

North Ayrshire Council
7 November 2018

IRVINE, 7 November 2018 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, Tony Gurney, Alan Hill, Christina Larsen, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

In Attendance

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); K. Yeomans, Executive Director (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); A. McClelland, Head of Service (Learning, Teaching and Curriculum) (Education and Youth Employment); R. McCutcheon, Head of Service (Commercial) (Place); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), A. Beveridge, Communications Support Officer (Media and Internal Communications); H. Clancy and D. McCaw, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

John Glover and Shaun Macaulay.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters, which included an announcement that the Council meeting would be webcast.

2. Apologies

The Provost invited intimation of apologies for absence, which were recorded.

3. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gurney as the relative by marriage of the owners of a property for sale, declared an indirect interest in Agenda Item 17(2) (Motion). The nature of the interest did not necessitate the Member leaving the meeting during consideration of the item. Councillor Gurney took no part in the discussion or decision.

Councillor Billings, as a member of the group 'Think About Plastic – Arran', declared an interest in Agenda Item 16(3) (Questions). The nature of the interest in the context of the agenda item did not necessitate Councillor Billings leaving the meeting during consideration of this item.

There were no declarations of the Party Whip.

4. Previous Minutes

Councillor McNicol made reference to Item 14(o) of the Minute of the last meeting held on 19 September 2018. Councillor McNicol intimated that, although the draft Minute had been amended at his request to include a figure referred to within his supplementary question, it did not contain figures referred to within the preamble to his supplementary question. As a consequence, Councillor McNicol challenged the accuracy of the Minute.

The Head of Democratic Services advised that the Minute accurately recorded the terms of Councillor McNicol's supplementary question and was, therefore, a correct record. Council Minutes were not a verbatim record, nor did they record preambles. Minutes should be precise and concise, recording what was done and no more. The Head of Democratic Services cautioned against setting a precedent by also seeking to include within the Minute selected elements of a preamble or debate.

Councillor McNicol, seconded by Councillor Barr, moved that the Minute be confirmed as a correct record, subject to the inclusion of the following figures relating to the total unitary charge payments:-

“Payments made from 2007/08 to 2016/17 - £107,068,624
Estimated total payments for 2017/18 - £12,607,315
Estimated future payments till 2037/38 - £275,587,000
A total payment of “395,272,939”

As an amendment, Councillor Cullinane, seconded by Councillor Foster, moved that the Minute be confirmed as a correct record.

Members asked questions, and received clarification, on the terms and scope of the motion.

Following questions and summing up, a roll call vote was requested. Having failed to find the support of the required 6 Members for a roll call vote in terms of Standing Order 17.5, there voted by a show of hands for the amendment 17 and for the motion 9, and the amendment was declared carried.

Thereafter, the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

5. Provost's Report

Submitted report by the Provost for the period from 11 September – 29 October 2018.

The Provost highlighted the following elements of his written report:-

- visits to Hayocks and Corsehill Primary Schools and Kilwinning Academy;
- attendance at the AGM of the Scottish Provosts' Association;
- the funds raised by staff and Elected Members at the World's Biggest Coffee Morning for Macmillan Cancer Support and the Go Purple Day for the Ayrshire Hospice;
- a number of community events, including the Festival of Juvenile Solo Piping, Irvine Incorporated Trades Annual Dinner, West FM Cream of Ayrshire Awards and Ayrshire Sportsability Athletes' Celebration Event; and
- attendance at events outwith North Ayrshire, including the Gathering of Armed Forces and Veterans Champions, receptions hosted by the Consul General of Turkey and the Consul General of China and the Ayrshire Muslim Association's Grand Official Open Day.

Noted.

6. Leader's Report

Submitted report by the Leader for the period from 11 September – 29 October 2018.

The Leader highlighted the elements of his written report which related to events marking Challenge Poverty Week, particularly those which took place in primary schools. Councillor Cullinane took the opportunity to thank those Elected Members who had joined him at various events and advised of the preparation of a report to provide participating schools with feedback.

The Leader then provided an update on the current position with regard to the local government pay award. Councillor Cullinane expressed disappointment at a recent decision by the COSLA Leaders group on writing to members of the EIS union. He intimated that the letters would not be sent to North Ayrshire teaching staff.

