



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

## **North Ayrshire Council**

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 13 November 2019** at **14:00** to consider the undernoted business.

**1 Apologies**

**2 Declarations of Interest**

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

**3 Previous Minutes**

The accuracy of the Minutes of meeting held on 25 September 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**4 Provost's Report**

Submit report by the Provost for the period from 6 September - 3 November 2019 (copy enclosed).

**5 Leader's Report**

Submit report by the Leader of the Council for the period from 6 September - 3 November 2019 (copy enclosed).

**6 North Ayrshire Council Minute Volume (issued under separate cover)**

Submit, for noting, the Minutes of meeting of committees of the Council held in the period 29 August - 30 October 2019.

**7 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 19 September 2019**

Submit report by the Executive Director (Interim) (Communities) on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 19 September 2019 (copy enclosed).

**8 Congratulatory Motion**

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

“That this Council congratulates St Bridget’s Primary School for the amazing achievement during Libraries Week of having every child in the school registered with the North Ayrshire Council Library Service; commends the efforts to teach each child to learn to love stories, to appreciate books, to want to regularly read, and to know that the library is where to go find such treasures; and applauds the school’s endeavours to encourage and support reading and library membership.”

**9 Committee Appointment**

Consider the undernoted committee nomination:-

Committee	Position	Nomination
Police and Fire and Rescue Committee	Chair	John Glover

**10 Outside Body Appointment**

Consider the undernoted nominations to serve on an outside body:-

Outside Body	Resignation	Nominations
North Ayrshire Leisure Limited	Cllr Joy Brahim	Cllr Jean McClung Cllr Ian Murdoch

**11 McGavin Park Trust – Reorganisation Scheme and Winding Up**

Submit report by the Head of Democratic Services on changes to the McGavin Park Fund and expenditure of the remaining funds, the transfer of the trust assets and the winding up of the Trust (copy enclosed).

**12 Questions**

In terms of Standing Order 12, submit:-

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

"What is the long term future of the Viking Experience in Largs? Will it continue to operate within its current location and are there any plans to remove it or change it in any way?"

**(2) a question by Councillor Murdoch to the Cabinet Member for the Economy in the following terms:-**

"At the Full Council Meeting held on Wednesday 15<sup>th</sup> May 2019, the Member for the Economy stated that "Largs Matters Ltd are in the final stages of winding up and will be preparing a final set of audited accounts".

What is the current position regarding the winding up of Largs Matters Ltd? Are there any funds due to be returned to the businesses and is there an inventory of their assets?"

**(3) a question by Councillor Billings to the Cabinet Member for the Economy in the following terms:-**

"At a time when North Ayrshire is bringing forward plans for new tourism initiatives does the Cabinet Member not agree that further taxation on such an important industry makes no sense and will he agree to make this very clear in the Council's response to the Scottish Government's consultation on imposing a transient visitor levy?"

**(4) a question by Councillor Gallacher to the Cabinet Member for Education in the following terms:-**

"To ask the Cabinet Member for Education if he will give an update on the proposed work to drain the kids playing field at Woodlands Primary School. This work was agreed after an amendment to the budget last year released the funding for this."

**(5) a question by Councillor Gallacher to the Cabinet Member for Place in the following terms:-**

"To ask the Cabinet Member for Place if he will work with the relevant department to ensure that disabled anglers have easy access to the River Irvine, and that the disabled fishing platforms installed by the Council a few years ago, are all up to standard safety wise etc."

**(6) a question by Councillor Davidson to the Cabinet Member for Place in the following terms:-**

"All Members will be aware of the recent serious Road Traffic Incident on Wednesday 30th October on Dalry Road Kilwinning, right outside the Academy, where an eight year old girl was struck by a car on leaving Abbey School.

In light of this accident can I ask if a Road Traffic Assessment is to take place? If so, will it include the following:

- The recording, study and analysis of road use and speed of vehicles, in particular at times when the pavements and roads are busiest with pupils going to or coming from the Academy and Abbey Primary and also at lunch times.
- Observation of the amount of pupils using the pavements and determine whether the pavements are suitable, with particular attention to the narrow stretches of pavements.
- Look at the existing Twenty's plenty zone outside Kilwinning Academy, and look at the potential for increasing this zone and other traffic calming solutions.
- The feasibility of pedestrian safety fencing, such as that used at Garnock Academy, being fitted also along our pavements on Dalry Road to stop pupils drifting on to road, and to encourage them to use safe spaces to cross.
- A look at the speed limit coming into the town, from Dalry direction, and assess if vehicles are slowing down on entering Kilwinning at start of built up area prior to school.
- An assessment of the impact that the Dalry Bypass has had on any increase in volume of traffic arriving in Kilwinning, and evaluate if this could be improved by an extension of the Dalry Bypass from the roundabout north of Wilson's to Sharphill Roundabout on the A78.
- Assess whether the redeployment of a Lollipop person to this busy stretch of road will have a beneficial impact to the safety of our young people who depend on crossing these roads safely."

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

"Could the Leader advise why the CIF (Community Investment Fund) application, prepared by the 3 community councils of Beith, Dalry and Kilbirnie, submitted to the Cabinet from the Garnock Valley Locality Partnership, was not taken to Cabinet for decision?"

