

North Ayrshire Council
22 February 2012

IRVINE, 22 February 2012 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

E. Murray, Chief Executive; I. Colvin, Corporate Director and O. Clayton, Head of Community Care and Housing (Social Services & Health); C. Kirk, Corporate Director, A. Sutton, Head of Service and D. Yuille, Project Manager (Education & Skills); L. Friel, Corporate Director and A. Bodie, Head of Infrastructure and Design, (Finance & Infrastructure); I.T. Mackay, Solicitor to the Council (Corporate Services); J. M. Macfarlane, Head of Human Resources (Human Resources); J. Montgomery, General Manager (Policy and Service Reform); M. McKeown, Committee Services Manager, L. McEwan, Communications Manager and K. Dyson, Communications Officer (Chief Executive's Service).

Also In Attendance

J. Ledgerwood, Project Manager (Irvine Bay Regeneration Company); J. Barrett, Principal Officer Homelessness, S. Campbell, Homeless Assessment Prevention & Advice Manager, M. Graham, Homeless Case Management & Assessment Officer, Rosealeen Johnstone, Rent Deposit Co-ordinator, J. Hamilton, Team Manager, S. Brown and M. Inglis, Senior Managers (Social Services & Health); and M. Lawless and G. Tonelly, LA Architects and G. Smith, Armours Construction Consultants.

Chair

Provost McPhee in the Chair.

Apologies for Absence

John Bell, Margie Currie, Elisabeth Marshall, Robert Rae and John Reid.

1. Declarations of Interest

In terms of Standing Order 16, Councillor Gurney declared an interest in the motion proposed at Item 7(b) and took no part in the discussion thereon.

2. Minutes

The Minutes of (i) the previous ordinary meeting of the Council held on 28 November 2011; and (ii) the Special meetings of the Council held on 28 November and 19 December 2011, and 1 February 2012, were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the minute of the Special Meeting held on 1 February 2012 being revised to take account of revisions requested by Councillor Hunter, and to correct minor errors and omissions.

3. Presentation: Irvine Leisure Centre

The Council received a presentation from representatives of the Design Team on progress of the project to design and deliver a new leisure centre in Irvine, which is seen as a major factor in the regeneration of the town centre.

Members asked questions and received clarification in respect of:-

- the appropriateness and operation of a 'cafe' within the proposed facility;
- the reasons for locating the swimming pools in different areas of the building;
- design measures to make the building energy efficient;
- the reasons for limiting the pool to 6 lanes and the possible impact of this decision on attracting competitions to the area;
- the incorporation of the Townhouse in to the design and the costs implications arising therefrom;
- the capacity of the sports hall and its potential for use for non sporting events.

Noted.

4. Leader's Report

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

- **Ministerial Visits:** There have been a number of Ministerial visits since the last ordinary meeting of the Council. John Swinney MSP, Cabinet Secretary for Finance, Employment and Sustainable Growth, visited to announce Irvine as a location for an Enterprise Area and Fiona Hyslop MSP, Cabinet Secretary for Culture and External Affairs to announce £1m to fund works to the roof of the Scottish Maritime Museum in Irvine.

- **Irvine Royal Academy:** Mike Russell MSP, Cabinet Secretary for Education, visited Irvine on 21 February 2012 to announce that Irvine Royal Academy is in partnership with Glasgow University to develop new ways of training teachers by giving them practical experience in addition to their studies. The Leader expected that pupils would benefit also by having university academic staff working alongside students and staff, thereby raising aspirations and helping them to think of their own futures. Further benefits arising from the development were outlined.
- **COSLA Excellence Awards.** At the recent COSLA Excellence Awards, North Ayrshire Council had two teams entered as finalists, both having already achieved Silver Awards. The Homelessness Prevention Team have been successful in not only in reducing the numbers of homeless people but delivering better outcomes for those who do become homeless. The Youth Criminal Justice Team, have worked with the Criminal Justice system to deliver alternatives to custody with community based sentences which in turn has led to reduced re-offending. Both of these services not only have a positive impact on their clients, but also on the wider community. The Homelessness Prevention Team went on to win the Gold Excellence Award.