Councillor Gurney sought advice on whether Members were permitted to ask a question in respect of the Leader's report. The Head of Democratic Services advised that, in terms of Standing Order 9.7, reports by the Provost and Leader were considered as matters of information and were not subject to questions, debate or motions.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 16 August – 24 October 2018.

Noted.

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meetings held on 20 September 2018

Submitted report by the Chief Executive on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 20 September 2018. The CPP Board Minutes were set out in Appendix 1 to the report.

The Chief Executive referred to Agenda Item 8 of the CPP Board Minute and advised Members of a seminar on Adverse Childhood Experiences which would take place on 19 November 2018.

Noted.

9. Short Life Working Group on Questions and Motions

Submitted report by the Chief Executive on the findings of a short-life working group of Elected Members on Questions and Motions to Council, and to invite the Council to consider the recommendations set out at Appendix 1.

The short-life working group was established following the meeting of the Council on 27 June 2018. Its findings were reported to the Council on 19 September 2018 and, thereafter, were the subject of detailed consideration at a Member seminar held on 23 October 2018.

The Council agreed as follows:-

- (a) to approve the changes to Standing Orders as set out in the Appendix to the report; and
- (b) that there be no change to Standing Order 12.3 in terms of removing the Leader of the Opposition from the categories of Members to whom questions may be addressed.

10. Chief Executive Roles

Submitted report by the Council's Monitoring Officer advising of the various roles to be undertaken by the newly appointed Chief Executive, Craig Hatton, in terms of the Scheme of Delegation to Officers. The report also sought approval for the Chief Executive to be appointed as a Director of North Ayrshire Ventures Trust following the former Chief Executive's resignation from that role on 29 October 2018.

The Council agreed as follows:-

- (a) to note the roles to be undertaken by the Chief Executive in terms of the Scheme of Delegation to Officers and set out in Section 3 of the report, namely Head of Paid Service, Proper Officer, Returning/Counting Officer and Authorising Officer; and
- (b) to appoint the Chief Executive as a Director of North Ayrshire Ventures Trust.

11. Corporate Equality Group

Submitted report by Chief Executive seeking Elected Member representation on the Council's Corporate Equality Group. Nominations were sought from three Elected Members, one of whom would be appointed as Chair. The remit of the Group was set out at Appendix 1 to the report.

Councillor Cullinane, seconded by Councillor Bell, moved that Councillor McPhater be appointed to serve on the Group.

Councillor Burns, seconded by Councillor Hill, moved that Councillor McMaster be so nominated.

Councillor Marshall, seconded by Councillor Ferguson, moved that Councillor Stephen be so nominated.

There being no further nominations, Councillors McPhater, McMaster and Stephen were so appointed.

Accordingly, the Council agreed as follows:-

- (a) to appoint Councillors McPhater, McMaster and Stephen to serve on the Corporate Equality Group; and
- (b) that it be remitted to the Group to appoint a Chair from among the three Members.

12. Review of Local Governance

Submitted report by the Chief Executive on the process for the Council's response to the Review of Local Governance.

Appendix 1 to the report set out a letter dated 22 June 2018 from Angela Constance MSP, John Swinney MSP and Councillor Alison Evison of COSLA, to public sector leaders regarding Strand 2 of the Local Governance Review. The main themes of the Review and the proposed points for inclusion in the Council's response were set out in Section 2 of the report.

Councillor Cullinane, seconded by Council Bell, moved that the Council approve the recommendations set out in the report.

As an amendment, Councillor Gallacher, seconded by Councillor Ferguson, moved that the Council approve the recommendations set out in the report, subject to the removal of bullet points 1, 2, 4 and 6 from Section 2.22 on Financial Empowerment.

As a further amendment, Councillor Billings, seconded by Councillor Marshall, moved that the Council approve the recommendations set out in the report, subject to the removal from Section 2.21 of the phrase "a requirement for community councils to engage in locality planning" and its replacement with "dissolve community councils and incorporate their roles within appropriately constituted locality partnerships."

