

North Ayrshire Council
7 November 2007

IRVINE, 7 November 2007 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Robert Rae, Ian Clarkson, Robert Barr, Tom Barr, John Bell, Matthew Brown, Andrew Chamberlain, Margie Currie, John Ferguson, Alex Gallagher, William Gibson, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Ruby Kirkwood, Margaret McDougall, Elizabeth McLardy, Peter McNamara, Ronnie McNicol, Pat McPhee, Elisabeth Marshall, John Moffat, David Munn, David O'Neill, Ryan Oldfather, John Reid, Joan Sturgeon and Craig Taylor.

In Attendance

I. Snodgrass, Chief Executive; J. Travers, Corporate Director (Educational Services); T. Orr, Corporate Director (Property Services); B. Docherty, Corporate Director (Social Services); A. Herbert, Assistant Chief Executive (Finance); I.T. Mackay, Assistant Chief Executive (Legal and Protective); G. Lawson, Corporate Support Manager, A. Clarke, Communications Officer and M. Anderson, Corporate Support Officer (Chief Executive's).

Chair

Provost Rae in the Chair.

Apologies for Absence

Alan Munro.

1. Minutes

The Minutes of the Meeting of the Council, held on 5 September 2007, were approved.

2. Declarations of Interest

Councillor Reid declared an interest in item 12 of the Minutes of the Executive of North Ayrshire of 4 September 2007 in relation to a Town Twinning Support Fund award to Isle of Cumbrae RBL Pipe Band and took no part in the discussion thereon. Councillor Munn declared an interest in Agenda items 8(b) and 12 and left the meeting for those items of business.

3. Leader's Report

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

- The recent success of North Ayrshire Ventures in winning a British Council office award (small development category) for its Pennyburn Road, Kilwinning building.
- The Council's achievement in receiving a gold award from RoSPA.
- The Excellence Awards held recently to honour the achievements of individuals, departments and schools.
- The proposed establishment of a Member/Officer Working Group, including the portfolio holders and the Leaders of the main political Groups, to take forward detailed budget preparations, in advance of planned Member seminars early in the New Year and budget-setting by the Council itself in mid-February 2007.

Thereafter, the Leader of the Council referred to the retirement at the end of 2007 of John Travers from his post as Corporate Director (Educational Services), paying tribute to Mr Travers' valued service and wishing him well in this retirement. The Provost, Councillor McNamara (as Chair of the former Educational Services Committee), the Leaders of the Liberal Democrat, SNP and Conservative Groups, and Councillor Currie on behalf of the Independents, also recorded their appreciation of Mr Travers' valued contribution to the work of the Council and extended their best wishes for his retirement.

4. Committee Minutes

Submitted the annexed reports of Committees, being the Minutes of the Meetings held on the undernoted dates, which were approved as follows:-

Staffing and Recruitment Committee: 4 September 2007

Moved by Councillor O'Neill and seconded by Councillor Reid (page 1)

Education Executive: 4 September 2007

Moved by Councillor Bell and seconded by Councillor Reid (pages 2-7)

The Executive of North Ayrshire Council: 4 September 2007

Moved by Councillor O'Neill and seconded by Councillor Reid (pages 8-16)

Staffing and Recruitment Committee: 10 September 2007

Moved by Councillor O'Neill and seconded by Councillor Bell (page 17)

Licensing Committee: 11 September 2007

Moved by Councillor R. Barr and seconded by Councillor Gibson (page 18-25)

Scrutiny Committee: 17 September 2007

Moved by Councillor Brown and seconded by Councillor Gallagher (pages 26-29)

Planning Committee: 18 September 2007

Moved by Councillor McLardy and seconded by Councillor Currie (pages 30-42)

Licensing Committee (Special): 19 September 2007

Moved by Councillor R. Barr and seconded by Councillor Gibson (pages 43-45)

The Executive of North Ayrshire Council: 25 September 2007

Moved by Councillor O'Neill and seconded by Councillor Reid (pages 46-58)

Staffing and Recruitment Committee: 26 September 2007

Moved by Councillor O'Neill and seconded by Councillor R. Barr (page 59)

