



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

Meeting of the Council

Wednesday 7 November 2018

Responses to Questions

Question

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

"At the full Council meeting on the 17th of December last year, I had initially proposed a motion, seconded by Councillor John Glover, asking if North Ayrshire Council would inspect all war memorials in the run up to this year's centenary commemoration, and where needed, do any maintenance and cleaning work in order to bring the memorials and cenotaphs up to a suitable standard for the many events that will take place around the localities. The motion was amicably withdrawn, after the Council Leader gave his assurance that this was already well in hand via the CMRF. Can he give Members an update as to the exact state of play with the condition of the war memorials across North Ayrshire?"

Response

"Inspections have been undertaken at all of the 20 War Memorials across North Ayrshire. Where required works have been identified, these are also being completed.

Seventeen memorials are being refurbished as part of this project. Work was completed on the Irvine War Memorial in 2015, Kilwinning Abbey was attended to in 2016 and in Millport works were complete in 2017.

The works on the various memorials vary but generally include re-patinating bronze, repainting lettering, cleaning structures and bases, re-pointing and replacing/reset of paving slabs to ensure they are all in great condition.

All works will be complete by Remembrance Sunday.

(Note: All works done except Dalry and Ardrossan South Beach, which are due to be complete by Wednesday 7 November 2018)."

Question

- (2) a question by Councillor Billings to the Cabinet Member for Place in the following terms:-

“Who is the contractor responsible for recycling North Ayrshire’s waste, and where is the waste processed?

What proportion of waste handled by this contractor is sent overseas, and what assurances does the contractor give to the Council that all waste, whether processed in the UK or overseas, is actually getting recycled?”

Response

“UPM Kymmene (UK) Limited is the current contractor that is responsible for processing the Council's co-mingled dry recyclate. The recyclate is collected in our blue recycling bins, bulked up at our Irvine Waste Transfer Station and then transported to Shotton in Wales for processing at their materials recycling facility which adjoins their paper processing mill.

In 2017/18, 18% of our recyclate was sent overseas, with only 1% of waste being sent to Asia (mixed paper) and the remaining 82% of remaining in the UK.

As part of the contract conditions, the contractor must provide a monthly contract performance report which includes the waste journey information that shows the amount of waste recycled, recovered and landfilled and the final destinations for all of our waste. The waste journey and recycling tonnage information is reported through SEPA's Waste Data Flow system on a quarterly basis, which allows material journeys to be audited. The UPM Materials Recovery Facility is also subject to regulatory review by the Environment Agency in Wales as part of the facility's Environmental Permit.

The organic waste (food and garden waste) that is collected in our brown bins is contracted to NPL Estates Limited who transfer the material to GP Landscapes in Blantyre, North Lanarkshire where material is composted and used as a soil fertiliser within the UK.”

Question

- (3) a question by Councillor Hill to the Cabinet Member for Place in the following terms:-

“Can the portfolio holder confirm that a Tree Condition Survey will be carried out in respect of trees in Largs which are currently threatened with removal?”

Response

“In 2013, the Council introduced a new Tree and Woodland Policy. One of the main reasons for doing this was to ensure consistency in how the Council manages its portfolio of trees and to install objectivity in the decision making process. The policy establishes when it’s appropriate to prune trees, retain trees and as a last resort remove trees. This policy has been successfully operating for a number of years and indeed any issues that generally arise, relate to the Council's refusal to carry out tree removals. North Ayrshire Council employs two fully qualified Arborists who have vast experience in dealing with trees and carrying out tree inspections on a daily basis.

The background to the issue in Seamore Street, George Street and John Clark Street, Largs is that over a number of years complaints were received from local residents requesting the removal of trees. The trees have continued to be maintained on an annual basis, but unfortunately a number of trees are now beyond saving, which has necessitated their removal.