Representatives of both Teams were present at the meeting. Members offered their congratulations to both Teams on their success.

5. Committee Minutes

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

Local Development Plan Committee: 1 December 2011

Moved by Councillor R. Barr, seconded by Councillor Gibson (pages 1-4).

Scrutiny Committee: 5 December 2011

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 5-10).

The Executive of North Ayrshire Council: 6 December 2011

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 11-39).

Education Executive: 6 December 2011

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 40-46).

Licensing Committee: 7 December 2011

Moved by Councillor Gibson, seconded by Councillor R. Barr (pages 47-52).

Scrutiny Committee: 12 December 2011

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 53-56).

Planning Committee: 13 December 2011

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 57-62).

Local Review Body: 13 December 2011

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 63-65).

Staffing and Recruitment Committee: 19 December 2011

Moved by Councillor O'Neill, seconded by Councillor Brown (pages 66-68).

The Executive of North Ayrshire Council: 17 January 2012

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 69-80).

Education Executive: 17 January 2012

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 81-86).

Kilwinning Area Committee: 19 January 2012

Moved by Councillor Ferguson, seconded by Councillor Oldfather, subject to a correction to the list of those Members present at the meeting (pages 87-89).

Planning Committee: 24 January 2012

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 90-98).

Local Review Body: 24 January 2012

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 99-101).

North Coast Area Committee: 25 January 2012

Moved by Councillor Hill, seconded by Councillor Gallagher (pages 102-107).

Garnock Valley and West Kilbride Area Committee: 26 January 2012

Moved by Councillor R. Barr, seconded by Councillor Dickson (pages 108-112).

The Executive of North Ayrshire Council: 31 January 2012

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 113-119).

Ardrossan and Arran, Saltcoats and Stevenston Area Committee: 2 February 2012

Moved by Councillor McNicol, seconded by Councillor Munro (pages 120-126).

Licensing Committee: 7 February 2012

Moved by Councillor Gibson, seconded by Councillor R. Barr (pages 127-133).

Scrutiny Committee: 13 February 2012

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 134-141).

The Executive of North Ayrshire Council: 14 February 2012

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 142-148).

Planning Committee: 14 February 2012

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 149-165).

Local Review Body: 14 February 2012

Moved by Councillor McLardy, seconded by Councillor R. Barr (pages 166-167).

6. Questions

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

"Does the Leader of the Council believe that the PPP acquisitions made by this Council are cost effective?"

The Leader responded "Yes".

Councillor Gurney commented on the brevity of the Leader's response. He referred to a UK Treasury Study which compared the costs of acquiring assets through PPP and the subsequent reduced value of the assets so acquired. As a supplementary question he asked if, since the Leader of the Council believed that PPP was cost effective, he would be willing to sell his own home for a quarter of its value.

The Leader of the Council indicated that he would not. He added "The PPP contract was subject to various Value for Money assessments, throughout its development, leading up to the signing of the contract in March 2006. These assessments were checked and signed off by the then Scottish Executive Financial Partnership Unit who used Partnership UK as an independent adviser. In all cases, the PPP method of procurement proved better value for money than the traditional method of procurement. This can be seen in the papers considered by the Corporate Policy Committee on 25 October 2005, where the financial analysis was detailed and also in the discussion at the full Council meeting on 30 March 2006, where the successful conclusion of the PPP Contract Process was noted by Elected Members.

Now into their 5th year of occupation, the PPP Schools in North Ayrshire have had a positive effect on the thousands of pupils who have passed through their doors, who have benefitted from the standard of facilities available, and also on the wider community, who continue to make excellent use of the facilities outwith school hours."

The Leader further advised that Barry White of the Scottish Futures Trust had indicated that he felt the Council had got a good deal from PPP.