Members asked questions, and received clarification, on the terms and scope of the Councillor Billings' amendment, and on consultation with Members and others in respect of the proposed Council response.

Following questions, debate and summing up, on a division, there voted for the first amendment 7 and for the motion 24. The motion was declared carried and became the substantive motion.

On a division, there voted for the further amendment 5 and for the substantive motion 24, and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:-

- (a) that the points detailed in Sections 2.12 to 2.22 of the report should form part of the Council's response to the Review; and
- (b) to grant authority to the Chief Executive to finalise the Council's response, in accordance with the principles set out in the report and in consultation with the Leader and Leader of the Opposition.

13. Financial Outlook 2019/20 to 2021/22

Submitted report by the Executive Director (Finance and Corporate Support) on the likely financial position of the Council's General Fund in the medium term to inform the development of budget proposals.

Members asked questions, and received clarification, on the anticipated level of deficit in the event of a flat cash settlement and on the loan charges to which the Council was subject.

The Executive Director undertook to provide Councillor McNicol with information on the Council's current level of debt.

The Council agreed as follows:-

- (a) to note the Financial Outlook 2019/20 to 2021/22, including the potential scale of the financial challenge which the Council faces over the next 3 years; and
- (b) that proposals to set a balanced budget for 2019/20 and beyond be submitted to a future meeting of the Council for consideration.

14. Ayrshire Growth Deal

Submitted report by the Executive Director (Economy and Communities) on progress with the Ayrshire Growth Deal and seeking Council agreement to delegate authority to the Chief Executive to agree the final Heads of Terms with the UK and Scottish Governments. Appendix 1 to the report contained a submission to the UK and Scottish Governments on the ambitions of the Ayrshire Growth Deal.

The Executive Director (Economy and Communities) advised that the terms of the report had now been approved by East and South Ayrshire Councils.

Members asked a question, and received clarification, on the funding arrangements in respect of Ardrossan Harbour.

The Council agreed as follows:-

- (a) to support the continued negotiations to secure a Growth Deal for Ayrshire;
- (b) to approve the submission of Appendix 1 of the report to the UK and Scottish Governments to reiterate the ambitions of the Ayrshire Growth Deal;
- (c) to delegate authority to the Chief Executive to conclude the Heads of Terms with both the UK and Scottish Governments in partnership with counterparts from East and South Ayrshire Councils;
- (d) to approve the commitment of £100,000 from earmarked funds to the costs of the Growth Deal Programme Management Office and the delivery of an Ayrshire Regional Economic Strategy; and
- (e) otherwise, to note the contents of the report.

Councillors Foster and McTiernan left the meeting during consideration of this item.

15. Governance Options – Ayrshire Regional Economic Partnership/Ayrshire Growth Deal

Submitted report by the Executive Director (Economy and Communities) which presented, for approval, governance proposals in respect of the Ayrshire Regional Economic Partnership and Ayrshire Growth Deal.

The proposed membership, remit and powers of the Ayrshire Economic Joint Committee and Ayrshire Regional Economic Partnership were set out at Appendices 1 and 2, respectively. Appendix 3 contained the proposed Standing Orders of Meetings of the Joint Committee and Partnership.

The Head of Democratic Services advised that, as the proposals set out within the report differed from those agreed by the Council at its meeting on 27 June 2018, it would be necessary to agree to suspend Standing Orders in order to consider the report.

The required two thirds of Members present and voting agreed to suspend Standing Order 23 to allow consideration of the report.

Members asked a question on Elected Member representation on the proposed bodies, and received clarification that this would be a matter for future consideration.

The Council agreed as follows:-

- (a) to approve the creation of an Ayrshire Regional Economic Joint Committee with a remit and membership set out in Appendix 1 to the report; and
- (b) to approve the creation by the Ayrshire Regional Economic Joint Committee of a sub-committee, the Ayrshire Regional Economic Partnership, with a remit and membership as set out in Appendix 2 to the report.

Councillors Foster and McTiernan re-joined the meeting during consideration of this item.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.50 p.m. for a short comfort break. The meeting reconvened at 4.05 p.m. with the same Members and officers present and in attendance.

