

North Ayrshire Council  
23 June 2021

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

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Marie Burns, Joe Cullinane, Anthea Dickson, John Easdale, Robert Foster, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Jean McClung, 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, Executive (Communities and Education); C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); K. Yeomans, Director and A. Laurenson, Senior Manager (Growth and Investment); M. Boyd, Head of Service and D. Forbes, Senior Manager (Finance), F. Walker, Head of Service (People and ICT); A. Fraser, Head of Service, A. Craig, Senior Manager (Legal Services), J. Hutcheson, Senior Communications Officer, 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).

**Also In Attendance**

G. Duff, Director (Envirocentre).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Scott Davidson, Todd Ferguson, Scott Gallacher, Tom Marshall and Ellen McMaster.

**1. Provost's Remarks**

The Provost welcomed Members and officers to the meeting, which was proceeding on a wholly remote basis by electronic means, and dealt with preliminary matters.

The Provost then referred to the forthcoming retirement of Andrew Fraser as Head of Democratic Services, taking the opportunity to thank Andrew for his many years of public service and for the advice and support he had provided to Members during that time. Having extended his own best wishes for a long and healthy retirement, the Provost then invited Group Leaders and other Members to add their own remarks.

Councillors Cullinane and Burns as Leader of the Administration and main Opposition, respectively, Councillor Billings on behalf of the Conservative and Unionist Group, Councillor Barr as an Independent Member and Councillor Miller, then took the opportunity to express their sincere thanks to Andrew Fraser for the advice and support he had provided to Elected Members over the years and to extend their good wishes for a long and happy retirement.

## **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. Remediation of Land at North Shore Ardrossan**

Submitted report by the Director (Growth and Investment) on proposals to remediate the long-standing contamination of land at Ardrossan North Shore, which would facilitate and support the development of a new community campus on the site. Appendix 1 to the report provided information on previous site investigations and a Non-Technical Summary of the Ardrossan North Shore Site Investigation by Envirocentre was set out at Appendix 2.

Mr Graeme Duff, a Director of Envirocentre, provided a detailed presentation on the history of the site, the site investigation works undertaken since 2019, the planned remediation strategy and measures to be taken to mitigate against nuisance, and the next stages in the process.

Members then asked a number of questions of clarification of the Director (Growth and Investment), the Director of Envirocentre, the Chief Executive and the Head of Democratic Services, including the following:

- whether infill material would include sand from the Ardeer peninsula;
- the current position with regard to a Special Development Order in respect of the Ardeer peninsula;
- any compensation issues the Council might face in the event of the project not proceeding for any reason;
- the varying depths from which samples had been taken and the pilot trial treatment depths;
- risks associated with volatile contamination, as well as any odour nuisance associated with the removal of a floating layer of hydrocarbons;
- a number of (excess) soil samples which had been left on site;

- whether the remediation works would fully ensure the removal of any risk to human health;
- plans for infilling on the site and whether there was any potential future risk of subsidence;
- the volume of material to be completely removed from the site and where that material would be deposited/processed;
- the bio-remediation process;
- remediation arrangements for materials not subject to bio-remediation;
- the availability of detailed information on sample test results;
- measures to mitigate against any asbestos risk;
- if there was a standard for the construction of schools on contaminated sites and, if not, whether such a standard should exist;
- whether a historical site review had been conducted on the site to establish all previous uses;
- the procurement of sand for use as infill and whether an EIA (Environmental Impact Assessment) would be required in the event of the use of sand obtained from the seabed;
- the availability of survey information in respect of the northern part of the site and whether there were any potential hidden adverse health threats for this part of the site arising from decontamination works to other parts of the site;
- future liability issues in the event of a failure to completely remediate the site;
- the rationale for the Council having purchased a contaminated site prior to obtaining all necessary permissions and before completion of remediation works;
- whether purchase of the site represented good value;
- the consultation process undertaken with local residents;
- whether all local Members had been kept up-to-date and were content with the arrangements for engagement;
- confirmation that the land in question was suitable for the proposed use;
- the likely lifespan of the membrane material to be used on site and any future implications for housing developers;
- any proposed increase to the height of the site and the suitability of infill materials to achieve this;
- any flood risks associated with constructing a school at this location;
- plans to enhance the engagement with local residents about the proposals;
- the oversight arrangements for the remediation process;
- measures to ensure adequate funding was in place to carry out the remediation works as proposed;
- whether the previous owners of the site had any unmet responsibilities in terms of remediation works;
- the development of an ongoing communication strategy with local residents and Members;
- the suitability of this site as the location for a new school; and
- reporting arrangements for providing updates on progress with the project

The Leader of the Council was invited to confirm that the planned approach to remediation of the site, as set out in the report, would not be compromised in any way. Councillor Cullinane indicated he was happy to do so.

The Head of Democratic Services undertook to provide further information to Members with regard to the Special Development Order at Ardeer.

At the conclusion of questions of clarification, the Head of Democratic Services sought confirmation of the current position with regard to the site, namely that northern part of the site had already been decontaminated and the western (or seaward) part no longer contained contaminants as a result of previous remediation and/or due to the leeching of hydrocarbons into the sea. Due to the presence of an old sea wall underneath the site, the eastern part of the site contained hydrocarbons, but only to the water table depth of about 4m. The intention was to dig out all contaminated material; skim off any ground water contamination; bio-remediate, test and replace the material; test to ensure the site was clean; and, as 'belt and braces' measures, apply capping, a membrane material and remediate to a higher standard where vegetables could be safely grown in the site. The outcome would be that there would be no risk to public health.

Mr Duff of Envirocentre confirmed the accuracy of this overall summary, subject to noting that the western or seaward part of the site still contained some hydrocarbons. These would be removed and remediated.

Councillor Cullinane, seconded by Councillor Bell, moved approval of the recommendation set out in the report.

As an amendment, Councillor McNicol, seconded by Councillor Barr, moved as follows:

“Council agrees not to proceed with the plan to build new schools and leisure facilities on the toxic, contaminated land at the former Shell Mex site in Ardrossan, until a full report has been submitted to the next meeting of Council on the full contamination, financial and other considerations involved in this development. As part of this, the report should consider alternative-safe-sites for these new schools and leisure facilities, and to examine if the land at the Shell Mex site could ever be safely used for any purpose, such as an environmental beach park and walkway. The report should also address why Shell was allowed to walk away from Ardrossan, leaving behind a large area of toxic, contaminated land.”

There followed summing up by the proposers of the amendment and the motion.

On a point of order, clarification was sought and provided by the Head of Democratic Services on the opportunity for debate.

On a division and roll call vote, there then voted for the amendment, Councillors Barr, Glover, McNicol, Murdoch and Donald L. Reid (5) and for the motion, Councillors Bell, Billings, Burns, Clarkson, Cullinane, Dickson, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McPhater, McTiernan, Miller, Montgomerie, Donald Reid, Stephen and Sweeney (20) and the motion was declared carried.

Accordingly, the Council agreed to note the proposals for site remediation as set out in the report.

Thereafter, in terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.45 p.m. for a comfort break. The meeting reconvened at 4.00 p.m. with the same Members and officers present and in attendance with the exception of Councillors Easdale and George, who had left the meeting during consideration of the last item.

## **5. North Ayrshire Council Unaudited Annual Accounts 2020/21**

Submitted report by the Head of Finance on the unaudited Annual Accounts for the year to 31 March 2021. The Annual Accounts 2020-21 were attached as Appendix 1 to the report.

Members asked a question of clarification of the Head of Finance on the current deficit of the Integration Joint Board and plans to reduce it.

Councillor Cullinane, seconded by Councillor Bell, moved approval of the recommendations set out in the report. There being no amendment, the motion was approved.

Accordingly, the Council agreed as follows:

- (a) to approve the Annual Accounts for 2020/21, subject to audit;
- (b) to note that Deloitte LLP plan to complete their audit of the Accounts by mid-September 2021 and would present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2021; and
- (c) to authorise the Audit and Scrutiny Committee to consider, and approve for signature, the audited annual accounts within the required timeframe.

## **6. Treasury Management and Investment Annual Report 2020/21**

Submitted report by the Head of Finance on the Treasury Management and Investment Annual Report and Prudential Indicators for 2020/21. Appendix 1 to the report contained the Treasury Management and Investment Annual Report.

Members asked a question of clarification of the Head of Finance on the reasons for the Housing Revenue Account underspend.

Councillor Cullinane, seconded by Councillor Bell, moved approval of 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 2020/21 set out at Appendix 1 to the report and (ii) the Prudential and Treasury Indicators contained therein.

## **7. North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Report 2020/21**

Submitted report by the Head of Finance on the unaudited Trustees' Annual Report for the year to 31 March 2021. Appendix 1 to the report set out the Trustees' Annual Report and Financial Statements for all of North Ayrshire Council's Charitable Trusts.

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

Accordingly, the Council agreed, as trustees of the North Ayrshire Council Charitable Trusts, to approve the 2020/21 annual report set out at Appendix 1 to the report, subject to audit.

## **8. Appointment of Monitoring Officer**

Submitted report by the Chief Executive on the proposed appointment of the incoming Head of Democratic Services as the Council's Monitoring Officer in terms of the Local Government and Housing Act 1989 and to note their appointment as Proper Officer of the Council in terms of the Local Government (Scotland) Act 1973.

At the invitation of the Provost, the current Head of Democratic Services took the opportunity to express his gratitude to Elected Members for their support during the 27 years in which he had worked at North Ayrshire Council and its predecessor authority

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

Accordingly, the Council agreed as follows, with effect from 19 July 2021:

- (a) to approve the appointment of Aileen Craig, incoming Head of Democratic Services as the Council's Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989; and

- (b) to note the appointment of Aileen Craig as Proper Officer for the authentication and execution of documents on behalf of the Council in terms of Section 193 and 194 of the Local Government (Scotland) Act 1973.

At the invitation of the Provost, Aileen Craig expressed her delight at the appointment and the high regard in which she held the current Head of Democratic Services.

## **9. Remote/Hybrid Meetings: Next Phase**

Submitted report by the Head of Democratic Services on information in relation to, and options for, the introduction of hybrid committee meetings.

The Head of Democratic Services gave a short verbal update on a recent statement by the First Minister on the potential timescale for the future relaxation of restrictions.

Members asked questions of clarification of the Chief Executive and Head of Democratic Services on the following:

- the welfare of staff currently working from home and measures to support them;
- the potential for piloting hybrid meetings of the Licensing Committee and Board; and
- whether Members could make arrangements for face-to-face meetings with constituents, notwithstanding that formal surgeries could not currently take place.

The Chief Executive undertook to look at the feasibility of including a hybrid meeting of the Licensing Committee or Board as part of the pilot of hybrid meetings.

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

Accordingly, the Council agreed as follows:

- (a) to note the availability of a hybrid meeting solution for Council and committee meetings, subject to staff training/system testing over the summer recess period and relaxation of COVID social distancing requirements; and
- (b) that a further report be submitted to Council once physical distancing and home working requirements are lifted to agree (i) the timescale for the introduction of hybrid meetings, (ii) any necessary further amendment to Standing Orders to accommodate hybrid meetings and (iii) the future webcasting/life streaming of all Council/committee meetings which are open to the public

The meeting ended at 4.40 p.m.