**(8) a question by Councillor McNicol to the Leader of the Council in the following terms:-**

Will the Leader of the Council inform members if an Environmental/Traffic Impact Assessment has or will be carried out at the North Shore site re the following:-

- (a) Flooding and Sea Water inundation.
- (b) The likely result of a material increase in the volume of traffic.
- (c) What is the estimated cost and time scale for the remediation of the site?
- (d) What is the estimated cost and time scale for the installation of sea defences?
- (e) Will any materials be imported or exported from the site during the remediation phase?
- (f) What was and/or will be the involvement of SEPA prior to, during and after remediation?

For all the above from where will the costs be met?

What access has the Council had to records held by the previous occupants of the site in relation to procedures carried out on the land over a period spanning decades, and any health issues reported by staff during and after their service with the company?"

**13 Motion**

In terms of Standing Order 13, submit:-

**(1) a motion by Councillor Dickson, seconded by Councillor Larsen, in the following terms:-**

"This Council resolves: to support the RSCPA campaign to reduce the stress, fear and harm caused to people and animals by fireworks by strengthening controls within our powers; to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people; to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the actions that can be taken to mitigate risks; to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays; to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display; and to review all licensing and trading standards policies and guidelines within the next year, to support the aims of this motion, i.e. with a view to minimise distress and maximise warnings for the public."

**14 Urgent Items**

Any other items which the Provost considers to be urgent.

**Webcasting**

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, the Provost will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers and using the press or public seating area, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [committeeservices@north-ayrshire.gov.uk](mailto:committeeservices@north-ayrshire.gov.uk).

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## North Ayrshire Council Sederunt

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Ian Clarkson (Provost)  
Robert Barr (Depute Provost)  
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  
Jean McClung  
Ellen McMaster  
Ronnie McNicol  
Louise McPhater  
Davina McTiernan  
Tom Marshall  
Jimmy Miller  
Jim Montgomerie  
Ian Murdoch  
Donald Reid  
Donald L Reid  
Angela Stephen  
John Sweeney

Chair:

Apologies:

Attending:





**IRVINE, 25 September 2019** - At a Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Alex Gallagher, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

**In Attendance**

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); S. Brown, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); A. Sutton, Executive Director (Interim) (Communities); K. Yeomans, Director (Growth and Investment); and A. Craig, Senior Manager (Legal Services), M. McColm, Communications Manager; D. McCaw and E. Gray, Committee Services Officers and M. Anderson, Committee and Member Services Manager (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Scott Gallacher and Margaret George.

**1. Provost's Remarks**

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

The Provost also took the opportunity, on behalf of the Council, to welcome Councillor Donald L. Reid to the meeting following his recent ill health.

**2. Apologies**

The Provost invited intimation of apologies for absence, which were recorded.

**3. Declarations of Interest**

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

There were no declarations of the Party Whip.

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

The accuracy of the Minutes of the Meeting held on 26 June 2019 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **5. Provost's Report**

Submitted report by the Provost for the period from 7 May – 16 June 2019.

The Provost highlighted the following elements of his written report:

- the launch of the Beehavin' Project in Garnock Campus on 19 June;
- the ground-breaking event at Flatt Road Largs which took place on 24 June where 122 new homes are being built;
- the launch of Trinity Active Travel Club in Irvine on 25 June;
- the Scottish Parliament's 20th Anniversary celebration held on 29 June 2019;
- the Armed Forces Day Parade and Service which took place on 30 June in Irvine;
- the 5th Annual Eid Fellowship Dinner which took place on 13 August in Edinburgh and was arranged by The Scottish Ahlul Bayt Society;
- attendance at North Ayrshire's two main festivals this summer, namely the Marymass Festival in Irvine and the Viking Festival in Largs;
- Greenwood Academy and Irvine Royal Academy prizegiving ceremonies;
- the Syrian Crafts and Culture Exhibition which took place in the Heritage Centre Saltcoats on 2 September;
- the 'Garnock Valley Carves' event, now in its second year, which was held in Beith on 7 September; and
- a coffee morning in aid of Macmillan Cancer Support, to take place in Irvine Townhouse from 10am -12noon on Friday 27 September 2019

Noted.

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

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

Noted.

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

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 24 April 2019 – 10 September 2019.

Noted.

## **8. Decriminalised Parking Enforcement and the Introduction of Car Parking Charges**

Submitted report by the Chief Executive which invited the Council to determine its position on the introduction of car parking charges on Arran and the inclusion of the island within a Decriminalised Parking Enforcement application to the Scottish Government. Appendices 1-4 of the report set out the report to Cabinet of 11 June 2019, the report to Audit and Scrutiny Committee of 27 June 2019, an extract of the Minute of the Audit and Scrutiny Committee of 27 June 2019 and supplementary information provided to the Cabinet meeting of 27 August 2019.