16. North Ayrshire Charitable Trusts

Submitted report by the Executive Director (Economy and Communities) seeking the Council's approval for expenditure from Irvine Town Trust by Irvine Locality Partnership and expenditure from the McGavin Park Trust by Kilwinning Locality Partnership, which would result in the winding up of both trusts. The report also provided an update on the current balances of dormant and low value charitable trusts.

Members asked questions, and received clarification, on the destination of any remaining funds following the winding up of trusts, and on whether independent museums could benefit from North Ayrshire Museum funding.

The Council agreed as follows:-

- (a) to approve the requested expenditure from Irvine Town Trust by Irvine Locality Partnership to allow it to be wound up in line with OSCR recommendations;

- (b) to approve the requested expenditure from McGavin Park Trust by Kilwinning Locality Partnership to allow it to be wound up in line with OSCR recommendations; and
- (c) to note the current balances of the dormant and low value charitable trusts.

17. Questions

- (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?"

Councillor Cullinane thanked the Member for his question and responded in the following terms:-

"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)."

- (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?"

Councillor Montgomerie thanked the Member for his question and responded in the following terms:-

“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 82% 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.”

As a supplementary question, Councillor Billings asked for information on the percentage of waste sent for recycling which was actually recycled.

Councillor Montgomerie responded by undertaking to provide the requested figure at a later date.

(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?”

Councillor Montgomerie thanked the Member for his question and responded in the following terms:-

“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.

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.”

As a supplementary question, Councillor Hill asked whether, given that an independent tree survey was being carried out, the Cabinet Member could confirm the suspension of the removal of the trees pending meaningful engagement with local residents and the agreement of a replacement plan for those trees ultimately removed.

Councillor Montgomerie responded by confirming that removal of the trees was being delayed until towards the end of November to allow for further dialogue in relation to the planting of new trees. He indicated that the Council would work with residents to identify appropriate locations for new trees, which would then be planted as soon as possible.

(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?”

Councillor Cullinane thanked the Member for her question and responded in the following terms:-

“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; and
- 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; and
- 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.”

As a supplementary question, Councillor Dickson asked whether the Leader considered the relief of the historic burden would help the Health Board to transfer resource from the acute side of the service to the community via the Integration Joint Board.

Councillor Cullinane responded by expressing the view that the Scottish Government could facilitate this via an anticipated increase in health spending in the financial settlement which, if passported to IJBs, could assist in shifting that balance. Councillor Cullinane also reflected on the already positive partnership working evident within Ayrshire and Arran, notwithstanding financial constraints.

(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 tenants of the High Flats in Fullarton?”

Councillor Montgomerie thanked the Member for her question and responded in the following terms:-

“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); and
- 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.

In addition:

- 1 move is scheduled for this week;
- 8 further offers have been made, of which 6 have been pre-accepted; and
- 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.”

As a supplementary question, Councillor Larsen asked whether it would be possible to accommodate those residents wishing to continue to live in the Fullarton area.

Councillor Montgomerie responded by confirming that everything would be done to accommodate this.

(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?”

Councillor Cullinane thanked the Member for her question and responded in the following terms:-

“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."

As a supplementary question, Councillor Burns asked for the Leader's commitment that, in the event of the position changing to the extent that Members required to be briefed, arrangements would be made for that to happen.

Councillor Cullinane responded in the affirmative.

(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"

Councillor Gallacher requested that his question and the response be taken as read.

Councillor Montgomerie's written response was as follows:-

"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”

(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?"

Councillor Montgomerie thanked the Member for his question and responded in the following terms:-

"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; and
- 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.

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 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 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."

(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?”

Councillor Gallagher thanked the Member for his question and responded in the following terms:-

“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”.

As a supplementary question, Councillor Murdoch asked whether individual businesses could request that refunds instead be awarded to an organisation with a purpose similar to the BID, and the likely timescale for the return of the moneys in question.

Councillor Gallagher responded by reiterating the legal position and asserting that, even if it were possible to award the funds to an alternative organisation, this would be impractical given the number of individual businesses involved in the BID. Councillor Gallagher indicated he had not heard the second part of Councillor Murdoch’s question and was not, therefore, in a position to respond.

Councillor McNicol left the meeting during consideration of this item.

