

23 September 2020 - 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, 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, 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; A. Sutton, Interim Executive Director (Communities); R. McCutcheon, Executive Director (Place); K. Yeomans, Director (Growth and Investment); C. Cameron, Head of Service (HSCP Finance and Transformation) (Health and Social Care Partnership); and M. Boyd Head of Finance, A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services); M. McColm, Senior Manager (Communications); E. Gray, A. Little and D. McCaw, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

1. Provost's Remarks

The Provost welcomed those present to the meeting, which was proceeding with Members in attendance on a wholly remote basis by electronic means.

Due to a technical issue in respect of the remote meeting platform, the Provost then agreed, in terms of Standing Order 5.7, to adjourn the meeting to allow Officers to make arrangements for the meeting to resume using an alternative platform. The meeting reconvened at 2.30 p.m., with the same Members and Officers present and in attendance.

At 2.30 p.m., the Provost resumed his introductory remarks, dealing with preliminary matters, including an announcement that the meeting would be recorded. Given the virtual nature of the meeting, he then invited the Clerk to read the sederunt.

Thereafter, the Provost referred to the unprecedented circumstances which had led to the first virtual meeting of the Council. On behalf of the Council, he extended his condolences to those directly affected by the Covid-19 pandemic. He expressed his appreciation for the resilience shown during the pandemic and thanked all North Ayrshire Council staff, communities and partners. The Provost then invited the Chief Executive to make some remarks.

The Chief Executive referred to the ongoing nature of the Covid-19 pandemic and the likelihood of continued restrictions over the next six months, expressing his condolences for those who had been directly affected by the virus. He described the Council's initial response to the pandemic to ensure that support was provided to those in need and essential services continued to be delivered. The Chief Executive then made reference to the ways in which the Council was working differently and would continue to be responsive, flexible and agile, concluding his remarks by expressing his appreciation for the work and resilience of Council staff, communities and volunteers.

2. Apologies

The Provost invited intimation of apologies for absence. There were none.

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 Ordinary Meeting held on 12 February 2020 and the Special Meeting held on 5 March 2020 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 3 February – 13 September 2020.

The Provost highlighted the following elements of his written report:

- attendance at a number of Burns events in February 2020;
- a reception hosted by the Consul General of Japan in Edinburgh and a Chinese New Year Celebration in Glasgow;
- the official opening of the WW100 Exhibition at Irvine Townhouse in March 2020;

- PoppyScotland's International Women's Day event in Kilmarnock;
- the cancellation/rescheduling of some events due to lockdown and changes to the way in which other events took place;
- the 75th anniversary of Victory in Europe on 8 May 2020 and the Nation's Toast to the Heroes event;
- the staging of some Marymass Festival events online during August 2020; and
- Merchant Navy Day on 3 September 2020 and the flying of the Red Ensign outside Cunninghame House to honour seafarers who served their country.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period for 3 February – 13 September 2020.

The Leader introduced his written report by expressing gratitude, on behalf of Elected Members, to all those Council workers who had kept constituents safe during the pandemic, citing a number of examples of work which had shown local government at its best. He also praised the Chief Executive and Emergency Management Team and thanked Members for their patience and support during the pandemic. The Leader concluded his remarks by stressing the need to continue to make public health a priority and referring to the Council's ambitious recovery and renewal plans.

Noted.

7. Council Minute Volume

Submitted for noting and for approval of recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 10 September 2019 – 8 September 2020.

Agreed.

8. Congratulatory Motion

In terms of Standing Order 13.3, submitted the undernoted motion, duly proposed and seconded, which sought to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:

“February 2020 proved to be a remarkable month for Beith's Jemma Reekie, 21, who is an established middle-distance athlete in the British team. Her athletics career began at Beith Primary School and later developed at Garnock Academy.

Her recent achievements include:

- breaking Laura Muir's British record for the indoor mile in New York in February 2020, a week after taking half a second off her fellow Scot's 800m mark in Glasgow the first 1500m in 4:00.56 in New York;
- running 4:17.88 seconds at the Millrose Games in USA;
- the third fastest indoor mile behind Ethiopian great Genzebe Dibaba (4:13.31) and Romanian Doina Melinte (4:17.14) and nearly a second off Laura Muir's Birmingham time of 4:18.75 in February 2019;
- beating her training partner, Laura Muir, as she posted an 800m time of one minute 57.91; and
- winning double European under-23 gold in Sweden last year

Jemma Reekie is now potentially an Olympic medal contender with these outstanding performances. Jemma is regularly seen running through the streets of Beith and district on her daily training runs and has shown exception commitment and determination in her chosen sport.