(b) A question by Councillor Hunter to the portfolio holder for the environment in the following terms:-

"Can the Portfolio Holder for Environment state whether any community in North Ayrshire, which chose to put on a Christmas display of lights in 2010/11, had their electricity bill paid by North Ayrshire Council?"

Councillor T. Barr responded in the following terms:-

"The Council works in partnership with local action groups to promote Christmas displays in all towns within the area. The Council provides and erects a tree including lighting and also pays to erect and test other Christmas displays that may be provided by local groups or have been purchased by the Council through commuted planning sums.

The groups enter into agreements with energy suppliers and pay for energy used in lighting any displays. There are some minor exceptions to this, notably in Dalry and Ardrossan where part of the display is erected on Council owned buildings and connected to that building's energy supply. In these instances that part is met by the Council through the overall energy use for that building.

The other exception is within Irvine where the local group ceased in 2010. In this case the Council pays for the electricity supply, as a temporary measure, to ensure that a Christmas display is provided whilst it seeks to develop a new action group to develop the Christmas display"

Councillor Hunter, referring to charges for electricity borne by Ardrossan Christmas Decorations Committee, asked the Portfolio Holder if the Council, for the sake of consistency of approach, could provide a refund of monies to that Group.

Councillor Barr, noted that there was an inconsistency in the way that these matters were dealt with, and asked that Officers report to a future meeting of the Executive on the matter. Councillor Barr also asked that the spreadsheet referred to by Councillor Hunter be circulated to all Members.

7. Motions

In terms of Standing Order 13, submitted

(a) a motion by Councillor Gurney, seconded by Councillor Hunter, in the following terms:-

"North Ayrshire Council has rightly implemented the living wage for all its employees. This decision was taken to ensure that all employees have a chance at creating a sustainable life for themselves and their families. Indeed North Ayrshire Council's written evidence to a parliamentary committee states: "The Council's decision to introduce the Living Wage is to both help stimulate the local economy, and to be in a position to lead by example in order to influence the larger employers within the area to follow suit to also implement the Living Wage concept."

It is time to stand by those words.

Many employers used by the council, including those employed to run the four PPP schools, have refused to implement the living wage for their employees. This is an invidious position and one which this Council cannot tolerate without challenge.

This Council therefore resolves, using all means available to it, to encourage all suppliers and local employers to adopt the living wage as a matter of urgency and instructs officers to investigate and implement those means immediately."

As an amendment, Councillor O'Neill, seconded by Councillor Gallagher, proposed that "This Council therefore resolves, using all means available to it, to encourage all suppliers and local employers to adopt the Living Wage as a matter of urgency.....and instructs officers to investigate the means by which the Living Wage can be provided in North Ayrshire, and to report on the implications for the Economic Development and Regeneration Strategy, to a future meeting of the Executive of North Ayrshire Council." Following discussion, Councillor Gurney indicated that he would accept the amendment provided that the matter was brought to the Executive in early course. There being no division, the amendment was declared carried.

Accordingly the Council resolved "using all means available to it, to encourage all suppliers and local employers to adopt the Living Wage as a matter of urgency and instructed officers to investigate the means by which the Living Wage can be provided in North Ayrshire, and to report on the implications for the Economic Development and Regeneration Strategy, to a future meeting of the Executive of North Ayrshire Council."

(b) a motion by the Leader of the Council, seconded by Councillor McNamara, in the following terms:-

"The Royal Navy values greatly the close interest and support afforded to affiliated ships. North Ayrshire Council has no current formal relationship with a front-line warship or submarine, but we do share a close relationship with the Faslane Patrol Boat Squadron.

The Squadron consists of two P2000 Patrol Craft which make regular use of the waters off North Ayrshire. An affiliation with the Squadron would reinforce the area's links to the Service, building on the historical link between the current HMS DASHER and the 1943 HMS DASHER which is remembered at Ardrossan.

Provost, I formally move that the Council agrees to the affiliation of Faslane Patrol Boat Squadron with North Ayrshire Council". There being no amendment, the motion was declared carried.

Accordingly the Council agreed to the affiliation of Faslane Patrol Boat Squadron with North Ayrshire Council.