This matter was originally the subject of a report to the Cabinet on 11 June 2019. Thereafter, the decision taken by Cabinet was the subject of a call-in to the Audit and Scrutiny Committee on 27 June 2019, which sought agreement that parking charges should not be introduced to Brodick and that enforcement of parking on Arran should remain under the control of the Police. The Audit and Scrutiny Committee agreed with the terms of the Call-In and referred the matter back to Cabinet for further consideration. Cabinet, at its meeting on 27 August 2019, agreed to accept only in part the recommendation of the Audit and Scrutiny Committee to reconsider its earlier decision. Therefore, in terms of Standing Order 24.7, the matter was referred to the Council for determination.

Members asked questions, and received clarification, on matters relating to parking provision and the introduction of parking charges on the mainland.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council agree (a) to include Arran within the Decriminalised Parking Enforcement application to the Scottish Government; and (b) not to introduce parking charges on Arran.

As an amendment, Councillor Billings, seconded by Councillor McMaster, moved that the Council uphold the recommendation of the Audit and Scrutiny Committee that parking charging should not be introduced in to Brodick and that Arran be excluded from the Decriminalised Parking Enforcement application.

Following questions, debate and summing up, on a division there voted for the amendment 13 and for the motion 16, and the motion was declared carried.

Accordingly, the Council agreed (a) to include Arran within the Decriminalised Parking Enforcement application to the Scottish Government; and (b) not to introduce parking charges on Arran.

## **9. Appointments Committee**

The Chief Executive advised of non-Elected Member appointments by the Ayrshire Regional Economic Joint Committee to serve on the Joint Committee and Ayrshire Regional Economic Partnership Sub-Committee.

The Council agreed to note (i) the appointment of Carol Turnbull (Ayrshire College) as an Education sector representative on the Ayrshire Regional Economic Joint Committee and Adrian Gillespie and Tim Bedford (both University of Strathclyde) as a representative and named substitute, respectively, on the Ayrshire Regional Economic Partnership Sub-Committee (the “Partnership Board”).

## **10. Annual Review of Governance**

Submit report by the Chief Executive on the review of the key Governance documentation regulating the operation of Council, its Committees and Officers and to report on a self-assessment review of the Audit and Scrutiny Committee. Appendices 1-4 of the report set out the proposed revised Standing Orders for Meetings and Proceedings of the Council, Scheme of Administration, Scheme of Delegation to Officers and Financial Regulations, respectively.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the revised governance documents set out at Appendices 1-4 of the report, with effect from 1 November 2019.

As an amendment, Councillor Hill, seconded by Councillor Gurney, moved that the Council approve the revised governance documents set out at Appendices 1-4 of the report, with effect from 1 November 2019, subject to the notice period for lodging motions and questions, as set out in the Standing Orders for Meetings and Proceedings of Council, being extended to 2.00 p.m. on the Monday of the week prior to Council, and not to 2.00 p.m. a fortnight before Council, as proposed.

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to withdraw their motion in favour of the amendment, which became the substantive motion.

As an amendment, Councillor Macaulay, seconded by Councillor Larsen, moved that the Council approve the terms of the substantive motion, subject to the inclusion of a provision that, in the event of the Provost exercising his right to change the start time of a Council meeting to 1.00 p.m. due to the volume of business, Members receive a minimum of 48 hours’ notice.

Following clarification of the existing requirement to give three clear days’ notice of meetings, the mover and seconder of the amendment agreed, in terms of Standing Order 14.5, to withdraw their amendment.

There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed to approve the revised governance documents set out at Appendices 1-4 of the report, with effect from 1 November 2019, subject to the notice period for lodging motions and questions, as set out in the Standing Orders for Meetings and Proceedings of Council, being extended to 2.00 p.m. on the Monday of the week prior to Council, and not to 2.00 p.m. a fortnight before Council as proposed.

## **11. Committee Timetable 2020**

Submitted report by the Chief Executive on the proposed committee timetable for 2020. The draft timetable was set out at Appendix 1 to the report.

The Council agreed to approve the Committee timetable for 2020 as set out at Appendix 1 to the report.

## **12. Ardrossan North Shore: Proposed Education and Community Campus**

Submitted report by the Interim Executive Director (Communities) on (a) the Scottish Government announcement to include the Ardrossan Education and Community Campus proposal in the initial phase of investment in Scotland's Learning Estate Strategy; (b) the proposed inclusion of a new swimming pool in the Statutory Public Consultation proposal for a new education and community campus, located at North Shore, Ardrossan; (c) the proposal to explore the option for community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan; and (d) the timetable for the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan.

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

- an apparent contradiction in a set of figures referred to in the covering report and those contained in an appendix to the report;
- the extent of remedial works which would be required;
- whether the proposed campus would incorporate a fitness suite;
- the ethnographic element of the research method used;
- public transport issues in respect of the proposed site; and
- the extent to which the proposed gym and pool would be open to the public.

The Interim Executive Director (Communities) provided clarification that the consultation responses cited at section 2.8.9 of the report were correct and that those referred to in table 3 of Appendix 4 had been transposed in error.

Councillor Cullinane, seconded by Council Bell, moved that the Council approve the recommendations set out in the report, subject to the amendment of recommendation (d) to read as follows:

- (d) authorise officers to explore the option of community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan, and agrees to recruit a dedicated community development officer for Stevenston and to ringfence the demolition budget provision within the Campus business case to support this option.