Kilwinning Area Committee: 26 September 2007

Moved by Councillor Ferguson and seconded by Councillor McDougall (pages 60-63)

Irvine Area Committee: 27 September 2007

Moved by Councillor McPhee and seconded by Councillor Sturgeon (pages 64-68)

North Coast Area Committee: 1 October 2007

Moved by Councillor Hill and seconded by Councillor Gallagher (pages 69-72)

Licensing Committee: 2 October 2007

Moved by Councillor R. Barr and seconded by Councillor Gibson (pages 73-78)

Appeals Committee: 3 October 2007

Moved by Councillor R. Barr and seconded by Councillor Sturgeon (pages 79-80)

Scrutiny Committee (Special): 4 October 2007

Moved by Councillor Brown and seconded by Councillor Gallagher (pages 81-82)

Ardrossan and Arran, Saltcoats and Stevenston Area Committee: 4 October 2007

Moved by Councillor Munn and seconded by Councillor Gurney (pages 83-88)

Licensing Committee (Special): 5 October 2007

Moved by Councillor R. Barr and seconded by Councillor Gibson (pages 89-90)

Scrutiny Committee: 8 October 2007

Moved by Councillor Brown and seconded by Councillor Gallagher (pages 91-95)

Planning Committee: 9 October 2007

Moved by Councillor McLardy and seconded by Councillor R. Barr (pages 96-111)

Garnock Valley and West Kilbride Area Committee: 11 October 2007

Moved by Councillor R. Barr and seconded by Councillor Taylor (pages 112-117)

Appeals Committee: 22 October 2007

Moved by Councillor R. Barr and seconded by Councillor Sturgeon (page 118)

Education Executive: 23 October 2007

Moved by Councillor Bell and seconded by Councillor Reid (pages 119-124)

The Executive of North Ayrshire Council: 23 October 2007

Moved by Councillor O'Neill and seconded by Councillor Reid (pages 125-134)

Licensing Committee: 30 October 2007

Moved by Councillor R. Barr and seconded by Councillor Gibson (pages 135-139)

5. Motions

In terms of Standing Order No. 14, submitted the undernoted:-

(a) a motion, amended at the meeting, by Councillor Sturgeon and seconded by Councillor Hill in the following terms:-

"In light of the fact that there are no allotments in North Ayrshire, I move that the Council places an advert in the local press to establish the level of demand for these and, following an analysis of the responses received, that the Corporate Director (Property Services) submits a report to the appropriate Committee on the availability and suitability of vacant land that could be used for allotments."

The Council agreed to adopt the amended motion.

(b) a motion, amended at the meeting, by Councillor Gurney and seconded by Councillor Hunter in the following terms:-

"North Ayrshire Council agrees that the funds received from Airtricity in respect of the windfarm behind the town of Ardrossan, not already allocated to West Kilbride, be ring-fenced for use for the benefit of the people of Ardrossan. The Council agrees that decisions relating to the spending of this fund will be made by the local Area Committee."

As an amendment, Councillor Reid, seconded by Councillor O'Neill, moved that the remaining funds received from Airtricity in respect of the windfarm behind the town of Ardrossan, should not be ring-fenced for a particular geographical area, but rather administered as a general fund, similar to that in relation to the Landfill Tax Credit Fund.

On a roll call vote, there voted for the motion Councillors R. Barr, Brown, Chamberlain, Ferguson, Gibson, Gurney, Highgate, Hill, Hunter, Kirkwood, McLardy, McNicol, McPhee, Marshall, Sturgeon and Taylor and Provost Rae, and for the amendment Councillors Clarkson, T. Barr, Bell, Currie, Gallagher, McDougall, McNamara, Moffat, O'Neill, Oldfather and Reid, and the Motion was declared carried.

Accordingly, the Council agreed that the funds received from Airtricity in respect of the windfarm behind the town of Ardrossan, not already allocated to West Kilbride, be ring-fenced for use for the benefit of the people of Ardrossan and that decisions relating to the spending of this fund will be made by the local Area Committee.

9. Constitutional Documentation: Standing Orders Relating to Contracts

Submitted report by the Assistant Chief Executive (Legal and Protective) on revisions to the Council's Standing Orders Relating to Contracts.

