

North Ayrshire Council
2 March 2022

At a Special Meeting of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

Present

Robert Barr, John Bell, Timothy Billings, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, 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, Davina McTiernan, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Ronnie Stalker, Angela Stephen and John Sweeney.

In Attendance

C. Hatton, Chief Executive; R. McCutcheon, Executive Director, (Place); A. Sutton, Executive Director, C. Amos, Interim Executive Director, R. Arthur, Head of Service (Connected Communities) and L. Morris, Interim Head of Service (Education) (Communities and Education); C. Cameron, Director (Health and Social Care Partnership); K. Yeomans, Director (Growth and Investment); M. Boyd Head of Service, D. Forbes, Senior Manager, N. Graham and K. Macdonald, Team Managers (Financial Management (Finance); F. Walker, Head of Service (People and ICT); T. Reaney, Head of Service (Recovery and Renewal) and A. Craig, Head of Service, N. Shearer, Team Manager (Legal Services), M. McColm, Senior Manager (Communications), H. Clancy, A. Little and C. Stewart, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Democratic Services) (Chief Executive's Service).

Apologies

Ian Clarkson, Louise McPhater and Jimmy Miller.

Chair

Robert Barr, Depute Provost, in the Chair.

1. Depute Provost's Remarks

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

2. Apologies

The Depute 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. General Services Revenue Estimates 2022/23 to 2024/25

Submitted report by the Head of Service (Finance) on the Council's revenue spending requirements and anticipated funding for 2022/23 and 2024/25, the levels of reserves and fund balances held by the Council, and options to address the funding gap.

Appendices 1 and 2 to the report set out the revised expenditure requirements for 2022/23 and operational budget adjustments, respectively. Savings approved as part of the 2021/22 revenue budget and the expenditure requirements identified for 2022/23 to 2024/25 were detailed at Appendices 3 and 4. Appendix 5 summarised proposed savings, excluding the Health and Social Care Partnership, and Appendix 6 contained a list of charges with effect from 1 April 2022. The budget matrix for 2022/23 was set out at Appendix 7 to the report.

At the invitation of the Depute Provost, the Leader of the Council addressed the meeting on the Administration's budget proposals.

Councillor Cullinane, seconded by Councillor Larsen, then moved approval of the recommendations set out in the report and the setting of a 3% Council tax increase for 2022/23.

As the seconder of the motion, Councillor Larsen addressed the meeting on the motion.

Thereafter, Councillor McNicol, seconded by Councillor Murdoch, moved the following amendment:

"That the Council approves the recommendations set out in the report, subject to the amendments noted below:

- (a) The funding to support investment into the community-based energy support model is reduced by £1.726m;
- (b) The funding from earmarking of the anticipated 2021/22 underspend to supplement the Council's Investment fund is reduced by £0.410m; and
- (c) Council Tax is set at 2021/22 levels (0% increase) with a reduction in anticipated income of £2.136m in 2022/23 when compared to the planning assumption of 3% increase"

Councillor McNicol, as the mover of the amendment, then spoke to the amendment.

The Chief Executive invited Councillor McNicol to confine his remarks to the terms of the amendment and not to raise matters outwith the scope of the budget-setting exercise.

Councillor Murdoch then addressed the meeting as the seconder of the amendment.

Councillor Marshall requested the opportunity to address the meeting on behalf of the Conservative and Unionist Group and, seconded by Councillor Ferguson, sought to move a further amendment, the terms of which were identical to that already proposed by Councillor McNicol, seconded by Councillor Murdoch.

In terms of Standing Order 14.2, the Monitoring Officer advised that it was not competent to move two substantially similar amendments. However, given that convention should in this instance have permitted the Leader of the Conservative and Unionist Group to address the meeting immediately following the motion by Councillor Cullinane, seconded by Councillor Larsen, the Depute Provost agreed to allow Councillor Marshall, and his seconder if he wished, to address the meeting.

Councillor Marshall duly addressed the meeting on behalf of the Conservative and Unionist Group.

The Chief Executive invited Councillor Marshall to confine his remarks to the terms of the amendment and not to raise matters which had been considered at a previous Council meeting held in private.

In terms of Standing Order 14.7, Members sought clarification from officers on the following:

- the appropriate procedure in terms of dealing with two identical amendments; and
- the estimated Council Tax rise implications for 2023/24 arising from any decision to freeze Council Tax in 2022/23.

In terms of Standing Order 5.7, the Depute Provost agreed that the meeting be adjourned at 2.55 p.m. to allow the movers and seconders of the amendments to come to an agreement. The meeting reconvened at 3.50 p.m. with the same Members and officers present and in attendance.

The Depute Provost sought clarification on whether there were any further amendments, or alteration or withdrawal of the motion/amendment in terms of Standing Order 14.5.

