

North Ayrshire Council
4 April 2012

IRVINE, 4 April 2012 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Pat McPhee, Ian Clarkson, Robert Barr, Tom Barr, John Bell, Matthew Brown, Andrew Chamberlain, Margie Currie, Anthea Dickson, John Ferguson, Alex Gallagher, Jean Highgate, Alan Hill, John Hunter, Ruby Kirkwood, Elizabeth McLardy, Peter McNamara, Ronnie McNicol, Elisabeth Marshall, John Moffat, Jim Montgomerie, Alan Munro, David O'Neill, Ryan Oldfather, John Reid and Joan Sturgeon.

In Attendance

E. Murray, Chief Executive; I. Colvin, Corporate Director (Social Services & Health); L. Friel, Corporate Director (Finance & Infrastructure); I.T. Mackay, Solicitor to the Council, R. Forrest, Planning Services Manager and D. Hammond, Team Manager (Development Plans) (Corporate Services); J. M. Macfarlane, Head of Human Resources (Human Resources); A. Sutton, Head of Service (Education & Skills); J. Montgomery, General Manager, A. Osborne and S. Bale, Policy and Performance Officers (Policy and Service Reform); M. McKeown, Committee Services Manager, M. Anderson, Committee Services Officer and K. Dyson, Communications Officer (Chief Executive's Service).

Chair

Provost McPhee in the Chair.

Apologies for Absence

Willie Gibson, Tony Gurney, Margaret McDougall and Robert Rae.

1. Declarations of Interest

Councillor Clarkson, as a Director of North Ayrshire Citizen's Advice Service (NACAS), declared an interest in the Motion by Councillor Gallagher.

2. Minutes

The Minutes of the meeting of the Council held on 22 February 2012, were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Leader's Report

The Leader of the Council reported in the following terms:-

Armed Forces Covenant: On Monday 5 March the Leader attended a ceremony held at HMS Gannet where the Provost, along with the Provosts of South and East Ayrshire Councils and the Chief Executive of NHS Ayrshire & Arran, signed a Community Covenant with representatives of our Armed Forces. This is in recognition of the service that members of the Armed Forces provide to all the communities of Ayrshire, albeit usually at a distance.

Grange Business Centre: On Tuesday 6 March the Leader, together with the Depute Leader and local members, attended the opening of the Grange Business Centre in Stevenston. The opening was performed by Alex Neil MSP, Cabinet Secretary for Infrastructure and Capital Investment. This facility offers high quality Retail, Commercial and Office accommodation at affordable prices in the heart of the town. This is an Irvine Bay Regeneration Company project, built on the site of the former Grange cinema and bingo hall and is a much welcomed improvement to Stevenston.

A737: On Wednesday 14 March the Leader, along with Councillor Matthew Brown and the Chief Executive, again met with Alex Neil MSP to discuss the much needed improvements to the A737, which is the main trunk road from Glasgow directly into North Ayrshire. £10M has been allocated for the start of the Dalry By-pass. The Cabinet Secretary offered to work with North Ayrshire Council to achieve, over the next 10 to 15 years, the upgrade to dual carriageway of the whole of the A737 to link into the A78. This is the single most important piece of infrastructure investment required in North Ayrshire.

Youth Employment Summit: In February last year the Leader reported on a meeting that he and the Chief Executive had with the Prime Minister to discuss the issue of Youth Unemployment in North Ayrshire. This was followed by the youth summit held in Cunninghame House and attended by Ian Duncan Smith MP, Secretary of State for Works and Pensions and Michael Moore MP, Secretary of State for Scotland. This was one of a nationwide series of meetings. On Thursday 15 March 2012, the Leader attended the follow up meeting in Dundee. While he heard of some useful projects there was unfortunately no silver bullet. Tackling this issue must continue to be a priority for North Ayrshire Council.

4. Committee Minutes

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

Irvine Area Committee: 15 February 2012

Moved by Councillor Sturgeon, seconded by Councillor Brown (pages 1-6).