The Standing Orders Relating to Contracts prescribe how the Council goes about awarding contracts for works, goods or services. They form part of the Council's constitutional documentation and require to be updated to take account of the new Executive/Scrutiny model of administration.

The proposed amended Standing Orders Relating to Contracts, set out in the Appendix to the report, reflect the demise of the Service Committees, the introduction of the Executive and updated statutory references. The new Standing Orders also strengthen the reference to the tender evaluation process and refer to the new tender evaluation guidance document recently issued to all Services.

The Council agreed to approve the revised Standing Orders Relating to Contracts for North Ayrshire Council, as set out in the Appendix to the report, with immediate effect.

10. Scheme of Administration: Scrutiny "Call In" Procedure

Submitted report by the Chief Executive on extending the time period provided within the Council's Scheme of Administration for decisions of the Executive to be referred or "called in".

The Council's Scheme of Administration, which provides the framework for the Executive/Scrutiny model of administration, was adopted on 22 May 2007 and subsequently revised at meetings of the Council on 27 June and 5 September 2007.

Under the terms of the Scheme of Administration, the remit of the Council's Scrutiny Committee includes provision for the Committee to consider requests, each signed by 3 elected Members, that decisions of the Executive be referred to it, or "called in". Such requests must be delivered to the Chief Executive by noon on the third working day following the Executive meeting in question. It is proposed, however, that this time period be extended to five working days. This extended period would afford elected Members more time to consider making a request for a "call in" and to consult with potential co-signatories.

It was suggested by Members that the requirement for a "call in" request to be signed by 3 elected Members be relaxed, to allow the 3 elected Members in question the option of submitting their request electronically, via an individual e-mail to the Chief Executive from each of the 3 elected Members in question.

The Council agreed (a) that the "call in" period be extended from 3 to 5 working days; (b) to permit "call in" requests to be submitted electronically, via an individual e-mail to the Chief Executive from each of the 3 elected Members in question; and (c) that the Scheme of Administration be amended accordingly in the light of the foregoing.

11. Garden Tidy Scheme

Submitted report by the Chief Executive and Corporate Director (Property Services) on the possible re-introduction of a Garden Tidy scheme.

The Council, at its meeting on 5 September 2007, agreed, in principle, to the re-introduction of a Garden Tidy Scheme in Spring 2008 and instructed the preparation of a fully costed scheme based on stricter entry criteria, for further consideration by the Council.

The main purpose of the proposed grass-cutting scheme would be to prevent properties getting into an unkempt condition, rather than to provide a professional gardening service to individuals. The intention would be to limit the service to a relatively small number of 'frail elderly' and severely disabled residents with no access to alternative assistance. The scheme would provide approximately 10 cuts over a season at approximately 3-weekly intervals. In addition, a single hedge trim would be offered annually, where necessary, to prevent hedges overgrowing public footways.

The Grass Cutting scheme would be open to (i) all residents of North Ayrshire aged 75 and over; (ii) residents aged 65-74 in receipt of Attendance Allowance Higher Rate or Free Personal Care; and (iii) residents under 65 in receipt of Disability Living Allowance (DLA) High Rate (Mobility) or Highest Rate (Care). In all cases, there must be no other able-bodied adult in the household under 75. Subject to demand, eligible applicants would be placed on a waiting list by order of application and a charge of £50 plus VAT per annum is proposed in order to defray the costs of administering the scheme. The scheme, to be operated by the Grounds Maintenance Section of Property Services, would begin in Spring 2008, running from 31 March to the end of September each year.

Councillor O'Neill, seconded by Councillor Reid, moved that the Council agree to introduce the Grass Cutting Scheme on the basis set out in the report, subject to an overall budget limit of £250,000 per annum and a review following the first year of operation.

As an amendment, Councillor McNicol, seconded by Councillor Hunter, moved that the Council agree to introduce the Grass Cutting Scheme on the basis set out in the report, but with the service being free to all eligible applicants.

As a further amendment, Councillor Marshall, seconded by Councillor McPhee, moved that the Council accept the garden scheme as presented in part 3 of the report, with the following amendments, viz:- (a) the deletion of part 3(e) of the report and insertion of "all gardens included in the scheme must be rubbish-free, thereby allowing immediate access for grass cutting" and (b) the deletion of part 3(f) of the report and insertion of "tenders will be sought on an area basis for service provision".