Councillor McNicol intimated that he wished to invite Councillor Marshall to second his amendment in place of Councillor Murdoch. Councillor Marshall confirmed the withdrawal of his own amendment in favour of this proposal. The seconders of the original amendments confirmed their agreement.

In terms of Standing Order 14.7, Members sought clarification from officers on the Council's budget settlement for 2023/24 and whether this figure was known at this stage.

In the absence of debate, there followed summing up.

Thereafter, on a division and roll call vote, there voted for the amendment by Councillor McNicol, seconded by Councillor Marshall, Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Murdoch, Stalker and Stephen (11), and for the motion by Councillor Cullinane, seconded by Councillor Larsen, Councillors Bell, Burns, Cullinane, Davidson, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McTiernan, Montgomerie, Donald Reid and Sweeney (18), Councillor Donald L. Reid abstaining, and the motion was declared carried.

Accordingly, the Council, having considered the equality and children's rights impact of service changes, agreed as follows:

- (a) to note the anticipated funding available to meet expenditure requirements;
- (b) to approve the Council's expenditure requirements for 2022/23 and note the indicative requirements for 2023/24 and 2024/25;
- (c) to note the projected outturn position for 2021/22 and approve the earmarking of the anticipated underspend to supplement the Council's Investment Fund for delivery of sustainability projects outlined at Section 2.4.3 of the report;
- (d) to note the level of reserves and fund balances held by the Council and approve any use and contributions to and from these;
- (e) to approve the additional contribution to the HSCP noted at Section 1.9 of the report;
- (f) to approve additional investment proposals outlined at Section 2.7.6 of the report;
- (g) to approve efficiencies and savings to ensure a balanced budget for 2022/23, consequential and new proposals in future years;
- (h) to approve the schedule of Council fees and charges detailed at Appendix 6 to the report;
- (i) to set a 3% Council Tax increase for 2022/23;

- (j) to note the anticipated funding gap for 2023/24 and 2024/25;
- (k) to note the feedback from the community engagement sessions in helping inform budget plans and investment;
- (l) to note progress to date on the Council's Sustainable Change Programme and corporate Workforce Planning; and
- (m) to approve the budget matrix for 2022/23.

5. Capital Investment Programme 2022/23 to 2030/31

Submitted report by the Head of Service (Finance) on the draft Capital Investment Programme to 2030/31.

The current capital programme to 2030/31, details of the proposed changes to the programme following the refresh, and the revised Capital Investment Programme covering the period from 2022/23 to 2030/31, were set out at Appendices 1-3 to the report, respectively. The revised Capital Investment Programme was provided at Appendix 4 to the report.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to:

- (a) approve the refreshed Capital Investment Programme to 2030/31 as set out at Appendix 3 to the report;
- (b) note that the programme would be reviewed on an ongoing basis, with the next major review to be completed during 2023/24; and
- (c) approve the refreshed Capital Investment Strategy set out at Appendix 4 to the report.

6. Revenue Estimates 2022/23 - Common Good Funds and Trusts

Submitted report by the Head of Service (Finance) on the anticipated annual income and expenditure of the Common Good Funds and Trusts administered by North Ayrshire Council and seeking approval for the level of grant funding to be made available for disbursement in 2022/23.

The remaining smaller trusts and sundry bequests administered by the Council were listed at Appendix 1 to the report. Appendix 2 set out the 2022/23 revenue estimates for the Common Good Funds and registered charitable Trusts.

Members asked questions and received clarification in respect of the following elements of the report:

- the capital remaining in the Irvine Common Good Fund and the length of time funds would be available for disbursement based on current levels; and
- whether the Irvine Common Good Fund continued to require to meet grounds maintenance costs associated with the upkeep of various pieces of land owned by the Common Good.

The Head of Finance undertook to provide Members with further detailed information on charges associated with the maintenance of Irvine Common Good Fund land.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to:

- (a) approve the 2022/23 revenue estimates for the Common Good Funds and registered charitable Trusts detailed in Appendix 2 to the report;
- (b) approve the carry forward of funds from Irvine Common Good Fund to meet the costs of urgent and essential work required at Seagate Castle, as noted at section 2.3 of the report;
- (c) approve the amounts available for disbursement noted at section 2.10 of the report; and
- (d) approve capital spend from the dormant and low-value Trusts and the Irvine, Largs, Millport and Saltcoats Common Good Funds and instruct officers to seek approval from the Office of the Scottish Charity Regulator (OSCR) prior to the disbursement of any grant which would result in winding up of a Trust.

7. Treasury Management and Investment Strategy 2022-23

Submitted report by the Head of Service (Finance) on the proposed Strategy for Treasury Management and Investment activities within the Council for the financial year 2022/23. The draft Strategy document was attached as an appendix to the report.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to approve the Treasury Management and Investment Strategy for 2022/23 set out at Appendix 1 to the report.

The meeting ended at 4.25 p.m.