Scrutiny Committee: 27 February 2012

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 7-11).

The Executive of North Ayrshire Council: 28 February 2012

Moved by Councillor O'Neill, seconded by Councillor Gallagher (pages 12-23).

Education Executive: 28 February 2012

Moved by Councillor Bell, seconded by Councillor McNamara (pages 24-30).

Kilwinning Area Committee: 1 March 2012

Moved by Councillor Ferguson, seconded by Councillor Oldfather (pages 31-34).

Local Development Plan Committee: 5 March 2012

Moved by Councillor Reid, seconded by Councillor McLardy (pages 35-40).

Planning Committee: 6 March 2012

Moved by Councillor McLardy, seconded by Councillor Currie (pages 41-43).

North Coast Area Committee: 7 March 2012

Moved by Councillor Hill, seconded by Councillor Marshall (pages 44-49).

Ardrossan and Arran, Saltcoats and Stevenston Area Committee: 8 March 2012

Moved by Councillor Hunter, seconded by Councillor McNicol (pages 50-56).

Garnock Valley and West Kilbride Area Committee: 9 March 2012

Moved by Councillor Robert Barr, seconded by Councillor Dickson (pages 57-62).

Scrutiny Committee: 12 March 2012

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 63-67).

The Executive of North Ayrshire Council: 13 March 2012

Moved by Councillor O'Neill, seconded by Councillor Reid (pages 68-80).

Irvine Area Committee: 14 March 2012

Moved by Councillor Sturgeon, seconded by Councillor Brown (pages 81-83).

Ardrossan and Arran, Saltcoats and Stevenston Area Committee: 15 March 2012

Moved by Councillor Hunter, seconded by Councillor McNicol (pages 84-91).

Licensing Committee: 20 March 2012

Moved by Councillor Marshall, seconded by Councillor Robert Barr (pages 92-99).

Scrutiny Committee: 26 March 2012

Moved by Councillor Hunter, seconded by Councillor Dickson (pages 100-105).

The Executive of North Ayrshire Council: 27 March 2012

Moved by Councillor O'Neill, seconded by Councillor Reid (pages 106-122).

Planning Committee: 27 March 2012

Moved by Councillor McLardy, seconded by Councillor Currie (pages 123-130).

5. Motions

In terms of Standing Order 13, there was submitted a motion by Councillor Gallagher, seconded by Councillor McNamara, in the following terms:-

"This Council deploras the precipitate decision by NACAS to act outwith the terms of its contract and SLA in announcing the closure of 60% of its offices in sensitive parts of the council area.

The Council asks NACAS to reconsider this decision and not to proceed with the proposed office closures.

If NACAS does not comply with this request the Council instructs officers to enter negotiations with NACAS with a view to reducing the Council's grant to NACAS in line with the proposed reduction of service implied by NACAS's intended office closures."

Councillor Gallagher addressed the Council. He highlighted the important work being done by the volunteers who play such an important part in the delivery of the services provided by NACAS and also the important work of the Money Matters Team. He stressed the need for direct dialogue between NACAS and the Council to resolve issues. In view of NACAS's offer to hold such discussions, he advised the Council that he was withdrawing his motion.

Noted.

6. Local Development Plan (LDP) Housing Allocations: Noddsdale Meadow and Brisbane Glen Road, Largs

Submitted report by the Solicitor to the Council on further investigations undertaken in respect of the above sites in relation to flood risk and access following on from the LDP Committee held on 5 March 2012, and seeking agreement to the next steps.

The Local Development Plan Committee considered representations (comments either in support or in objection) to housing sites in the Proposed LDP at its meeting held on 5 March 2012. At that meeting the Committee agreed, following a motion, to delete the two residential allocations at Noddsdale Meadow and Brisbane Glen Road Largs, from the Plan pending further investigation into flood risk on both sites and clarification on whether a second road bridge access would be required for the Noddsdale Meadow site.

These, and other changes to the Plan directed by LDP Committee, have resulted in a requirement to produce and publish a new 'Modified Plan', to reflect the changes and provide an opportunity for consultation on them. This stage will result in an estimated 6 month delay to LDP process. Representations to the Modified Plan will be presented to a future Committee to secure agreement of the Council's response to them.

The decision to omit these two sites was the only change to the Plan that has an opportunity for possible resolution through submission of additional technical work. Resolution of the issue prior to Modified Plan publication is preferable, as this would avoid a situation where the developers submit representations incorporating the required additional information during consultation on the Modified Plan. This could result in reinstatement of the sites in response to such representations, if Members were so minded, necessitating another Modified Plan stage with concordant delay and reputational damage.

Officers have now consulted again with Infrastructure and Design Services Flooding and Roads and agreed the scope of additional work required to provide a definitive position in respect of flood risk. IDS Roads confirmed that a single vehicular access to the Noddsdale Meadow site is adequate. Details were summarised in the report.

The additional technical information, if undertaken timeously and deemed adequate, would provide a conclusive position in respect of flood risk on both sites and any necessary mitigation. It would also allow inclusion of the sites in the Modified Plan. If the additional work is not provided, or provided but not agreed by officers, one or both of the sites would be omitted from the Modified Plan as appropriate.

On a point of Order, Councillor Hill asked the Solicitor to the Council if there was a need to suspend Standing Orders to allow the decision of the LDP Committee in respect of the two sites to be revisited. The Solicitor to the Council advised that in his view this was not required as the purpose of the report was to expedite the further investigations instructed by the LDP Committee at its meeting on 5 March. Councillor Hill disagreed with the advice provided and asked that his dissent be recorded in this respect. Councillor Brown also requested that his dissent to the advice be recorded.

Members asked questions and received clarification on the issues raised in the report and on the proposed way forward. Thereafter the Chief Executive, noting the concerns of Elected Members, proposed that the Council agree to delay the publication of the Modified Plan until all issues had been addressed by Committee.

The Council agreed to delay the publication of the Modified Plan until all issues had been addressed and recognised the resulting significant delay in publishing a Modified Plan.

7. Access Road to Irvine Golf Club, Bogside, Irvine

Submitted report by the Corporate Director (Finance and Infrastructure) on the position regarding maintenance of the access road to Irvine Golf Club.

At the meeting of Irvine Area Committee on 23 November 2011, the Corporate Director (Finance and Infrastructure) submitted a report requesting funding of £11,000 from the Irvine Common Good Fund for repairs to the access road to Irvine Golf Club, Bogside, Irvine. The access road is not an adopted public road and is not maintained as part of the public road network. However, under the Irvine Common Good the Council has responsibility for maintaining a section of the road. The road is in a state of disrepair and this has led to repeated requests from the Golf Club to have repairs carried out. The Golf Club does not own any part of the road although it has a right of access over it.

The Area Committee agreed that the Corporate Director (Finance and Infrastructure) investigate further and report back to a future meeting. On further consideration, it was noted that the Area Committee only has authority to approve the disbursement of grants to an organisation or an individual and that approval for allocating funding for the maintenance of property within the Common Good required approval of the Council.

The Golf Club has been formally approached and asked to contribute to the cost of resurfacing the road at a total estimated cost of £11,000. The Golf Club accepts it has a maintenance obligation for the road and has offered to contribute up to £5,500.

The Council agreed to accept the offer of up to £5,500 from the Irvine Golf Club and approve the sum of up to £5,500 from the Irvine Common Good Fund for the resurfacing of the section of the road within Common Good ownership.

8. Treasury Management Strategy Report 2012/13

Submitted report by the Corporate Director (Finance and Infrastructure) on the proposed Strategy for Treasury Management activities within the Council for the financial year 2012/13.