(c) a motion by Councillor Dickson, seconded by Councillor Ferguson, in the following terms:-

"That North Ayrshire Council welcomes the Scottish Government's announcement of £10m funding in the financial year 2014/15 towards the Dalry Bypass and recognises that this will substantially improve journey times on the A737 which was one of this council's key infrastructure improvement aspirations." There being no amendment, the motion was declared carried.

Accordingly the Council agreed to welcome the Scottish Government's announcement of £10m funding in the financial year 2014/15 towards the Dalry Bypass and recognise that this will substantially improve journey times on the A737 which was one of the Council's key infrastructure improvement aspirations.

8. New Leisure Centre, Irvine

Submitted report by the Corporate Director (Education and Skills) on progress to deliver the new leisure centre in Irvine, and seeking key decisions in relation to the new leisure centre, the Townhouse and the war memorial.

The Chief Executive advised that this item of business had been withdrawn.

9. Sixth Review of UK Parliamentary Constituencies: Initial Proposals: Secondary Consultation

Submitted report by the Chief Executive of the most up to date position with regard to the Sixth Review of UK Parliamentary Constituencies.

At the meeting on 26 October 2011, the Council was advised of the Boundary Commission for Scotland's initial proposals for UK Parliamentary Constituencies. The number of Parliamentary constituencies across the UK is to be reduced from 650 to 600. In Scotland, there will be a reduction from 59 to 52 constituencies. 2 constituencies are prescribed in the legislation: Na h-Eileanan an Iar and Orkney and Shetland.

The Council agreed that the views of Elected Members be collated and a report prepared for the next ordinary meeting of the Council outlining the terms of a potential response to the Commission's consultation. It was noted that political parties and others were free to submit their own responses directly to the Commission. Following the Council meeting on 26 October, all Elected Members were issued with a short questionnaire which sought to ascertain the level of support, or otherwise, for the Boundary Commission's proposals. Full sets of consultation papers, including maps, were also issued to Group Leaders.

At its meeting held on 28 November 2011, a number of options were presented to the Council. The Council agreed that the Chief Executive (a) write to the Boundary Commission in support of the retention of the existing Ayrshire constituencies, with such minor revisions to boundaries as are required to bring the existing Central Ayrshire constituency up to the minimum electorate threshold; (b) invite East and South Ayrshire Councils to support the terms of the response; (c) include in the response comments on the limiting effects of the rigid criteria imposed on the Boundary Commission by statute; and (d) invite the Commission, if it is not minded to reconsider its position, to reconsider the names for the new constituencies, as set out in the report, with due consideration given to the Island of Arran in the naming of constituencies. A response on the terms agreed by the Council was subsequently submitted to the Boundary Commission.

On 13 February 2012, the Boundary Commission advised on the dates of the secondary consultation period on the Commission's Initial Proposals for constituencies. The secondary consultation period is specified in the legislation as lasting 4 weeks, and will run from 1 March to 28 March 2012. During the first consultation period, the Commission received some 500 comments and representations. During the secondary consultation period, the Commission will publish on its website all of the comments and representations received during the initial consultation period, as well as the transcripts of the 5 Public Hearings which the Commission held around Scotland during November 2011. Any interested party, including Political Groups, will be able to submit remarks on the comments and representations, and those remarks will be considered by the Commission when it considers what changes may be required to the Initial Proposals.

The Commission hopes that the secondary consultation period will be a valuable opportunity to gather views on the merits and drawbacks of any alternatives which have been put forward in the comments and representations made during the initial consultation period. In addition to publishing the comments and representations on its website, the Commission will also distribute a CD containing copies of the comments and representations to local authorities and to political parties.

Noted.

10. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 8 December 2011

Submit report by the Chief Executive on the Minutes of the Meeting of the North Ayrshire Community Planning Partnership (CPP) Board held on 8 December 2011.

Noted.

The Meeting ended at 3.20 p.m.

Signed in terms of Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.
Signed By:
Date: