

North Ayrshire Council  
26 June 2019

**IRVINE, 26 June 2019** - 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, Anthea Dickson, John Easdale, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, 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); R. McCutcheon, Head of Service (Commercial) (Place); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), J. Hutcheson, Senior Communications Officer; E. Gray and A. Little, Committee Services Officers and M. Anderson, Committee and Member Services Manager (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Scott Davidson and Todd Ferguson.

**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**

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

#### **4. Previous Minutes**

The accuracy of the Minutes of the Meeting held on 15 May 2019 was confirmed and the Minutes 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 7 May – 16 June 2019.

The Provost highlighted the following elements of his written report:

- Superhero Day, which took place on 10 May 2019 to raise funds for Cash for Kids;
- the Robert Burns World Federation Schools Junior Finals event held on 11 May 2019;
- the opening of the General Assembly of the Church of Scotland in Edinburgh on 18 May 2019;
- an 'Unforgotten Forces' information event held on 31 May 2019 in Ayr Town Hall;
- attendance at a number of events which highlighted the valued role of volunteers within the community, including the 1<sup>st</sup> Largs Boys Brigade end of session display and presentation, the Ayrshire Community Trust Oscars and the Children's Hearings award ceremony; and
- visits to schools within North Ayrshire.

The Provost concluded his remarks by inviting Members to join him in the Members' Lounge following the meeting, to mark the final meeting of the Council before the summer recess.

Noted.

#### **6. Leader's Report**

Submitted report by the Leader of the Council for the period from 7 May – 16 June 2019.

Noted.

#### **7. Council Minute Volume**

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 7 December 2018 – 11 June 2019.

Noted.

## **8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meeting held on 16 May 2019**

Submitted report by the Chief Executive on the Minute of the last meeting of the CPP Board held on 16 May 2019.

The Chief Executive highlighted a minor typographical error within the final item of section 2.1 of the report, where the word “spit” should read “split”.

Noted.

## **9. Appointments Committee**

In terms of Standing Order 7.2, the Council was invited to note a change to the SNP Group representation on the Integration Joint Board.

The Council agreed to note (i) the resignation of Councillors Larsen and Dickson as main representative and named substitute, respectively, on the Integration Joint Board; (ii) the appointment of Councillors Dickson and Larsen to serve as main representative and named substitute, respectively, on the Integration Joint Board; and (iii) that the changes would come into effect from 2 July 2019.

## **10. Outside Body Appointment**

The Council was invited to note an officer appointment to serve on the DBFM Board.

The Council agreed to note the appointment of the Head of Physical Environment (Place) as a Council representative on the DBFM Board.

## **11. North Ayrshire Council Plan**

Submitted report by the Chief Executive on the Council Plan 2019-24 and the supporting delivery and performance management arrangements.

The Council agreed to:

- (a) note the responses received to consultation on the draft Council Plan 2019-2024; and
- (b) agree (i) the Council Plan 2019-2024 attached at Appendix 1 to the report; (ii) the Council Plan Performance Management Framework attached at Appendix 2; (iii) the Council Plan Delivery Plan 2019-2020 attached at Appendix 3; (iv) the North Ayrshire Council Transformation Plan attached at Appendix 4; (iv) that future annual Delivery Plans would be approved by Cabinet and thereafter considered by the Audit and Scrutiny Committee; and (vii) that reports on performance against the Delivery Plan and the Performance Management Framework would be submitted twice a year to Cabinet, and thereafter considered by the Audit and Scrutiny Committee.

## **12. Unaudited Annual Accounts 2018/19**

Submitted report by the Executive Director (Finance and Corporate Support) on the unaudited Annual Accounts for the year to 31 March 2019 to the Council.

Members asked a question, and received clarification, on the repayment schedule in respect of the Integration Joint Board's deficit.

The Council agreed to:

- (a) approve the Annual Accounts for 2018/19, subject to audit;
- (b) note that Deloitte LLP planned to complete their audit of the Accounts by mid-September 2019 and would present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2019; and
- (c) authorise the Audit and Scrutiny Committee to consider, and approve for signature, the audited annual accounts within the required timeframe.

## **13. North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Report 2018/19**

Submitted report by the Executive Director (Finance and Corporate Support) on the unaudited Trustees' Annual Report for the year to 31 March 2019 to the Council, as trustees. The Trustees' report was set out in the appendix to the report.

The Executive Director (Finance and Corporate Support) referred Members to page 125 of the agenda, a revised version of which had been circulated.