18. Motions

In terms of Standing Order 13, submitted:-

- (1) a motion by Councillor Donald Reid, seconded by Councillor Gallagher, in the following terms:-

"CHARTER AGAINST MODERN SLAVERY

North Ayrshire Council pledges to:-

1. Ensure that our corporate procurement team receive appropriate training in modern slavery.
2. Require its contractors to comply fully with the Human Trafficking and Exploitation (Scotland) Act 2015 and the Modern Slavery Act 2015 wherever they apply, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise our whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require tendered contractors to adopt a whistle-blowing policy which enables staff to blow the whistle on any suspected examples of modern slavery.
7. Review contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for our suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually."

There being no amendment, the motion was declared carried.

(2) a motion by Councillor Billings, seconded by Councillor Marshall, in the following terms:-

"I move that new owners of empty dwellings who can demonstrate that they are actively undertaking major repair work to render the dwelling habitable, be allowed the maximum discount under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 for a period of up to 12 months.

Effect of this change will be:

- When the property has no history of empty discount being claimed, new owner gets discounts as set out in current policy (no change);
- When the previous owner has claimed empty property exemption for a maximum of one year, the new owner can claim 50% discount for 1 year; and
- When the previous owner has claimed empty property exemption for less than a year, new owner can claim the remainder of the 12 months of the original claim, then 50% discount until 12 months from date of change of ownership."

There being no amendment, the motion was declared carried.

Councillor McNicol re-joined the meeting during consideration of this item.

19. Motion

In terms of Standing Order 22, submitted:-

(1) a motion by Councillor McNicol, seconded by Councillor Barr, in the following terms:-

"That the Council amend Section 13 of the Scheme of Administration to read:-

"Staffing and Recruitment Committee
Constitution

Six members of the Council, namely the Leader of the Council, a member of the Administration, the Leader and a member of the Opposition, a member of the Conservative and Unionist Group and a member of the Independents shall constitute the membership of the Committee. The Cabinet Member holding the relevant service portfolio relating to that particular Chief Officer appointment shall also be a member of the Committee for business relating to that appointment only. Each member will have a named substitute who may attend meetings in their place when necessary."

The Head of Democratic Services advised that, as the Scheme of Administration had been approved within the last six months, it would be necessary to agree to suspend Standing Orders in order to consider the motion.

The required two thirds of Members present and voting agreed to suspend Standing Order 23 to allow consideration of the motion.

There being no amendment, the motion was declared carried.

Following a point raised by the mover and seconder of the motion, clarification was provided that the procedure followed in submitting the motion to the last meeting of the Council prior to its consideration at this meeting, conformed to the requirements of Standing Orders.

The Chief Executive invited nominations for a representative and named substitute from the Conservative and Unionist Group and from the Independents.

In response to a request by Councillor Burns for clarification, the Head of Democratic Services confirmed that (i) it was competent to proceed with nominations prior to securing a commitment from nominees that they would adhere to the established procedures associated with considering chief officer appointments and (ii) notwithstanding the procedures in place to seek consensus on such appointments, the voting provisions of Standing Orders applied to the Staffing and Recruitment Committee.

Councillor Billings, seconded by Councillor Gallacher, nominated Councillors Marshall and Ferguson as the Conservative and Unionist Group representative and named substitute, respectively, on the Staffing and Recruitment Committee. There being no further nominations, Councillors Marshall and Ferguson were so appointed.

Councillor Donald L. Reid, seconded by Councillor Foster, nominated himself as the Independents representative on the Staffing and Recruitment Committee. There being no further nominations, Councillor Donald L. Reid was so appointed.

Accordingly, the Council agreed as follows:-

- (a) to amend the Scheme of Administration in accordance with the terms of the motion;
- (b) to appoint Councillors Marshall and Ferguson as the Conservative and Unionist Group representative and named substitute, respectively, on the Staffing and Recruitment Committee;
- (c) to appoint Councillor Donald L. Reid as the Independent representative on the Staffing and Recruitment Committee; and
- (d) to continue to a future meeting consideration of the appointment of an Independent named substitute on the Staffing and Recruitment Committee.

The meeting ended at 5.55 p.m.