North Ayrshire Council is very proud of Beith's Jemma Reekie, a fantastic athlete from North Ayrshire. The Council congratulates her on her recent record-breaking performances in middle-distance running at international level and wishes her well as she continues with her athletics career.”

There being no dissent, the motion was declared carried.

9. Appointment of Statutory Officers - Chief Finance Officer and Chief Planning Officer

Submitted report by the Head of Democratic Services on the appointment of the Head of Service (Finance) as Chief Financial or Section 95 Officer, and the Senior Planning Services Manager as Chief Planning Officer, and to amend the Scheme of Delegation to Officers to reallocate functions previously delegated to the Executive Director (Finance and Corporate Support).

Members took the opportunity to refer to the recent retirement of Laura Friel as Executive Director (Finance and Corporate Support) and expressed their appreciation for her work over the years. The Provost undertook to write to Ms Friel on behalf of the Council.

The Council unanimously agreed as follows:

- (a) to approve the appointment of Mr Mark Boyd, Head of Service (Finance) as Chief Financial or Section 95 Officer in terms of Section 95 of the Local Government (Scotland) Act 1973;

- (b) to note the appointment of Mr James Miller, Senior Manager (Planning) as interim Chief Planning Officer and to agree to appoint Mr Miller to the post of Chief Planning Officer when section 50 of the Planning (Scotland) Act 2019 is brought into force;
- (c) that the Financial Regulations are updated to refer to the appointment of the Head of Service (Finance) as Chief Financial or Section 95 Officer;
- (d) to amend the Scheme of Delegation to Officers to delegate functions previously delegated to the Executive Director (Finance and Corporate Support) to the Heads of Service for Finance, People and ICT, and Recovery and Renewal as set out in section 2.3 of the report.

10. Review of Standing Orders for Contracts

Submitted report by the Chief Executive on a review of the Standing Orders for Contracts. The revised Standing Orders were set out at Appendix 1 to the report.

The Head of Democratic Services advised of a minor typographical error within section 21.5 of the Appendix to the report, which referred to “23.8”, rather than to the 8th bullet point of section 23.

Members asked questions, and received clarification, on the following:

- the mechanism for Elected Members to receive assurance that the contracts procedure was being properly followed in future;
- the Council's positive Best Value Audit report and the need to ensure ongoing best value;
- the value of a Members' briefing on the detail of the proposed new provisions;
- the arrangements with regard to sensitive contracts where Members may wish more of an oversight;
- whether consultation had taken place with the Council's auditors with regard to the proposed changes;
- a recent Open Access Government report on the need for flexible procurement during Covid;
- the proposed frequency of reporting on procurement, including the role of the proposed annual report on procurement and the annual procurement strategy report;
- the Cabinet's consideration of the revised governance arrangements in respect of procurement;
- measures to support smaller local companies to bid for contracts and promote community wealth building; and
- the scrutiny of contracts

Officers undertook to arrange an Elected Member briefing session on procurement.

Councillor Cullinane, seconded by Councillor Gallagher, moved that the Council approve the recommendations set out in the report.

As an amendment, Councillor Gurney, seconded by Councillor Glover, moved that the Council continue consideration of the report pending the provision of the Elected Member briefing session on procurement.

There then followed debate.

On a division and roll call vote, Councillor Brahim abstaining, there voted for the amendment Councillors Burns, Davidson, Glover, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McNicol, McTiernan and Murdoch (12) and for the motion, Councillors Barr, Bell, Billings, Clarkson, Cullinane, Dickson, Easdale, Ferguson, Foster, Gallacher, Gallagher, George, Marshall, McPhater, Miller, Montgomerie, Donald Reid, Donald L. Reid, Stephen and Sweeney (20), and the motion was declared carried.

Accordingly, the Council agreed to approve, with effect from 24 September 2020, the revised Standing Orders for Contracts, attached at Appendix 1 to the report.

On a point of order, Councillor Gurney queried the omission from the proceedings of an opportunity for the movers of the motion and amendment to sum up prior to the vote. It was noted that the Provost had asked if anyone wished to speak and no-one had so advised.

11. Treasury Management and Investment Annual Report 2019/2020

Submitted report by the Head of Finance on the Treasury Management and Investment Annual Report and Prudential Indicators for 2019/20. The Annual Report was set out at Appendix 1 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 note (i) the Treasury Management and Investment Annual Report for 2019/20, as set out at Appendix 1 to the report and (ii) the Prudential and Treasury Indicators contained therein.