The Council agreed, as trustees of the North Ayrshire Council Charitable Trusts, to approve the Annual Report for 2018/19 set out at Appendix 1, subject to audit.

## **14. Treasury Management and Investment Annual Report 2018/2019**

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management and Investment Annual Report and Prudential Indicators for 2018/19. A copy of the report was set out at Appendix 1.

The Council agreed to note (i) the Treasury Management and Investment Annual Report for 2018/19 set out at Appendix 1 to the report and (ii) the Prudential and Treasury Indicators contained therein.

## **15. Becoming a Trauma-Informed Council**

Submitted report by the Director (Health and Social Care Partnership) on activity designed to deliver the Council's aspiration to become trauma-informed. The report provided an update on the work carried out following a motion passed by the Council at its meeting on 28 February 2018, and outlined plans for further activity in this area.

Noted.

## 16. Questions

In terms of Standing Order No. 12 submitted:

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

“I welcome the decision of the First Minister and subsequently the Leader of the Council to declare a climate change emergency. This Council has taken a pro-active approach to tackling climate change since the publication of the first Environmental Sustainability & Climate Change Strategy (ESCCS) in 2014 and I welcome the process, set out in the recent Cabinet paper, which will initiate the preparation of an updated ESCCS for publication in 2020. If we are to take the climate change emergency declaration seriously, can I ask the Leader to review the decision to remove climate change from the Council’s risk register as recently reported to the Audit and Scrutiny Committee?”

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

“The Strategic Risk Register forms part of the Council’s risk management processes and has clear links with the Council’s Internal Audit Plan which was recently approved by the Audit and Scrutiny Committee. The Risk Register allows Council Services to identify actions to help mitigate against strategic risks.

The assessment of risk carried out by officers is based on the Council’s risk matrix which considers the likelihood of occurrence and the significance of the impact should it occur, both on a scale from 1 to 5 with a maximum score of 25. Only those risks rated as high or very high (10 or above) feature on the Strategic Risk Register to ensure a focus on managing the most significant risks.

Using the scoring matrix, officers risk scored Climate Change as 9 in 2019-20 – broken down as likelihood 3 and impact 3. This compared to 12 in 2018-19 when impact was scored higher at 4.

The most significant risk associated with Climate Change in North Ayrshire at this time is flooding with the areas at most risk being Millport and the Garnock Valley. The controls currently being developed by the Council, through the design of flood protection schemes in these areas, were the reason why the risk score was reduced as they will lower the impact of any incidences of major flooding. This is in line with our Flood Risk Management Strategy and local Flood Risk Management Plan.

Our decision to declare a climate change emergency in North Ayrshire is not linked to a scoring matrix of perceived risk to Council Services but is a clear demonstration of our consideration of the magnitude of this issue, its impact on the planet and on future generations.

The approach we have taken, through the Climate Change: Just Cool It consultation, and the acceleration of the next Environmental Sustainability and Climate Change Strategy demonstrates our wider commitment to ensuring that the Council continues to provide civic leadership in tackling climate change.”

As a supplementary question, Cllr Burns asked again whether the Leader would reconsider his position regarding the removal of climate change from the Council’s Strategic Risk Register, intimating that, failing this, she would propose to Members of the Scrutiny and Audit Committee that they take a role in the matter.

Councillor Cullinane responded by referring to the previous SNP Administration, during which, as a result of the scoring matrix, a number of risk registers were presented in which climate change did not feature. The Leader noted that the then Cabinet made no amendments to the registers presented by officers. Councillor Cullinane also noted that the Internal Audit Plan approved by the current Audit and Scrutiny Committee identified carbon reduction and sustainability as low or medium priority, and that the committee had not challenged this or subjected it to review. He concluded by stating that the issue was not about a matrix or scoring but about taking action. Having declared a climate change emergency, the challenge for all members was to make decisions to tackle the situation.

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

“Can I ask the Leader how he feels local businesses, community groups and political parties are best able to promote events in North Ayrshire?”

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

“The Council is currently engaged in improving the coordination of its processes to advise and support event organisers as a result of the Council Motion in 2018. Aspects of events support have already been improved and processes across departments and inter-agency partners are now being improved by a member/officer group supported by the Transformation team.

We have recognised that audiences for events seek their information in many different ways. We therefore encourage and work with event organisers to take advantage of multiple channels to promote their events.

Ayrshire Social media campaigns are the preferred method for many but there can still also a role for leaflets and flyers in local shops and venues, as well as promotion through local newspapers and media. North Ayrshire Council support local events, often through our communications team promoting them via our social media channels. For larger events, we can also direct partners to support through Visit Scotland and their forward events calendar. For events that the Council are advancing, we aim to ensure maximum local buy in and support by working directly with local groups and the locality planning framework.”