The Local Government in Scotland Act 2003, and supporting Regulations, require the Council to annually 'have regard to' the CIPFA Prudential Code and the CIPFA Treasury Management Code of Practice to set Prudential and Treasury Indicators for the next three years. The CIPFA Code of Practice on Treasury Management (as revised November 2009) was adopted by North Ayrshire Council on 10th August 2010.

The key objectives of the Prudential Code are to ensure, within a clear framework, that capital investment programmes are affordable, prudent and sustainable. These requirements need to be recognised in preparing the capital programme in any year i.e. the capital programme should be set at a level that both delivers the Council's strategic priorities and is affordable in terms of the impact of the resultant debt repayments on revenue budgets. The Council has, at this stage, approved a 4 year programme for General Services and a 1 year programme for the Housing Revenue Account with investment requirements for future years outlined within the HRA 30 year Business Plan.

The 2003 Act requires the Council to establish its treasury strategy for borrowing and to prepare an Annual Investment Strategy to set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Treasury Management Strategy Statement and Annual Investment Statement 2012/13 were appended to the report.

The Corporate Director (Finance and Infrastructure) highlighted the key provisions within the document. Two typographical errors were noted and would be corrected.

The Council agreed to approve the Treasury Management Strategy Statement and Annual Investment Statement 2012/13 , including the proposals to (i) use Money Market funds where deemed appropriate by Council Officers and the Council's Treasury Advisers to a maximum value of £10m per fund; (ii) use only approved counter parties from countries with a minimum sovereign credit rating of AA- as outlined in Appendix 4 of the strategy; and (iii) increase the limits for deposits with government backed institutions to £25m per institution.

9. Political Management Systems: Examining the Options

Submitted report by the Chief Executive on further work which has been undertaken to examine the political management system options for the Council following the 2012 local government elections.

At present, the Council operates an Executive/Scrutiny model of political management, having moved away from a traditional committee structure following the last local government elections in 2007. In anticipation of the Scottish local government elections on 3 May 2012, the Chief Executive's Service has conducted research into political management systems operating elsewhere in Scotland and England and, via consultation with Elected Members and Senior Officers, reviewed the operation of the Council's own current political management system. The intention was to identify recommendations to help to inform the new Administration as it considers the political management structure to be adopted after the local government elections.

The outcome of the initial stage of the research, which involved a survey of Scottish and English unitary authorities, was reported to the Council at its meeting on 28 November 2011. The Council agreed to (a) note the work being done by officers to examine the political management system options open to the Council following the 2012 local government elections; (b) receive a further report at a future meeting on the outcome of the next steps in the research; and (c) send a copy of the report to Aileen Campbell, Minister for Local Government and Planning.

The purpose of the second stage of the research was twofold:-

- To gain a more in-depth understanding of the practical operation of the political management systems in place in 3 selected Scottish Local Authorities i.e. City of Glasgow, West Lothian and Renfrewshire Councils (which were selected in consultation with the Improvement Service)

- To report the outcome of a survey of North Ayrshire Council Elected Members and Chief Officers on the effectiveness of the Council's own current political management system.

The report summarised the outcome and learning points from the visits to the three local authorities and the outcome of the consultations with all 30 North Ayrshire Council Members and members of the Council's Extended Corporate Management Team. The outcome of the visits and an analysis of the survey responses are presented in a report 'Political Management Systems: Examining the Options: Volume 2'. A copy of the full report was circulated under separate cover. The Chief Executive noted her appreciation of the efforts of the Officers involved in preparing the report.