12. North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Report 2019/20

Submitted report by the Head of Finance to present the unaudited Trustees' Annual Report for the year to 31 March 2020 to the Council, as trustees, for approval. The Annual Report was set out at Appendix 1 to the report.

Members asked questions on the following:

- the deficit referred to at Section 6 of the Trustees' Annual Report (Appendix 1);
- the Margaret Archibald Bequest referred to at Section 8 of the Notes to Financial Statements (Appendix 1);
- the status of a recent application to the Margaret Archibald Bequest; and
- the eligibility criteria for the North Ayrshire Charitable Trust

The Head of Service (Finance) undertook to provide more detailed information to Members on Section 6 of the Trustees' Annual Report and on the position with regard to the Margaret Archibald Bequest.

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

Accordingly, the Council, as trustees of the North Ayrshire Council Charitable Trusts, agreed to approve, subject to audit, the Trustees' Annual Report for the year to 31 March 2020 as set out at Appendix 1.

Following a query by Councillors Burns on the purpose of the "chat box" within the remote meetings platform, the Provost confirmed that this function did not form part of the meeting and should not be used by Members for discussion during the meeting.

13. Local Government Boundary Commission for Scotland - Consultation on Review of North Ayrshire Ward Boundaries

Submitted report by the Head of Democratic Services on the Council's response to the Local Government Boundary Commission for Scotland's consultation on the review of North Ayrshire ward boundaries. The Commission's final proposals were set out at Appendix 1 to the report. Appendix 2 provided an illustration of the effects of the proposals.

The Head of Democratic Services made reference to a minor typographical error within Section 3.1.5 of the report with regard to the recommendations relating to the North Coast, namely "to support the Commission's proposals for a 5 Member ward. In the event that Council wish to consider a two-ward solution, the proposal for two 3 Member wards is the better option". Members were asked to note that the reference to "two three Member wards" should have read "a four and a two Member ward".

Councillor Cullinane, seconded by Councillor Bell, moved that the Council agree to respond in support of the Boundary Commission proposals, subject to the amendment of the North Coast/Garnock Valley boundary mentioned in the report.

As an amendment, Councillor Barr, seconded by Councillor Donald L Reid, moved that that Council approve the recommendations set out in the officer's report, subject to the following:

“Ardrossan goes to two councillors and the Garnock Valley retains six councillors”.

As a further amendment, Councillor Billings, seconded by Councillor Ferguson, moved that the Council approve the recommendations set out in the report, subject to the following:

“Section 3 – item 3.1.4 – delete the current wording and replace with:

Arran – it is recommended that Council supports Arran as a 2-Member ward, which would provide the residents of Arran with a greater diversity to its representation, give continuity during periods of a Member's absence, and improve public access to Members across Arran's large rural areas. The Council does note the arguments in favour of a 1-Member ward, therefore, the Commission should have regard to responses from the Arran community in reply to the second public stage of consultation.”

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 4.35 p.m. for a comfort break. The meeting reconvened at 5.00 p.m. with the same Members and officers present and in attendance, with the exception of Councillor Davidson.

Members asked questions, and received clarification, on the following:

- clarification that Councillor Cullinane's motion sought to align the boundary between the Garnock Valley and North Coast along the watershed boundary of these Localities;
- in terms of the implications for the boundary between the North Coast and Cumbraes and the Garnock Valley; and
- the position in relation to ward presentation for Stevenston, particularly in the context of deprivation

There then followed debate and summing up.

On a division and roll call vote, there voted for the amendment, Councillors Barr, Glover and Donald L. Reid (3) and for the motion, Councillors Bell, Billings, Brahim, Burns, Clarkson, Cullinane, Dickson, Easdale, Ferguson, Foster, Gallacher, Gallagher, George, Gurney, Hill, Larsen, Marshall, Macaulay, McClung, McMaster, McNicol, McPhater, McTiernan, Miller, Montgomerie, Murdoch, Donald Reid, Stephen and Sweeney (29), and the motion became the substantive motion.

On a further division and roll call vote, there voted for the further amendment, Councillors Billings, Ferguson, Gallacher, George, Glover, Marshall, Donald L. Reid and Stephen (8), and for the substantive motion, Councillors Barr, Bell, Brahim, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McNicol, McPhater, McTiernan, Miller, Montgomerie, Murdoch, Donald Reid and Sweeney (24), and the substantive motion was declared carried.

Accordingly, the Council agreed to respond in support of the Boundary Commission proposals, subject to the amendment of the North Coast/Garnock Valley boundary mentioned in the report.

14. Best Value Assurance Report: North Ayrshire Council (2020)

Submitted report by the Chief Executive on the findings of the Best Value Review of North Ayrshire Council. The Best Value Assurance Report was set out at Appendix 1 to the report.

Members asked questions, and received clarification, on the lack of Best Value report recommendations in respect of matters referred to within the report, namely around Education and arrangements for the appointment of Chief Officers.

Members took the opportunity to express their appreciation of the hard work of the Council's management team and workforce in achieving such a positive Best Value report.

The Council unanimously agreed as follows:

- (a) to note (i) the good progress since the last Best Value Audit in 2011, (ii) the key messages and recommendations arising from the Best Value Review and (iii) the proposed Action Plan for implementing further improvements; and
- (b) to receive further updates as improvement work progresses.

15. Committee Timetable 2021

Submitted report by the Chief Executive on a proposed committee timetable for 2021, for consideration by the Council. The draft timetable was set out at Appendix 1 to the report.

The Head of Democratic Services drew Members' attention to Section 2.6 of the report and to the likelihood that meetings of the Council and its committees would continue to take place remotely for the earlier part of 2021.

The Council unanimously agreed as follows:

- (a) to approve the committee timetable for 2021 set out in Appendix 1 to the report; and
- (b) to note (i) that the dates for meetings referred to at Section 2 of the report were subject to confirmation separately, in addition to those for any ad hoc committees and Special Meetings which may be required over the course of the year and (ii) assumptions about the likely format of meetings, as set out at Section 2.6 of the report.

16. Questions

In terms of Standing Order 12, submitted:

- (1) a question by Councillor Burns to the Cabinet Member for Green New Deal and Sustainability in the following terms:

“What plans are in place to begin work on the next Local Development Plan?”

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

“The programme to prepare the next Local Development Plan is set out in the Development Plan Scheme which was approved by the Planning Committee at its Virtual Meeting on 24 June 2020.

The programme is predicated on LDP3 being prepared under new Scottish Government regulations and guidance which, when published, will bring into force significant changes to the development planning system as enacted by the Planning (Scotland) Act 2019.

Local planning authorities are required to update their Development Plan Scheme annually. Changes to the programme for preparing Local Development Plan 3 may be required in light of delays caused by COVID-19, including the Scottish Government’s programme of work to progress the new development planning regulations. Meanwhile, the Council’s LDP 3 programme of work will focus on updating the evidence base to inform the new plan including land supply audits for housing and industry, town centre audits, etc. A new Development Plan Scheme will be prepared next year that will update on the process and timelines for LDP3 taking account all of the above.”

As a supplementation question, Councillor Burns asked for an assurance that work of the next Local Development Plan would include a process for fully engaging with communities and Locality Partnerships.

Councillor Montgomerie replied in the affirmative.

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

"I believe that during the lockdown N.A.C purchased the Kings Hotel in Irvine to turn it into flats. If this is true does the leader think it is good value for the taxpayer."

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

"Yes, I do believe it represents value for money and it provides a social return.

This is a large building, situated in the heart of one of our town centres, that has lain empty for years and over time its condition has deteriorated significantly.

It wasn't attracting any interest from prospective buyers, and therefore, without council intervention it would have continued to remain empty.

The owner, on this occasion, was willing to sell to the Council, and in fact sold the building below the calculated market value.

Using the SHIP to purchase and develop the property into town centre housing, which will assist with the regeneration of the town, means we will attract Scottish Government grant, whilst the rest of the funding will come from the Affordable Housing Account – meaning there has been no contribution from the Council's general fund towards this project.

The story of privately-owned buildings being left to deteriorate is repeated across most of our towns. The purchase of the Kings Arms, with the intention of converting the building to council housing, is a success story that represents a model that could be replicated in other areas.

Indeed, without prematurely answering question 5 on today's agenda from Cllr Murdoch, the same principle has been used in the purchase of the former Police Station building in Largs, the purchase of which was concluded on the day we entered lockdown, and will form a second phase of the housing development currently underway at St Colm's Place, Largs

In fact, those eagle-eyed members who read the Cabinet papers will have noted that the recent Economic Recovery and Renewal Approach report contained the following as an action:

Tackling vacant and derelict land and buildings in our town centres by investing in town centre living;

Our approach to that will be set out in a new Regeneration Delivery Plan, which will embed our Community Wealth Building ambitions to maximise our land and assets.

The Delivery Plan, which is currently in draft form, will be subject to community engagement as well as an item on a future Policy Advisory Panel.

Can I thank the member again for his question and for giving me the opportunity to present our ambitions on this key issue for our communities.

I am sure every member of the Council will welcome the model that has been developed through the Kings Arms project and will be looking forward to seeing our Regeneration Delivery Plan in due course.”

As a supplementary question, Councillor Barr asked why no action had been taken in respect of a Council-owned building at the bottom of Bank Street, Irvine, which had remained empty for a number of years.

Councillor Cullinane responded by advising that the Regeneration Delivery Plan would include proposals to convert the building in question into town centre living, bringing another empty building back into productive use.

(3) a question by Councillor Dickson to the Cabinet Member for New Deal and Sustainability in the following terms:

“What actions have been undertaken by the Council and the Safer North Ayrshire Partnership to improve matters for residents since my motion seeking limitations on fireworks presented at the full council meeting of 13 Nov 19?”

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

“The Scottish Government’s Fireworks Action Plan was published in October last year and identified a number of areas where improvements could be made. Subsequently a Scottish Fireworks Review Group was established to make recommendations to the Scottish Ministers in relation to the devolved matters concerning fireworks and to work with the Westminster Parliament on those which were still reserved. North Ayrshire Council will implement any guidance or legislation resulting from this review.

The Safer North Ayrshire Partnership has an integrated programme in place as its response to firework arrangements. The annual plan will be refined at the initial ‘Operation Moonbeam’ meeting, where shared priorities and resources will be reviewed in the lead-up to the event. The following key arrangements will be considered:

- Gathering and sharing of local intelligence
- As there are no approved displays this year, the focus will be on highlighting fire safety and removal of any apparent bonfire fuel which is gathering; this involves ongoing communication across the partnership at a local level
- Joint messaging across the partnership highlighting fire safety, approved displays and antisocial behaviour

- Joint delivery of information sessions in local schools where it is deemed necessary
- Arrangements for special uplifts of materials such as furniture and other flammable items – Scottish Fire & Rescue (SF&R) and Police Scotland have a direct number to ensure any flammable waste or would-be bonfire material is collected immediately. This is supported by Police Scotland who will accompany Council Officers to ensure safety.
- In the lead up to the event Council Officers and SF&R undertake joint inspections of firework retailer premises to ensure compliance.”

As a supplementary question, Councillor Dickson referred to increased risk, given the Covid-19 restrictions on public gatherings (and thus public displays), of impromptu displays and individuals setting off fireworks, and asked whether the actions described were likely to have any impact or if the Council should be seeking a change to UK fireworks legislation.

Councillor Montgomerie responded by advising that he would put this matter on the Agenda for the next Safer North Ayrshire Partnership meeting.

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

"Does the Chair of Planning agree with Marine Scotland's decision that the Oil Rig Decommissioning project site at Hunterston does require an Environmental Impact Assessment?"

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

“Marine Scotland determined that the works which required a Marine License, namely dredging, required an EIA under the Regulations. The Council, as Planning Authority, considered the land-based works, which required planning permission, and found that those works did not require an EIA under the Regulations relating to Planning. The Scottish Government determined that the Council's approach was valid. In response to a request by a resident for a screening opinion to be undertaken by the Government, in a letter dated 19th February 2019, the Scottish Government was “satisfied that the issues raised do not call into question the validity of the view reached by the Planning Authority that EIA is not required. Ministers are content that the process undertaken by the Council and Marine Scotland has been sufficiently robust to allow them to reach their opinions, and that due process has been followed with regards to the seeking and obtaining of a Screening Opinion for the project.”

As a supplementary question, Councillor Murdoch referred again to his original question and asked what lessons North Ayrshire Council had learned from this matter.

Councillor Marshall responded by asserting that the Planning department had performed its duties as required by statute and clarified that its remit related to works above the high-water mark, with Marine Scotland having responsibility for those below the high-water mark. Councillor Marshall advised that he was content that both agencies had performed properly.

(5) a question by Councillor Murdoch to the Leader of the Council in the following terms:

"Can the Leader of the Council please give details of all of the land or property which has been purchased by North Ayrshire Council during 2020, particularly under delegated powers?"

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

"The following properties have been purchased in 2020 under delegated powers exercised by officers:

1. 2 Main Street, Kilbirnie for regeneration. Purchase price £22,500; date of entry 6 January 2020.
2. Ground to rear of 33-43 Main Street, Largs for car park. Purchase price £55,000; date of settlement 2 March 2020.
3. Ground (0.12 acre) at Stanley Primary School for car park. Purchase price £27,200; date of entry 2 July 2020.

The following properties were purchased for provision of housing using delegated authority:

1. 12 Grange Court, Stevenston. Purchase price £30,000; date of entry 28 February 2020.
2. Former Police Station, Court Street, Largs. Purchase price £175,000; date of entry 23 March 2020.
3. Kings Arms Hotel, 113 High Street, Irvine. Purchase price £130,000 + VAT (£26,000); date of entry 30 April 2020.
4. 12 Ninian's Terrace, Ardrossan. Purchase price £34,500; date of entry 7 May 2020
5. 113 Chapelhill Mount, Ardrossan. Purchase price £37,500; date of entry 7 August 2020

All of the foregoing properties were purchased in terms of delegated authority granted by Council under the existing Scheme of Delegation to Officers, approved in September 2019.

The car park at New Street Stevenston was purchased after the Compulsory Purchase process was approved by Council on 27th June 2018. The purchase was completed by agreement on 20 January 2020 without the need for concluding the compulsory purchase process. Purchase price £32,000; compensation for injurious affection/severance £86,000.

The Council also purchased a 50% share in the Ardrossan North Shore Limited Liability Partnership (LLP) from Peel Land and Property (Ardrossan) Limited which has resulted in the Council having full ownership of the LLP which owns the site upon which the Ardrossan Community Campus will be built. The land belonging to the LLP is to be transferred to NAC and thereafter the LLP will be dissolved. This decision was taken by the Chief Executive under delegated powers on 15th April 2020 following consultation with Group Leaders and Councillor McNicol (Nominated Independent Member representative), with comments from all Members also having been invited. The price paid was £925,000 and the date of settlement was 1st July 2020. The decision was reported to Cabinet on 30 June 2020.”

As a supplementary question, Councillor Murdoch asked whether the former Police Station in Largs would be used as part of the redevelopment of St Colms Place.

Councillor Cullinane responded by confirming that this was the intention, clarifying that the timing of the sale meant that it would require to form part of a second phase of redevelopment.

(6) a question by Councillor Murdoch to the Leader of the Council in the following terms:

“Can the Leader of the Council please give details of the £23.5 million pounds expenditure on Covid-19. Where did the money come from and were all of the costs incurred under delegated powers?”

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

“The projected gross additional cost impact of COVID to 31 March 2021 is £23.5m. This includes costs associated with various Council funding streams i.e. General fund revenue, general fund capital and the Housing revenue account. The net projected cost impact after applying Scottish Government funding is £15.475m, of which £9.6m relates to General Fund Revenue. The areas of expenditure incurred include costs associated with the food response, PPE, workforce costs and costs related to the Education recovery. In addition to this, lost income has a significant impact on Council budgets. A report to Cabinet on 30 June 2020 outlined the projected financial impact and the requirement to develop a Finance Recovery Plan. This was subsequently developed and approved at Cabinet on 8 September 2020. This outlines the measures required to return a balanced budget in 2020/21 with the key priorities of protecting jobs, priority services and mitigating the impact on the 2021/22 Budget. The plan includes a potential draw on Council reserves of around £3m. The financial position will continue to be monitored throughout the year, along with any further funding.

In terms of the reference to whether all the £23.5m costs were incurred under delegated powers, the answer is no, for several reasons. Firstly, the figure of £23.5m is projected additional cost, so not all of this has yet been incurred. A significant proportion also relates to lost income, rather than expenditure. It should also be noted that on 5 March 2020 Council, as part of its decision to set the budget, agreed to retain unallocated reserves of 2% or £7.159m. The purpose of maintaining such a reserve is to retain capacity to deal with unexpected emergencies, such as the current pandemic. Therefore, while the Council’s Scheme of Delegation already allows the Chief Executive to deal with any urgent issues, howsoever arising, subject to reporting back to Cabinet at the first available opportunity, no such decision has yet been required to authorise expenditure. Based on the measures outlined in the Finance Recovery Plan, the level of unearmarked reserves is sufficient to meet the anticipated liabilities in 2020/21.”

(7) a question by Councillor Murdoch to the Leader of the Council in the following terms:

"Are the five North Ayrshire Council Elected Members on the Hunterston SSG there to represent North Ayrshire Council, their constituents or are they acting as individuals?"

Councillor Cullinane thanked the Member for his question. Thereafter, following a temporary loss of the Leader's electronic connection, the Provost requested that the Senior Manager (Committee and Member Services) read out Councillor Cullinane's written response as follows:

"After the election in 2017, the Head of Democratic Services provided training and guidance to Members about their role when appointed to serve on outside bodies. The position of the Hunterston Site Stakeholder Group is no different to that of other bodies on which councillors serve. When serving on any outside body, a Member's duty is to promote the objectives of that outside body. For this reason, Members serving on any outside body should familiarise themselves with the Constitution (or Memorandum and Articles if a company, or trust deed if a trust), to ensure they are clear as to the body's objectives.