As an amendment, Councillor Gurney, seconded by Councillor McMaster moved that the Council approve the recommendations set out in the officer's report, subject to the addition of a further provision, namely:

- (h) instruct officers to distribute information to Members of the Ardrossan and Arran Ward on a confidential basis contemporaneously with information shared with the Administration."

As a further amendment, Councillor McNicol, seconded by Councillor Barr, moved that the Council approve the recommendations set out in the report, subject to the deletion of the words "located at North Shore Ardrossan" at the end of recommendation (b) and the addition thereafter of "and furthermore that officers bring forward proposals for suitable alternative sites to accommodate a new Ardrossan Education and Community Campus."

As a further amendment, Councillor Sweeney, seconded by Councillor Miller, moved that the Council:

- (a) note the outcome of the swimming pool community engagement exercise;
- (b) agree to progress the Statutory Public Consultation proposals for a new education and community campus at Ardrossan, but removes the proposed inclusion of a swimming pool within this campus;
- (c) instruct officers to bring forward proposals to enable the refurbishment of Auchenhavie swimming pool as part of North Ayrshire Council's budget setting exercise;
- (d) note the timeline for Statutory Public Consultation, authorising officers to finalise and implement this; and
- (e) note that the final decision on the Statutory Public Consultation will be taken by Council.

As a further amendment, Councillor McClung, seconded by Councillor Larsen, moved that the Council approve the recommendations set out in the report, subject to the addition of a further provision, namely:

- (h) that officers explore the opportunity to create the most energy efficient campus possible, including the possibility of making a bid to the newly announced Scottish Low Carbon Heat Fund.

As a further amendment, Councillor Davidson, seconded by Councillor McTiernan moved that the Council approve the recommendations set out in the report, subject to the amendment of recommendation (d) to add "keeping it open for as long as the infrastructure is viable", to read:

- (d) authorises officers to explore the option of community use and/or ownership of the swimming pool building at Auchenhavie Leisure Centre, keeping it open for as long as the infrastructure is viable, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan.

In terms of Standing Order 5.7, the Provost intimated a recess at 3.20 p.m. to allow Members to consider the terms of the motion and amendments.

The meeting reconvened at 3.55 p.m. with the same Members and Officers present and in attendance.

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to alter their motion to incorporate the amendments proposed by Councillors Davidson, Gurney and McClung. The movers and seconders of the relevant amendments agreed to withdraw their amendments in favour of the revised motion proposed by Councillor Cullinane and seconded by Councillor Burns.

The Chief Executive and the Senior Manager (Legal Services) provided advice on the possible adverse implications, in terms of funding and the viability of the project, of the Council either selecting a site other than that which had been discussed with the Scottish Government or not including a pool as part of the proposed campus.

In terms of Standing Order 5.7, the Provost intimated a short recess at 4.00 p.m.

The meeting reconvened at 4.05 p.m. with the same Members and Officers present and in attendance.

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

- the potential funding implications of selecting an alternative site;
- arrangements for the remediation of the site and reassurance regarding its safety; and
- the apparent relocation of soil samples from the Cunninghame Housing Association site to the proposed site of the campus

The Chief Executive undertook to arrange for a report to be submitted to a future meeting on the detailed arrangements for remediation of the North Shore, Ardrossan, site.

Following debate and summing up, on a division, there voted for the amendment by Councillor McNicol, seconded by Councillor Barr, 3, and for the motion by Councillor Cullinane, seconded by Councillor Burns, 23, and the motion became the substantive motion.

On a further division, there voted for the amendment by Councillor Sweeney, seconded by Councillor Miller, 2, and for the substantive motion 23, and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note the outcome of the swimming pool community engagement exercise;
- (b) approve the recommendation that the swimming pool be included within the Statutory Public Consultation proposal for a new Ardrossan Education and Community Campus, located at North Shore, Ardrossan;
- (c) note that the ice-rink and fitness suite currently at Auchenharvie Leisure Centre will remain at that facility;
- (d) authorise officers to explore the option of community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre in the meantime keeping it open for as long as the infrastructure is viable, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan; and agrees to recruit a dedicated community development officer for Stevenston and to ringfence the demolition budget provision within the Campus business case to support this option.
- (e) note the information contained within the site investigation report by Envirocentre (non-technical summary);
- (f) note the timeline for Statutory Public Consultation, authorising officers to finalise and implement this;
- (g) note that the final decision on the Statutory Public Consultation will be taken by Council;
- (h) instruct officers to distribute information to Elected Members representing the school catchment area on a confidential basis contemporaneously with information shared with the administration; and
- (i) that officers explore the opportunity to create the most energy efficient campus possible, including the possibility of making a bid to the new announced Scottish Low Carbon Heat Fund.

### **13. Questions**

In terms of Standing Order 12, submitted:

- (1) a question by Councillor Marshall to the Cabinet Member for Health and Social Care in the following terms:

"How does one reconcile the fact that there are over 90 persons awaiting a care at home package, 50 persons awaiting an increase in their care packages and almost 50 persons awaiting a Self-Directed Payment, with a projected end of year deficit of ca. £2.8m in the HSCP Budget?"



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

"I can confirm that whilst there is a projected overspend in the Health and Social Care Partnership budget, as of period four this has now come down to £1.9 million and the IJB will, tomorrow, discuss and agree a mitigation plan to manage this down by the end of the financial year.

The demands for social care services in particular remains very high, with the Partnership currently facilitating an average of 47 Care at Home packages every week from Crosshouse Hospital alone. In addition to this, we support over two thousand people to live safely at home through our Care at Home service and over 5000 people utilising assistive technologies alongside our Community Alert Service. We currently support approximately 800 people to live within a nursing or residential care home setting and over approximately 130 people are supported via Direct Payments. Whilst it is true that our Direct Payments waiting list was over 50 earlier this year, there are presently 11 people waiting on this funding being released. All of our waiting lists are actively managed to ensure that resources can be released to those most in need, as soon as is possible.

We provide support to approximately 400 people with physical conditions, learning disabilities and mental illness to live safely at home via a variety of person-centred supports. In addition, we have approximately 400 young people supported via statutory orders to the Children's Hearing with some of these young people requiring care in expensive resources to ensure their safety.

The IJB's aim to provide greater support via prevention and early intervention is a strategy that takes time to achieve. Whilst we have made significant in-roads in many areas of service, we still require to ensure that those most in crisis and most ill are supported effectively.

Providing high quality supports and services to everyone who needs them, within a finite and, in real terms, reducing budget, is undoubtedly challenging. Nevertheless, the IJB and the Partnership team continue to manage the resource as best they can to meet the needs of those requiring care, support and protection."

As a supplementary question, Councillor Marshall referred to increasing demand for free personal care and the diminishing real terms budget, and asked how this problem could be solved.

Councillor Foster responded by suggesting that the only way to fund services was to end Austerity and for the Scottish Government to provide adequate funding to Councils.

- (2) a question by Councillor Ferguson to the Cabinet Member for Place in the following terms:

"Can the Cabinet Member for Place please clarify the current policy regarding dogs being allowed within Children's Playparks"

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

"Our policy is that dogs are not allowed in play parks. There are signs in a number of our play parks advising that 'no dogs are allowed'".

As a supplementary question, Councillor Ferguson asked if the Cabinet Member would work with him to ensure that there was appropriate signage in all our playparks.

Councillor Montgomerie responded in the affirmative.

- (3) a question by Councillor Marshall to the Chair of Audit and Scrutiny in the following terms:

"Is the Chair of Audit exhibiting hyperbole when endorsing the recent Audit Committee Agenda Item 11- Planning for EU Exit Appendix 2 " no Deal EU Exit - Impacts on North Ayrshire" where at Number 19 the claims were made that " Extreme right wing groups may ..... exacerbate racial tension" and would give rise to "recurrence of Irish troubles - greater sectarian impacts in West Scotland including North Ayrshire" - or is the Chair just being irresponsible?"

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

"A key role of Audit and Scrutiny Committee is to consider assurance, to ensure the Council has adequate plans in place to identify and deal with risk. Regardless of what one feels about EU Exit, this is a significant issue for North Ayrshire, its people, businesses and Council services. Therefore, on 10 September 2019 the Committee considered a report by the Head of Democratic Services on the Council's planning arrangements for a 'no-deal' exit from the European Union. Appendix 1 to the report detailed the potential reasonable worst-case scenarios of a no-deal EU Exit. All risks were scored 1-5 for likelihood and impact. The risk to which Councillor Marshall refers as being exaggerated, was that relating to Resilience, Crime and Protest. This was one of the lower scoring risk, scoring 8 (2 for likelihood and 4 for impact). This compares to the risk to the economy that scored 20 (4 for likelihood and 5 for impact).

It is worth pointing out that the decision of the Committee was to note the report. There were no amendments and the decision of the Committee was unanimous. Every Member of the Committee, including Councillor Marshall agreed to the decision."

As a supplementary question, Councillor Marshall asked whether the Chair of the Audit and Scrutiny Committee agreed with him that it was unwise to raise such issues as the possibility of racial tension and 'Irish troubles'.

Councillor Burns responded by commenting that the report in question was 24 pages long and it was Councillor Marshall who was being irresponsible in choosing to raise only the matter of racism and sectarianism.

- (4) a question by Councillor McNicol to the Cabinet Member for Place in the following terms:

"Will the Portfolio Holder for Place inform Members if there has been any time over the past 30 days when any CCTV camera(s) operated by North Ayrshire Council as part of the scheme to enhance public confidence and prevent crime has not been operational: if so which camera(s) and what was the duration of the period during which the camera(s) did not function?"

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

"North Ayrshire Council currently operates 143 Public Space CCTV cameras and works closely with Police Scotland to prevent incidents of crime and antisocial behaviour and intervene early when they occur.

Over the 30-day period there were nine camera faults reported. Whilst timescales differ depending on the nature of the fault, all were responded to within 12 hours, with remedial work undertaken to have them operational.

Publicly disclosing the exact location of cameras that are out of service at any time could encourage criminal or anti-social behaviour as our CCTV cameras act as a deterrent, even when they are not operational for a period of time."

As a supplementary question, Councillor McNicol asked the Cabinet Member to explain why no CCTV camera appeared to have recorded an incident reported to him by shop staff on Dockhead Street, Saltcoats, where a man lowered his trousers in public and walked through the shopping area on 26 August 2019.

Councillor Montgomerie responded by advising he was unaware of the incident in question and could not, therefore, comment on it. He referred to improvements in the CCTV service, advising that camera usage had increased by 36% over the last 12 months. Councillor Montgomerie added that Police Scotland had formally noted their thanks for the improvement in the service since North Ayrshire Council took over responsibility for its management and monitoring.

(5) a question by Councillor McNicol to the Cabinet Member for Education in the following terms:

“On the 9<sup>th</sup> September the Scottish Government - via the Scottish Futures Trust Programme - confirmed they would give financial backing to North Ayrshire Council for a new Educational and Community facility at the North Shore site in Ardrossan.

Will the Portfolio Holder for Education inform members what other sites were considered for this facility, why were Local Elected Members not informed or consulted on sites, and who made the decision on the preferred site being North Shore in Ardrossan?”

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

“A site selection exercise was carried out by an officer working group during 2018. This group considered seven potential sites within the Ardrossan settlement boundary. Four of the sites were immediately discounted given their limited size and inability to accommodate a campus proposal.

The remaining three sites (North Shore, the existing Ardrossan Academy site and Laighdykes playing fields) were then assessed against criteria including location, cost, design potential, traffic management, planning, regeneration and impact on education. The inclusion of Winton Primary School into the campus meant that the preferred site had to be located in the catchment of both Ardrossan Academy and Winton Primary. That ruled out the Laighdykes playing fields (which in addition raised concerns over planning and environmental impact/loss of open space).

The North Shore site scored highest against these criteria, particularly in terms of regeneration and impact on education. The site has the size required to develop an innovative campus capable of securing Scottish Government Scottish Futures Trust funding. It would also see the development of a site which has been vacant for over 30 years, and which would make a major contribution to a wider programme of regeneration within central Ardrossan. Cost was also considered to be lower given a combination of the funding potentially available from SFT (since secured), and the cost of accommodating pupils within temporary accommodation should an on-site redevelopment be considered.

Papers were presented to Cabinet on 15 January 2019 and 11 June 2019 which included the intention to develop a new campus facility at the north shore site. The reports recommended that proposals be further developed and that officers proceed to engage with the public on the proposals. A significant engagement process has since been undertaken, with the statutory engagement process to follow. A final decision on the proposal will be taken by Council in 2020 following the statutory consultation process.”

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

“Was the Leader of the Council advised of an increase in civic disturbances occurring in Dalry recently and what work is being undertaken to eradicate antisocial behaviour within our communities?”

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

“Residents from Dalry recently contacted the Scottish Government regarding an issue of antisocial behaviour at the Dalry train station and were advised to speak to both the Transport Police and the local authority, which they duly did.

The railway station CCTV cameras are monitored by Scotrail and the Transport Police. As a result, the Council’s Antisocial Behaviour Team will only be involved in incidents if Police Scotland request their support. No request for support has been received to date.

There are two public space CCTV cameras in operation within Dalry. The cameras have been used 157 times in the last 12 months to assist with Police Scotland enquiries. The Antisocial Behaviour Team has had no requests for support following initial enquiries.

The Antisocial Behaviour Team, including the CCTV service, work alongside Police Scotland and wider community planning partners to tackle low level crime and antisocial behaviour, with a focus on prevention and early intervention.

The Prevention First group, chaired by Police Scotland, meet to consider intelligence gathered from various sources including:

- Police crime reports
- Elected member concerns and complaints
- Issues raised by tenants and residents
- ASB complaints
- Issues raised by the business community
- Concerns highlighted by housing providers
- Scottish Fire and Rescue concerns
- Issues raised across the partnership from professional bodies

The partners consider the levels and impact of crime and antisocial behaviour, drawing on the shared evidence to determine emerging priorities. The partners then work together to determine the most effective way to deploy their services to minimise risk, crime and harmful behaviour.”

As a supplementary question, Councillor Ferguson referred to two consecutive weekends of anti-social behaviour in Dalry and to significant cuts in the number of Police officers which Deputy Chief Constable Kerr had last month said would have a detrimental impact on operational resilience and capacity. Councillor Ferguson asked, given the announcement that the Scottish Government had requested a further £52m from the UK government in relation to Brexit preparations (in addition to the £92m already allocated), if the Leader of the Council could advise how much funding had been allocated to North Ayrshire from the original £92m and if the Leader would write to the Cabinet Secretary for Finance, Economy and Fair Work to ask that funding be ringfenced.

Councillor Cullinane responded by advising that every local authority in Scotland had received £50k from the first tranche of funding, and that COSLA continued to make representations that this amount was insufficient and that a needs-based assessment was required. The Leader expressed the view that the answer to underfunding of the Police service was an end to Austerity and that the quickest way to achieve this was via an election and a change of UK government.