As a supplementary question, Councillor Dickson, referring to the recent Cabinet decision on advertising space on roundabouts, asked whether the Leader felt such promotional advertising opportunities should be for the few (namely fee-paying businesses) and not for the many (local community groups, organisers of civic events and those promoting participation in electoral processes).

Councillor Cullinane responded by reminding the Member that income from advertising space on roundabouts formed part of the SNP's budget motion in terms of municipalisation. The Leader added that the working group on events was the right forum for Members to discuss visual advertising, and noted that the Cabinet decision on advertising space on roundabouts was subject to a call-in to be considered by the Audit and Scrutiny Committee.

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

"It is now policy to allow large swathes of council land to revert to their natural state in the hope of encouraging biodiversity.

What steps are being taken to ensure that the resultant foliage achieves that goal and does not simply become overtaken by a weed monoculture or, worse, non-indigenous invasive species?"

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

"The Council has a Biodiversity Action Plan which encourages relaxed grass cutting for environmental benefits. We also know from the very successful participatory budget approach to grounds maintenance that communities also want to see more wildflower areas and naturalised areas.

The Council's Streetscene service has a wealth and depth of knowledge of managing our landscape. Areas identified for relaxed cutting (wild flower meadow creation) have been chosen for their appropriate location and to ensure they complement the existing maintained grounds the people of North Ayrshire enjoy. Relaxed grass cutting and the promotion of biodiversity still requires areas to be monitored and maintained, with at least an annual grass cut to ensure seed dispersal and growth to provide a good mix where wild flower species can grow.

In respect of the question on weeds, the un-predictability of relaxed grass cutting means that weeds may appear, as well as many other wild species - that's nature - but areas will continue to be monitored to ensure attractiveness and appropriate appearance.

In respect of non-indigenous invasive species the Council will take all appropriate measures to control this as it does at the moment for its land, including spraying, stem injection and indeed any other appropriate measures to ensure it is controlled and/or eradicated.

The new and tested relaxed grass cutting approach will continue to be monitored as the wild flower meadow species continue to develop.”

(4) a question by Councillor Hill to the Cabinet Member for the Economy in the following terms:

“Can the Portfolio Holder explain why the consultation from Peel Holdings in respect of the Hunterston site was passed to the Planning Committee for comment rather than Cabinet, and why no views were sought from local Elected Members?”

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

“The Peel Ports Master Plan is not a formal document within the Planning Regulatory System, but it was felt that it would be appropriate, in the interests of openness and transparency, for both the company and for the public of North Ayrshire, to put on record the Council’s position on the content of the Master Plan.

While the consultation response could have gone to either Planning Committee or Cabinet, on balance it was thought preferable to take it to Planning as the proposed Master Plan raised issues which were relevant to the developing LDP2 as well as other issues, which the Planning Committee was familiar with through planning applications and consultations. The wider economic regeneration context was fed into the report. An updated response will be prepared in the light of the comments from the planning committee.

There were opportunities for views on the Master Plan to be communicated directly with the Peel Ports’ senior management team at a briefing specially arranged for local members held on 15 May 2019 at Cunninghame House. In addition, public consultation events were held by Peel Ports Group at Fairlie Village Hall (4-6 June) and Garrison House, Millport (6 June). Peel Port Group’s consultation runs until Friday 28 June.”

(5) a question by Councillor Murdoch to the Chair of Planning in the following terms:

“Can the Chair of Planning confirm that no councillor or officer at North Ayrshire Council suggested that the Oil Rig Decommissioning Planning application should be lodged in three parts?”



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

“The question arises from a meeting between a Planning Officer, Scottish Natural Heritage and representatives of Peel Ports. The meeting was not minuted and the Planning Officer has since retired. It is not known who proposed lodging three applications. It was the applicant’s decision to submit three applications. The approach was accepted and the application determined by the Planning Committee on 25 April 2018.”

As a supplementary question, Councillor Murdoch asked why, if he was not clear who had proposed lodging three applications, Councillor Marshall had claimed the idea as his own while at a meeting of Fairlie Community Council.

Councillor Marshall responded by indicating that there had been some debate as to whether to allow three separate applications and, as part of this, his view had been sought in addition to that of the planning officers. Councillor Marshall advised that, since the proposals had three distinct parts, he had been happy to give his view that three applications be permitted.

The meeting ended at 2.45 p.m.