In this case, the objective of the Hunterston Site Stakeholder Group is to monitor operations, on the sites Hunterston A and B. More specifically, the Group has the following roles and purposes, namely:

- Acting as a channel of communication between the local community, Magnox Ltd and /EDF(the Operators);
- Facilitating exchange of views and information among the local community, the Operators and those statutory regulating authorities having responsibility for nuclear installations;
- Receiving reports from the Operators and regulatory authorities;
- Scrutinising all emergency and environmental plans to the Hunterston operation;
- Facilitating contact between the local community and the Nuclear Decommissioning Authority (NDA) including receiving reports from the NDA on their scrutiny of Magnox Ltd

When serving on an outside body, Members are not there to promote the Council's interests, or their personal, Party or constituents' views. In many cases, particularly where a Member is motivated by what they believe is best for the community, such views will align with the outside body's objectives. However, if in all honesty a Member feels they cannot promote the purposes of the Outside Body, they should declare an interest in the item under discussion and take no part in it. If a Member feels they are having to repeatedly declare an interest because of interests which don't align with the outside body's objectives, they need to consider whether they should remain a Member of that body. The Councillors Code of Conduct gives more guidance on declarations of interest.

Should any Member wish further advice or training on this issue, the Head of Democratic Services is happy to provide further training, either on an individual or Teams basis."

(8) a question by Councillor Murdoch to the Cabinet Member for Post Covid Renewal in the following terms:

"Will North Ayrshire Council continue to support the Millport Town Hall project?"

Councillor Gallagher thanked the Member for his question and responded in the following terms (which differed from those published in advance of the meeting):

"Every action of this Council, our Council officers, this Administration, the Cabinet and myself personally and as Portfolio Holder for Islands and Chair of the LPP has been in support of the Millport Town Hall project.

Council officers also gave advice and support to the Committee regarding the successful alienation from Millport Common Good, the Community Asset Transfer process, Business Planning, Grant funding applications to North Ayrshire Ventures Trust (NAVt), the Community Development Fund, advice and support regarding the Regeneration Capital Grant Fund and the CARS and Town Centre Funds.

Here are a number of direct quotes from the Town Hall Group

"We have been absolutely delighted with the work we have been able to do in conjunction with NAC

"The new NAC Community Wealth Building Initiative will be applicable with our approach ...

".an application has been submitted with a seven figure number to the Scottish Government with NAC citing it as their number one priority, an application which would enable us to start phase one work on a project."

on achieving a grant from NAVt a representative of the charity behind the Millport Town Hall plans, said "This is fantastic news and we really appreciate this support.

"The Council's Community Investment Fund has already committed £200,000 to supporting phase 4 of the project We are grateful for an extension of the original deadline for this funding which has been necessitated by the delay caused by COVID - 19."

Just last week the Cabinet agreed to extend a bridging loan to the Town Hall group. This decision was in the Cabinet minute and demonstrates our unwavering commitment to the project.

This is a large project requiring grants and funding from a number of sources. These sources will want to know that the project has the support of the council and ward councillors. In questioning the project in this way, Cllr Murdoch is bringing doubt on the project and therefore putting at risk the grants and funding needed to finance the Town Hall regeneration, potentially damaging the project.”

(9) a question by Councillor Murdoch for the Cabinet Member for Post-Covid Renewal in the following terms:

“At the Council meeting held on Wednesday 25th September 2019, I asked if anyone at North Ayrshire Council had enquired either verbally or in writing regarding the availability or procurement of between 70 & 100,000 tonnes of dredged sand from the sea bed at Hunterston and if so what was it to be used for? I asked a similar version of the question again at the Full Council meeting held on Wednesday 12th February 2020.

Does the Member for the Economy still have the same view that no Officer or Councillor made an enquiry regarding the procurement of sand from the seabed at Hunterston?”

The Leader of the Council advised that, following the refresh of Cabinet roles, this question fell within his own portfolio. He thanked the Member for his question and responded in the following terms:

“No officer verbally enquired or in writing.

Council Officers are aware that as part of proposed works to the dry dock at Hunterston, that dredging would be required. This has not been carried out. It is common for such material to be used for other purposes, rather than land-filled. However, the material has not been dredged, is not available and the Council is not aware of any proposals to re-use such material, or the location where it might be deposited.”

As a supplementary question, Councillor Murdoch asked whether Councillor Gallagher or the Leader had seen the Minutes of the Hunterston Liaison Committee meeting of 10 September 2019 or 13 May 2020 as they related to this matter.