(7) a question by Councillor McClung to the Cabinet Member for Education in the following terms:

"I am sure we are all grateful to the SNP-led Scottish Government for prioritising the building of a new Ardrossan Academy, as without this intervention such a project could not be achieved at this time. I would like to ask the Cabinet member for Education to provide an accurate figure for the amount of money pledged by the Scottish Government."

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

"The Council is working closely with the Scottish Government and the Scottish Futures Trust to finalise the details of the proposal. The funding model which supports the Scottish Government Learning Estate Strategy requires Councils to borrow the value of the Scottish Government's contribution, with the Scottish Government providing a 25-year revenue funding stream to meet the costs of this. The estimated value of this is £24.4m."

As a supplementary question, Councillor McClung asked whether the Cabinet Member could confirm that the total budget available for the project would cover the cost of site remediation work.

Councillor Bell responded by indicating that he certainly hoped this would be the case. The Cabinet Member added that the project represented a great opportunity for North Ayrshire and its young people and communities, and that it was the duty of Elected Members to ensure the safety of our young people.

(8) a question by Councillor Davidson to the Cabinet Member for Communities in the following terms:

“Can the Cabinet Member please confirm the total amount spent on the recent refurbishment of the gym at Harvies Leisure Centre, and further, break down the cost on the amounts spent individually on:

- 1) Building construction and all associated costs.
- 2) The gym equipment/machines.
- 3) Any other costs involved”

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

“The costs for the refurbishment and extension of the gym at Auchenharvie Leisure Centre can be broken down as follows:

- Professional fees £2,208 – including site and demolition surveys, structural design package and building warrant.
- Gym refurbishment and extension £37,156 – including down takings, structural alterations, electrical and mechanical works, joinery works, new ceilings, partial new flooring, refurbishment of existing flooring, and decoration
- Changing room and stairwell refurbishment £15,034 – including new sanitary ware, installation of wet wall, new showers, new shower ceiling, installation of new drainage, joinery, electrical and mechanical works, installation of a new air conditioning unit and decoration
- Supply of new changing room benches £1,423
- Fitness equipment purchase £145,777.”

As a supplementary question, Councillor Davidson expressed the view that the money had been well-spent and asked for the Cabinet Member’s reassurance that the future of the gym and ice rink at Harvies was secure.

Councillor McPhater responded in the affirmative.

(9) a question by Councillor Billings to the Leader of the Council in the following terms:

“Question to the Leader of the Council:

The ongoing issues with the reliability of the Arran Ferry are well known, added to which at the Council meeting in May 2019 the Council voted that it would be acceptable to have additional disruption whilst the harbour at Ardrossan is being redeveloped. Both these factors are likely to cause significant disruption to the Arran ferry service over the next 2 years at least. How will the Council ensure that the residents on Arran will have equality of access to the full range of Council and health services during this period of increased disruption to the ferry service?”

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

“Proposals for the redevelopment of Ardrossan Harbour continue to be developed by the Ministerial Task Force. The Task Force agreed a preferred option for the redevelopment works including the realignment of the harbour in February 2019, and it is envisaged that these works will significantly improve the resilience of the service in the long term.

The proposals are currently the subject of the appointment of a design team which will develop the detailed design proposals. It is envisaged that a financial package for the works will be agreed prior to the end of 2019, and that would allow works to then start in mid-2020.

In minimising disruption to service users, it is proposed that a temporary works package to the Irish Berth is implemented prior to the main construction contract to allow the service to continue with minimal disruption. Again designs for these works are currently being developed. The Arran berth, existing terminal building and part of the car park would be closed off as a construction site, with relocated car parking and marshalling space and temporary terminal facilities provided. These would allow the service to operate from the Irish Berth.

It is intended that a full timetable is operated from the Irish berth, allowing equality of access to Council and health services.

It is however recognised that the Irish berth may result in cancellations given prevailing wind conditions. Transport Scotland are therefore considering alternative arrangements to maintain the service when this is the case. Officers are working closely with Transport Scotland and its agencies to ensure that disruption is minimised. As these proposals are developed, consultation with appropriate council and health services will be undertaken to consider any additional support which needs to be provided during the period of works to ensure equality of service access.”

As a supplementary question, Councillor Billings referred to the impact of cancelled ferries on a significant number of vulnerable individuals unable to attend mainland services or with carers unable to reach the island. Councillor Billings asked the Leader of the Council to commit to including consideration of these issues in the planning arrangements and to update Members on how Arran residents would be supported.

Councillor Cullinane responded by confirming that minimising disruption had been the main focus of the work of the Ministerial Task Force to date. He indicated that North Ayrshire Council has already put in place provisions for when the ferry service was disrupted and this would continue to be the case during the planned works.



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

“Question to the Cabinet Member for Economy:

At the Council meeting in May 2019 the members were provided with an update on the development plans for Ardrossan Harbour. We were told that construction work would start mid 2020 and that 'The appointment of a dedicated resource to oversee the regeneration at Ardrossan will support and facilitate more and regular consultation and engagement.' Can the member provide the Council and the people of Arran details of when this consultation and engagement will start given that construction is due to begin in around 9 months' time?”

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

“It remains the intention that construction works will start in mid-2020.

