



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Meeting of the Council

Wednesday 23 September 2020

Responses to Questions



## Question

(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?”

## Response

“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.”

(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."

## Response

Councillor Cullinane will respond.

- (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?”

### **Response**

“The Scottish Government’s Fire Works 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.”

- (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?"

### **Response**

"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 19<sup>th</sup> 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."

- (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?"

### **Response**

"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 27<sup>th</sup> 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 15<sup>th</sup> 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 1<sup>st</sup> July 2020. The decision was reported to Cabinet on 30 June 2020."

(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?”

### **Response**

“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?"

### **Response**

"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?"

### Response

"The regeneration of Millport Town Hall aims to provide a vibrant community space, delivering social and economic outcomes for the whole island through community empowerment and resilience.

The community has formed a **steering group** involving all the major island groups, local businesses and residents, and raised £30k funding for a Feasibility Study that showed a regeneration project to be viable and sustainable. **Strong local support** has been shown through extensive consultation with the wider community and the recent lockdown demonstrated the potential impact on local issues such as social isolation and mental health with the right local facilities.

The CPP **Locality Partnership priorities** of preventing isolation in elderly people, strengthening mental health in young people and financial advice and guidance will all be supported by the initiative.

Three pillars of the new **NAC Community Wealth Building Strategy** will also be progressed, to be further supported by the new CWB Locality Business Advisers.

North Ayrshire Council has worked with the Millport Town Hall Scottish Charitable Incorporated Organisation and supported them with the following:

- **Community Investment Fund:** successful application for £200,000, with early release of £30,000 and extension of deadline to secure balance of matched funding from external sources;
- Advice and support regarding the successful **alienation from Millport Common Good**, the **Community Asset Transfer** process and **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
- Advice and support regarding **CARS and Town Centre Funds**.

North Ayrshire Council has provided a range of financial and advisory support to Millport Town Hall, and will continue to do so, drawing on relevant expertise when appropriate, to assist this community-led initiative in securing the balance of funding and resources required to deliver 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.

### **Response**

“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.”