On a division, there voted for the first amendment 10 and for the motion 16 and, accordingly, the first amendment fell. Thereafter, on a division, there voted for the further amendment 3 and for the motion 21, and the motion was declared carried.

Accordingly, the Council agreed to introduce the Grass Cutting Scheme on the basis set out in the report, subject to an overall budget limit of £250,000 per annum and a review following the first year of operation.

12. Community Benefit from Renewable Energy

Submitted report by the Assistant Chief Executive (Legal and Protective) on the establishment of a Special Sub Committee of the Council to administer funds currently held in the Community Benefit Renewable Energy Fund.

In March 2005, the Council established a Sub Committee of the former Corporate Services Committee to administer the Community Benefit from Renewable Energy Fund, to which renewable energy operators may contribute in connection with renewable energy projects in North Ayrshire. However, within the new political management structure of the Council, there is no vehicle to disburse monies from the fund.

It is proposed that a new Committee of North Ayrshire Council be established, comprising one Member from each ward, together with two representatives from the renewable energy industry. The proposed terms of reference of the Committee were set out in Appendix 3 to the report.

Members expressed the view that, in the light of the Motion agreed at Item 5(b), the proposed remit of the new committee be amended to provide for it to distribute funding held currently and any future monies received, to the appropriate Area Committee(s), for disbursement thereafter to eligible groups.

The Council agreed (a) to approve the establishment of a special Committee; (b) that the terms of reference of the Committee be as set out in Appendix 3 to the report, subject to an amendment to provide for awards to be made by relevant Area Committees; and (b) that the Leaders of the main political groups submit their nominations to the Assistant Chief Executive (Legal and Protective) in terms of membership of the Committee.

13. Annual Accounts 2006-07

In terms of Section 6(1) of the Local Authority Accounts (Scotland) Regulations 1985, submitted certified Annual Accounts for the year ended 31 March 2007.

Noted.

14. Review of Polling Districts and Polling Places

Submitted report by the Chief Executive on the outcome of consultations on the review of Polling Districts and Polling Places.

At its meeting on 5 September 2007, the Council undertook to review the Polling Districts and Polling Places for the UK Parliamentary constituencies in its area. Three representations have been received to date as a result of the public consultation exercise, resulting in the undernoted proposed amendments:-

- Polling District N114 should be moved from the Central Ayrshire Constituency to the North Ayrshire and Arran Constituency;
- Old Dalry Primary School should be replaced by the new Primary School as a Polling Place; and
- Annick Community Centre should be replaced by the Volunteer Rooms, Irvine, as a Polling Place.

The Council agreed to (a) note the outcome of the consultation exercise; and (b) adopt the proposals with effect from 1 January 2007, subject to there being no further material representations received by the closing date of 28 November 2007.

15. Appointments to Outside Bodies

Submitted report by the Chief Executive on the appointment of Members to outside bodies.

The Council has already made a number of appointments to outside bodies since the elections in May 2007, including the appointment of Councillor O'Neill as its representative on the SNC for Teachers and the SJC for Local Government Employees. However, CoSLA has advised that the means by which Councils nominate to these bodies has changed and that, rather than nominating Members directly to these groups, Councils are now required to nominate a representative to CoSLA's HR Executive Group in the first instance. Councillor O'Neill has indicated his willingness to serve of the Executive Group.

A number of other appointments to outside bodies remains outstanding, namely 3 nominations to the Hunterston Local Stakeholders Group, one from each of Wards 4 (Saltcoats and Stevenston), 5 (Ardrossan and Arran) and 7 (Kilbirnie and Beith) and a nomination to serve on Greenock Prison Visiting Committee. Mr Peter Walker, a JP from Greenock, has indicated his willingness to serve on the latter.

The Council agreed (a) to appoint Councillor O'Neill as its representative on CoSLA's HR Executive Group and Mr Peter Walker to serve on Greenock Prison Visiting Committee; and (b) that nominations for appointments to the Hunterston Local Stakeholders Group be submitted to the Chief Executive.

The Meeting ended at 3.00 p.m.