Two separate tree inspections have recently been carried out by a Council qualified arborist which reached the view that a number of trees need removing. The inspections entailed visually inspecting the trees from ground level and assessing their health and general condition. In addition observations of any damage to footpaths or obstructions caused by the tree were made. The trees that are deemed as either dead, dangerous or to be causing a hazard or obstruction are only being removed. There are a total of 33 trees on these streets with 22 requiring removal.

Given the volume of work undertaken by the Arboriculture Team, it is neither efficient nor cost effective to prepare a detailed written report. In this particular instance, the findings of the two site visits to assess the trees were used to develop an information briefing note for all 150 local residences. This was hand delivered/issued to all residents in Seamore Street, George Street and John Clark Street on 31 October 2018 and included details of the background to the issue, details of each tree in the area and whether it’s being retained or removed and, if removed, the reason(s) why. Photos as examples of defects noted were also contained in the briefing notes.

Reason for removal included trees are dead, dying, obstructing lighting columns and damaging pavements and kerbs.

Additionally, residents were requested to submit suggested location(s) for the re-planting of 22 new saplings to replace those removed. Officers are keen to identify a suitable programme of tree replanting in the area and will continue to work with local residents to progress the planting of replacement trees at suitable locations.

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The trees were originally due to be removed week commencing 22 October 2018; however this was put on hold as residents indicated that they were to procure an independent tree survey.

I'm not aware if the residents have done this. However, if this information is forthcoming then officers will clearly review it."

Question

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

"In light of the recent announcement by the Minister for Health and Sport to write off the debts of the NHS bodies in Scotland, can the Leader of the Council, who sits on the Board of NHS Ayrshire and Arran advise us of the implications for the North Ayrshire Integration Board?"

Response

"The Director of Health Finance has written to NHS Chief Executives and Directors of Finance to outline the implications for Health Boards, the key points are:

- NHS Boards will require to break-even over a three-year period, in each year Boards will have flexibility to underspend or overspend by up to 1%;
- From the start of 2019-20 the Scottish Government will not seek to recover historic brokerage, this will include the brokerage incurred to the end of 2018-19;
- NHS Boards anticipating brokerage for 2018-19 will ensure no further increase in brokerage requirement in-year.

In terms of the implications for the IJB, these can be summarised as follows:

- No impact on the current year budget or financial position, historic CRES savings targets are not part of the brokerage requirement and form part of the IJB baseline budget allocation;
- As part of the estimated brokerage requirement for 2018-19 NHS Ayrshire and Arran are assuming that the IJB will deliver financial balance this year;
- Write-off of brokerage for this and previous financial years removes the financial risk of a share of any repayment of brokerage in future years being allocated to the IJB.

The message communicated to Health Boards is that they will all be starting with a "clean slate" from 1 April 2019, however the reality is that for those Boards requiring brokerage this year (including NHS Ayrshire and Arran) they will be starting the new financial year with a deficit."

Question

- (5) a question by Councillor Larsen to the Cabinet Member for Place in the following terms:-

"To ask the Portfolio Holder for Place if he can provide me with an update on the re-housing of the tenants of the High Flats in Fullarton?"

Response

"Since the Cabinet decision on 19 June 2018 to demolish the Fullarton high flats, representatives from Housing Services have met with households across the five tower blocks to assist them in completing application forms for rehousing and establish any specific housing needs. As at 2 November, 89% of the application forms had been completed and input to the Council's allocation system.

A steering group – chaired by the Head of Physical Environment and with representation from Housing, PMI and the Health and Social Care Partnership - meets regularly to carefully plan the process of rehousing the tenants, ensuring elderly and more vulnerable tenants have the support they need. Colleagues in the Health and Social Care Partnership are assisting Housing Services staff with attempts to engage with the small number of tenants who have not yet completed an application for housing.

