that no Attendance Allowances are paid at least in 1995/96 and that each Council sets its basic allowances at the maximum sum permitted.

The Council agreed (i) that for 1995/96 a basic allowance should be paid to each member of £5,500; and (ii) that that amount be paid monthly in advance.

(b) Special Responsibility Allowances (SRAs)

Special Responsibility Allowances may be paid to such members of the authority with special responsibilities in relation to that authority e.g. Chairpersons, Leader or Deputy Leader of a Political Group, etc. COSLA have asked that no decision be taken on SRAs until advice is issued by them.

The Council agreed to continue consideration of the question of SRAs pending advice from COSLA.

(c) Payments to Convener and Vice-Convener

The Council may pay the Convener and Vice-Convener for the purpose of enabling each of them to meet the expenses of their office such an allowance as the Council

think reasonable.

The Council agreed to continue this pending advice from COSLA on SRAs.

(d) Travel, Subsistence and Telephone Payments

The Interim Clerk reported that the Local Authorities Etc. (Allowances) (Scotland) Regulations 1995 had just been issued and that a report on these regulations would be prepared by the Interim Finance Officer and submitted to each member as soon as possible.

Noted.

12. NORTH AYRSHIRE JOINT WORKING GROUP REPORT

Submitted report by the North Ayrshire Joint Working Group, a copy of which had previously been circulated to each member.

The Convener commended this report to each of the members.

13. RESTRICTION ON DISPOSAL OF ASSETS AND ENTERING CONTRACTS

(a) Section 55 of the Local Government Etc. (Scotland) Act 1994

Section 55 of the 1994 Act came into effect on 6th April, 1995 and provided that existing authorities are required to seek the consent of the relevant successor authority for their area where they propose to undertake any of the following:-

(i) dispose of land for a consideration in excess of £250,000;

(ii) enter into any contract of the following type:-

(A) where the authority incurs a liability to meet capital expenses within the meaning of Section 94 of the 1973 Act and where the consideration exceeds £2.5m; or

(B) where the term of the contract extends beyond 31st March, 1996 and where the consideration exceeds £250,000.

(b) Irvine: Unit 74 East Road

CDC have requested the consent of the North Ayrshire Council in terms of Section 55 of the 1994 Act to accept an offer for the sale of buildings and land in excess of £250,000 in value at East Road, Irvine.

The Council agreed to consent to the proposed sale.

(c) Irvine: Disposal of Former Irvine Royal Academy Site

The member for Ward 2 advised the Council of the imminent disposal by Strathclyde Regional Council of the site of the former Irvine Royal Academy Annexe in Kilwinning Road, Irvine.

The Council agreed that the Interim Clerk investigate this matter and report.

14. COMMON SEAL

In terms of Section 2(3) of the 1994 Act the Council shall be a body corporate and have a Common Seal.

The Council agreed that the Interim Clerk should report on the Common Seal to their next Meeting.

15. DATE OF NEXT AND SUBSEQUENT MEETINGS

Schedule 7 of the Local Government (Scotland) Act 1973 states (a) a Council shall hold in every year such Meetings as they think necessary and in an election year shall hold a Meeting within 21 days from the date of the election; (b) Meetings shall be held at such hours and on such days as the Council at their First Meeting decide or their Standing Orders determine; (c) Meetings shall be held at such place either within or without their area as the Council may direct; (d) a Special Meeting may be called at any time by the Chairman of the Council or on the requisition of at least one-fourth of the whole number of the members of the Council, which Meetings shall be held within fourteen days of receipt of the requisition by the Proper Officer of the Council.

The Council agreed that the Convener, in consultation with the Interim Clerk, agree the date of the next Meeting of the Council.

16. ANY OTHER COMPETENT BUSINESS

(a) Induction Seminar for Members

The Leader of the Council intimated that he was making arrangements with the Interim Clerk for an Induction Seminar to be held for members of the new authority. Each member would be advised of the date of the Seminar in due course.

Noted.

(b) Preliminary Arrangements

The Interim Clerk reported that he had obtained the agreement of CDC to the

members of the North Ayrshire Council using their Members' Services and Marketing and Publicity Sections and also the services of the Council Officers including the use of the Council cars. Canteen facilities would also be available to the new members of the Council. CDC have further agreed to make available to the North Ayrshire Council the facilities of the Council Suite of Cunninghame House.

Noted.

The Meeting ended at 6.25 p.m.