Councillor Cullinane responded by advising that an Internal Audit investigation instructed by the Chief Executive had found no evidence of an officer enquiry either verbally or in writing. The Leader asked Councillor Murdoch to submit any evidence he may have to the contrary, rather than continuing to submit questions at Council in this manner.

Councillor McNicol lost his connection to the meeting prior to the following item of business and effectively left the meeting at this point.

17. Motions

In terms of Standing Order 13, submitted:

- (1) a Motion proposed by Councillor Miller and seconded by Councillor Foster in the following terms:

“Council reiterates its opposition to the removal of the TV licence from over 75’s; believes that the timing of its removal, coming during a global pandemic which has seen older people isolated because of ‘shielding’ guidance, is callous; and agrees that the Chief Executive should write again to the UK Government to express this Council’s opposition to the removal.”

In terms of Standing Order 14.5, and with the agreement of his seconder, Councillor Miller advised of an amendment to the terms of his motion to insert the word “free” prior to the words “TV licence”.

Members asked questions and, in terms of Standing Order 14.5, the mover and seconder of the motion agreed that it be further amended to require that the Chief Executive should write to the UK Government and to the BBC.

There being no amendment, the motion, as revised, was declared carried.

Accordingly, the Council agreed as follows:

“Council reiterates its opposition to the removal of the free TV licence from over 75’s; believes that the timing of its removal, coming during a global pandemic which has seen older people isolated because of ‘shielding’ guidance, is callous; and agrees that the Chief Executive should write again to the UK Government and to the BBC to express this Council’s opposition to the removal.”

Councillor Glover lost his connection to the meeting prior to the following item of business and effectively left the meeting at this point.

- (2) a Motion by Councillor Gallagher, seconded by Councillor Cullinane, in the following terms:

"Council notes the announcement that Hunterston B power station will cease operation two years earlier than previously announced; expresses concern that, despite having known for years that the operation would end, there remains no detailed and funded proposal for alternative employment at Hunterston; believes that Hunterston is a strategic site of national economic importance to Scotland and the UK that should be given such status within NPF4; that the site has all the attributes to contribute to the transition to a greener economy; that energy generation should be part of the planned future use of the site; and therefore calls for the creation of a ministerial taskforce to accelerate development at Hunterston through the Ayrshire Growth Deal."

As an amendment, Councillor Dickson, seconded by Councillor Larsen, moved that the Council approve the terms of the motion, subject to the following amendment:

“End the motion at ‘Hunterston’ and remove “through the Ayrshire Growth Deal”.

In terms of Standing Order 14.5, the mover and seconder of the motion were invited to alter the terms of the motion to reflect the amendment but declined to do so. The amendment was then withdrawn by its mover and seconder following confirmation from the mover of the motion that there was no intention to redirect monies from the Ayrshire Growth Deal.

As a further amendment, Councillor Gurney, seconded by Councillor McMaster, moved that the Council approve the terms of the motion, subject to the following:

“Insert after “proposal” the words “from the Administration””

As a further amendment, Councillor Hill, seconded by Councillor Burns, moved that the Council approve the terms of the motion, subject to the following:

“Insert after “that” in line 8 “all possible uses including but not restricted to””

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to amend their motion to reflect the terms of Councillor Hill’s amendment. The amendment in question was then withdrawn with the agreement of its mover and seconder.

There followed debate and summing up.

Thereafter, on a division and roll call vote, there voted for the remaining amendment by Councillor Gurney, seconded by Councillor McMaster, Councillors Brahim, Burns, Dickson, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McTiernan and Murdoch (11), and for the revised motion by Councillor Gallagher, seconded by Councillor Cullinane, Councillors Barr, Bell, Billings, Clarkson, Cullinane, Easdale, Ferguson, Foster, Gallacher, Gallagher, George, Marshall, McPhater, Miller, Montgomerie, Donald Reid, Donald L. Reid, Stephen and Sweeney (19), and the revised motion was declared carried.

Accordingly, the Council agreed as follows:

"Council notes the announcement that Hunterston B power station will cease operation two years earlier than previously announced; expresses concern that, despite having known for years that the operation would end, there remains no detailed and funded proposal for alternative employment at Hunterston; believes that Hunterston is a strategic site of national economic importance to Scotland and the UK that should be given such status within NPF4; that the site has all the attributes to contribute to the transition to a greener economy; that all possible uses of the site including, but not restricted to, energy generation should form part of the planned future use of the site; and therefore calls for the creation of a ministerial taskforce to accelerate development at Hunterston through the Ayrshire Growth Deal."

The meeting ended at 7.15 p.m.