Taking into account the initial findings from the first stage of the research process (i.e. the survey of Scottish and English Unitary Authorities) and those arising from the visits to 3 selected Scottish Councils and the outcome of the survey of North Ayrshire Council Members and senior officers, it was recommended that the following would be recommended for considered by the new Administration:-

- (i) That the Council retain an Executive/Scrutiny-type model of political management, rather than reverting to a traditional committee structure.
- (ii) That the Executive, other than the full Council, continues to be the main decision making body of the Council, however its membership is increased to include some 12-13 Members.
- (iii) That the Education Executive is combined with the Executive (subject to necessary provisions relating to the role of lay members and religious representatives).
- (iv) That the Scrutiny Committee is explored further and the option of separating out its constituent Audit and Policy Review roles investigated.
- (v) That membership of both the Executive and Scrutiny Committee be cross-party, reflecting the political composition of the new Council.
- (vi) That, in accordance with the priorities identified in the Council Plan, the following key Member/Officer Working Groups report to the Executive, with cross-party membership to facilitate wider Elected Member engagement, reducing the volume of business required to be considered by the Executive and providing a focus on key priorities:-

- Educational Attainment and Achievement;
 - Economic Development Activity (working with the new Economic Development & Regeneration Board); and
 - Improving Health Outcomes (including Integration).
- (vii) That further consideration be given to the establishment of a cross-party Budget Working Group to formulate Budget Strategy.
- (viii) That the use of ICT is further developed to increase the accessibility of meetings and reduce the amount of paperwork produced.
- (ix) That the operation of Area Committees is re-examined in the context of:-
- the current national review of Community Planning;
 - the development of an asset-based approach to local service provision; and
 - options for increasing community engagement.
- (x) That the potential for streamlining the regulatory committee function is investigated in view of recent changes to the Planning System.

Whilst it did not fall within the scope of the research undertaken to examine governance arrangements in relation to external bodies/shared services, Members were advised that the Executive, at its meeting on 31 January 2012, noted information on Police and Fire and Rescue Service Reform. To facilitate the Council Pathfinder role, it was proposed to create a shadow Police and Fire Committee of Elected Members ahead of the implementation of the changes. It was, therefore, intended that consideration of the implementation of the proposed shadow committee form part of discussions with political group leaders.

Similarly, consideration took place at the Executive on 13 March 2012 in relation to proposals for a Shared Services Joint Committee. The Council was invited to note that the detailed proposals will be the subject of discussion with political group leaders in the first instance and, thereafter, presented for consideration at a future meeting of the Executive.

Members asked questions and received clarification on the proposals presented in the report. The role of independent Members in future decision making was discussed.

The Council agreed (a) to note the outcome of the research undertaken; and (b) that the Chief Executive meet with political group leaders as soon as possible following the elections in May 2012, to discuss (i) the recommendations arising from the research, including considering in more detail the role and remit of the working groups proposed as part of a refreshed political management structure and (ii) detailed proposals in respect of the formation of a shadow Police and Fire Committee and Shared Services Joint Committee.

10. Accounts Commission: An Overview of Local Government in Scotland

Submitted report by the Chief Executive on the publication by Audit Scotland of "An Overview of Local Government in Scotland: Challenges and Changes in 2012".

In March 2012, the Accounts Commission published a report prepared by Audit Scotland entitled "An Overview of Local Government in Scotland: Challenges and Changes in 2012". The report, a copy of which was appended, provides the Accounts Commission's perspective on local government in Scotland based on their recent audit work. The document focusses on the challenges, risks and opportunities in 2012 and provides a short summary of resource management in 2011.

The report recognises that whilst challenge and change is not new for local government, the current pressures on finances from reducing budgets and growing demands for services are substantial. The Council elections in May 2012 add a further dimension this year, with heightened political activity. Those elected in May will need to get up to speed quickly and build on the progress which local government in Scotland has achieved in recent years. Immediate tasks will be to establish effective working relationships within Councils and with local partners and to provide strong leadership and direction which will drive improvements in services, resulting in better outcomes for people and communities.

The Accounts Commission recognises the scale of the task and hopes that Councillors will find the report and accompanying 'Checklist For New And Returning Elected Members' helpful in identifying priorities and preparing for the future. The document summarises the key priorities for 2012 in relation to:-

Over-arching priorities

- Maintaining a focus on best value, governance and equality to improve services and outcomes for people and communities.
- Identifying priorities taking account of existing commitments, the shift in focus to preventative spending and organisational capacity.
- Monitoring the 2012/13 budget and setting budgets for 2013/14 which achieve a balance between short-term aspirations and long-term sustainability.
- Ensuring workforce reductions do not erode capacity, getting asset management right and securing further progress on procurement.