A dedicated team has been established to give tenants a single point of contact and practical assistance as they prepare to move. Support provided includes:

- Tenants are offered housing in an area and house type of their choice
- Their new home is fully decorated
- New floor coverings and blinds are provided throughout
- Each tenant receives a home loss payment of £1,500
- We provide advice on dealing with utility companies, telephone disconnection and reconnection and mail redirection.
- A free removal service is provided. Boxes are delivered to tenants and they can either pack their own belongings or have the removal company pack for them. The tenant's belongings are then delivered to their new home and unpacked if required.
- Washing machines and cookers are disconnected and re-connected free of charge

The first tenant moved to their new home on 25 September and a further 7 tenants have moved since then.

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In addition:

- 1 move is scheduled for this week
- 8 further offers have been made, of which 6 have been pre-accepted
- A further 19 properties have become void outwith the high flats rehousing programme

Council officers will continue to support the remaining 239 households to ensure that their housing needs are met and their rehousing takes place as smoothly as possible.”

Question

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

“In September this year, the Audit and Scrutiny Committee asked for and received a briefing on the risks associated with BREXIT. Given the increasing likelihood of a no deal BREXIT, can the Leader confirm if the Council is having to review contingency plans to deal with this potential outcome?”

Response

“On 25 September 2018, the Audit and Scrutiny Committee considered a report by the Chief Executive on the work the Council is doing in preparation for Brexit to mitigate real and perceived risks. Appendix A to the report identified the changes, challenges, risks, opportunities and actions by the Council to Brexit. The Committee agreed to (a) note the content of the report; and (b) receive a quarterly update report on Brexit development.

The UK Government have, since August 2018, been producing sectoral Guidance on how to prepare for Brexit if there is no deal. This Guidance identifies some, but by no means all, of the risks of a no-deal Brexit. While there will be direct impacts on the Council, there will also be secondary impacts which stem from the impacts on business, the community and partners.

One of the difficulties of undertaking contingency planning is that even at this late stage there is no certainty on whether there will be a deal, or the shape of that deal. However officers continue to monitor the situation and will report quarterly to the Audit and Scrutiny Committee. Where possible we have taken predictive action, this includes: hosting two events in partnership with the Scottish Government for EU migrants across Ayrshire and participating in a similar event in East Ayrshire; sharing Scottish Enterprise and Business Gateway Brexit Readiness guidance and support with our local business base; participating in events to shape the new UK Shared Prosperity Fund including with the Scotland Office and the UK Government’s Ministry of Housing, Communities and Local Government; participating in the COSLA Brexit Stakeholders Group; and providing written responses to seven consultations on Brexit related matters.”

Question

(7) a question by Councillor Gallacher to the Cabinet Member for Place in the following terms:-

"To ask the relevant member, how much money in total has been spent on the high flats in Irvine by NAC, on work of any kind, (maintenance or upgrading etc), in the last ten years"

Response

"There has been a total of £6.084m (excluding VAT) spent on the Fullarton high flats in the last ten years.

This comprises £2.679m revenue and £3.405m capital spend, including:

Revenue

- £1.243m response repairs
- £0.026m planned maintenance
- £0.656m voids management
- £0.185m aids and adaptations
- £0.022m asbestos removals
- £0.547m projects

Capital

- £0.388m bathroom replacement
- £0.302m kitchen replacement
- £0.603m electrical rewire
- £0.966m lift replacement
- £0.060m door entry system
- £0.275m internal doors
- £0.212m tank room re-cladding
- £0.185m water tank replacement
- £0.334m roof replacement
- £0.080m render repairs"

Question

(8) a question by Councillor Murdoch to the Cabinet Member for Place in the following terms:-

"Following the recent issues surrounding the removal of trees in three streets in Largs and the comparison by some to the removal of Douglas Park Shelter, will there be any changes in the way NAC consult with residents and members of the public in similar situations that may arise in the future.

There have been two site visits to assess the trees with two different Arborists. Has a written report or survey now been done."

Response

"The question asks whether there will be changes in the Council's consultation processes, following issues relating to the Douglas Park Shelter and the trees. As a matter of principle, the Council is committed to engaging in a meaningful way with its communities so that it can understand and respond effectively to local needs. It is committed to the principles of the National Standards on Community Engagement. As part of this, the Council works closely with the Consultation Institute and North Ayrshire Council was the first council in Scotland to be awarded the Consultation Institute's Quality Accreditation of Best Practice.