Leadership and governance

- Providing strong leadership and challenge in a period of increasing resource and demand pressures and substantial service and structural change.
- Ensuring appropriate access and influence for the statutory officer for finance and effective financial controls.

Working in partnership

- Getting the best from partnership working by delivering more integrated services, better value for money and improved outcomes.
- Ensuring partnership performance information systems are sound and that accountabilities are clear.

Options for service delivery

- Engaging with communities to understand service users' and communities' needs.
- Investigating new ways of delivering service, including opportunities for simplifying and standardising common processes.

Performance information

- Ensuring good-quality performance information is available to support improvement and inform decision-making.
- Increasing the focus on costs and on measures which monitor partnership outcomes and performance.

Cognisance will be taken of the content of the report in drawing up an induction programme for new and returning Elected Members following the May elections.

Noted.

11. Olympic Torch Relay: 8 June 2012

Submitted report by the Chief Executive on proposals to celebrate the Olympic Torch Relay on 8 June 2012.

Prior to the Olympic Games taking place in London in July/August 2012, an Olympic Torch Relay is taking place, which will pass through every local authority in Scotland. In the case of North Ayrshire, the Torch Relay will pass through Barrmill and Beith on Friday 8 June 2012.

Local authorities have been requested to celebrate the Torch Relay passing through their area. Local communities are also being encouraged to organise activities of their own and are being directed to the "Local Leaders" section on the London Olympics website, which will provide them with further information and ideas. In North Ayrshire, a short life Officer Working Group has been meeting to plan events/activities to celebrate the Torch Relay and the Olympics generally.

Representatives from the Officer Working Group attended a meeting of Beith Community Council at which the Torch Relay celebrations were discussed. Representatives from Barrmill also attended the meeting. As well as activities taking place on the day of the Torch Relay, there are wider projects being planned around the Olympics generally. Details were provided in the appendix to the report.

Beith Primary School and Gateside Primary School will be attending the Torch Relay to line the streets in Beith and Glengarnock Primary School will be attending the Torch Relay in Barrmill. There are also plans by the Officer Working Group to hold a roadshow on the day of the Torch Relay in the run-up to the Torch arrival, which could involve local talented sports individuals and musicians. Detailed plans for this are being finalised. The local communities in Beith and Barrmill will be organising their own celebration events. The Council and KA Leisure will be assisting the community groups with their events. It is also proposed to provide bunting and hanging baskets.

Noted.

12. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 15 March 2012

Submitted report by the Chief Executive on the Minutes of the Meeting of the North Ayrshire Community Planning Partnership (CPP) Board held on 15 March 2012.

Noted.

13. Appointments to Committees

Submitted report by the Chief Executive on changes to the Labour Group's representatives on committees of the Council.

The Council's Scheme of Administration dictates the political composition of Committees of the Council. Councillor T. Barr has advised that he has resigned as a member of the Labour Group. This has implications for membership of Council committees.

Councillor Barr represents the Labour Group as a member of the Executive (as Portfolio holder for the Environment), the Education Executive, and the Staffing and Recruitment Committee (as named substitute for Councillor Reid). The Leader of the Council has advised that Councillor Barr will no longer represent the Labour Group on these committees.

Councillor Barr will vacate the position of Portfolio Holder for the Environment. The duties of the Environment Portfolio holder will be assumed by the Leader and Depute Leader for the remainder of the current administration. The Leader has advised that his Group will not fill the vacancies arising in what is left of the current administration.

Councillor Barr remains a member of the Council, Local Development Plan Committee, the Appeals Committee and Irvine Area Committee.

Noted.

The Meeting ended at 3.15 p.m.