In relation to the Douglas Park Shelter, extensive consultation was carried out. The facts are as follows:-

- Following receipt of complaints from nearby residents about anti-social behaviour, Council officers promptly investigated
- Council officers liaised with Police Scotland to obtain their views
- Council officers consulted with all four local Councillors to obtain their views on demolition
- Although there was no legal obligation to do so, Largs Community Council were consulted. They considered the issue of demolition at two meetings and the Council was able to consider their views prior to making a final decision.
- There was a public drop-in session with Fairlie Growers on 22 September 2017 to make the community aware of their asset transfer plans for the Park
- The demolition was fully considered by Cabinet on 26 September 2017
- The Audit and Scrutiny Committee on 11 October reviewed this decision and also considered a petition from local residents.

Clearly it is always intended that local communities are informed, engaged and consulted on matters affecting their local area. Indeed the Council has been carrying out an extremely successful Participatory Budgeting exercise for its Grounds Maintenance services which has involved significant public consultation and engagement.

Unfortunately, the circumstances surrounding the trees in Largs referred to by Councillor Murdoch involve issues of public safety.

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As previously confirmed when answering an earlier question in respect of this matter, these trees need to be removed for a variety of reasons such as the trees are dead, dying, obstructing lighting columns and damaging pavements and kerbs.

Further pruning or pollarding would not help this situation.

In the 3 streets in Largs, for the above mentioned reasons consultation wouldn't have been appropriate as the trees were dangerous and in many cases causing hazard(s).

In cases of public safety it's more appropriate for notification rather than consultation.

All residents in the 3 streets were informed there was traffic management being put in place in the area due to tree removal and were provided with suitable notice of this.

This in turn generated enquiries from local residents and from the Largs Community Council in respect of the plans for the individual trees to be removed.

Communication was provided to local residents by way of the information briefing note which was also shared with local members and the Largs Community Council.

Furthermore, Largs Community Council has accepted an offer to meet with Council officers and a small group of local residents and dates are being arranged for this to take place.

I'd like to stress that when it's a matter of public safety, the Council will take appropriate action to remedy the situation, but do clearly have a clear commitment to engaging, consulting and working with local communities in all areas as appropriate.

Given the volume of work undertaken by the Arboriculture Team it is neither efficient nor cost effective to prepare a detailed written report. In this particular instance the findings of the two site visits to assess the trees, as previously mentioned, were used to develop an information briefing note for all 150 local residences, which was hand delivered/issued to all residents in Seamore Street, George Street and John Clark Street on 31 October 2018.

This included the background to the issue, details of each tree in the area and whether or not it's being retained or removed and, if removed, the reason(s) why. Photos as examples of defects noted were also contained in the briefing notes.

Reason for removal included trees are dead, dying, obstructing lighting columns and damaging pavements and kerbs."

Question

- (9) a question by Councillor Murdoch to the Cabinet Member for the Economy in the following terms:-

“NAC collected the BID levy on behalf of Largs Matters Ltd from local businesses in Largs under Rates Legislation. Now that the five year BID has come to an end, will NAC be involved in returning the balance of funds to the businesses or as the statute states, given to an organisation with a similar aim?”

Response

“The Business Improvement Districts (Scotland) Regulations 2017 provide that when a Bid comes to an end, and there is money left over, this is refunded or credited to the rates account of those who were liable to pay the BID levy. The only exception is where this would provide a refund or credit of less than £10 to each person liable to pay the levy. In that case, the money goes into the North Ayrshire Council General Fund.

Therefore, any monies held by Largs Matters cannot be given to another organisation, even an organisation with a similar aim.

Discussions are presently underway between the Council, Largs Matters and Scotland's Town Partnership to identify the amounts available for distribution back to ratepayers”.