A considerable level of officer resource is already being made available to support the development proposals for the harbour. In addition, an Ardrossan Regeneration Manager will start work for the Council in mid-October focusing not only on the harbour, but the north shore site, town centre and on improving connections between these areas. This will provide, a dedicated resource to coordinate and support engagement and consultation associated with all the Ardrossan regeneration proposals.

Public consultation was undertaken in Brodick and Ardrossan in October 2018 on the preferred design option for the redevelopment of the harbour. In addition the Arran Ferry Committee continue to be represented on the Ardrossan Harbour steering group and are aware of the proposals.

In terms of the detailed design, a design team will be appointed in October to allow the detailed design of the landside works including the terminal building, car parking, marshalling space and public realm links. The need to consult with both mainland and island residents during this design team process is recognised, and it is planned that the appointed design team will engage with the public in November or December 2019.

In addition, local members have recently been briefed on the various developments in Ardrossan, and that is something that officers could support on a regular basis if required.”

As a supplementary question, Councillor Billings asked for a commitment that public engagement would be meaningful.

Councillor Gallagher responded by confirming that the Council always tried to consult effectively and invited Councillor Billings to share with him or officers any suggestions he had on addressing any deficiencies in previous consultations.

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

“Can the Portfolio Holder for Economy advise what progress has been made to ensure the realignment of the B714 will be financed as part of the Ayrshire Growth Deal?”

Councillor Brahim requested that his question and the response be taken as read.

Councillor Gallagher’s written response was as follows:

“The Government is progressing its second Strategic Transport Projects Review, which will consider future investment in all transport modes including the strategic road and rail networks as well as active travel, island connectivity, ferries and buses. As part of the Heads of Terms for the Ayrshire Growth Deal, the Government committed to establishing regional working arrangements to reflect Ayrshire Growth Deal priorities, through the STPR process, and regional workshops have been held, as part of the early development of STPR. Officers have participated in the STPR process to date and will continue to ensure future transport investment reflects North Ayrshire’s priorities which include the realignment of the B714. The financing of future transport projects would be in addition to the current AGD programme”.

(12) a question by Councillor Davidson to the Cabinet Member for Education in the following terms:

"Just before the school summer holidays, via Local Press, the news broke that North Ayrshire Council's Early Years staff were left in Limbo, and in fear of whether they would have a job to return to following the end of summer break six weeks later.

Can the Portfolio holder give me an update on the situation as it is currently, in particular in relation to:

- How many staff members were affected by moves.
- Were maximum efforts made to ensure any final moves were fair to staff, including travelling distances from home to the workplace.
- How staff received these moves and how staff morale is currently perceived to be.
- Most importantly, were there any job losses resulting in NAC staff becoming unemployed."

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

“Q. How many staff were affected by the moves?

In relation to the delivery of the 1140 hours early years programme, prior to the summer holiday period the Council worked with 9 early years establishments to realign staff working patterns as result of negotiations with the trade unions. 114 members of staff were employed across these 9 establishments and 6 were required to change their place of work - 5% in total.

Q. Were maximum efforts made to ensure any final moves were fair to staff, including travelling distances from home to the workplace.

Every effort was made to ensure that staff preferences were accommodated and any increase in travel distance to a new place of work was considered.

Q. How staff received these moves and how staff morale is currently perceived to be?

Our Education Resources Team and trade union colleagues worked hard to support the small number of staff who moved location and this was acknowledged at our most recent JCC meeting. It is also acknowledged that, for some staff, moving workplace can be difficult. However, it is an established practice across the Education Service where we are required to respond to changing pupil rolls. The Senior Manager for Early Years held an in-service event on 16 August 2019, which all Early Years staff attended. Discussion and engagement was extremely positive and all staff engaged well in the various activities which were designed to promote collaboration and collegiality.

Q. Most importantly, were there any job losses resulting in NAC staff becoming unemployed.

There were no redundancies. Early Years is an expanding service and our plans are to increase job opportunities across this sector as we work towards full implementation of 1140 hrs of funded early learning by August 2020."

Councillor Davidson indicated he had no supplementary question, but wished to thank the Cabinet Member for an informative response.

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

"When will the report on the levels of contamination at the proposed site of Ardrossan Academy be made public, and how will the public be assured that the site can be made safe for both residents and the school."

Councillor Stephen intimated that she wished to withdraw her question.

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

"NAC Planning were consulted on the second (EIA) Screening for the Hunterston Decommissioning Site on the 11<sup>th</sup> March 2019. A reply was sent to Marine Scotland on the 9<sup>th</sup> April 2019.

What part of the project did NAC consider in order to draw the conclusion that this was not an (EIA) project?"

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

“The consultation from Marine Scotland was sought because some proposed factors had changed in relation to Marine Scotland’s understanding of the development. Marine Scotland confirmed that the main changes are as follows:

1. An increased volume of dredging
2. Confirmation that the jetty is a replacement and not alterations to existing – Marine Scotland were originally not clear on this point.
3. Additional areas of rock armour to be formed.

In respect of No. 1, dredging is a matter for Marine Scotland and not something for which planning permission is required.

In respect of No. 2 planning permission has been granted for 'replacement and enlargement of existing jetty' 25th April 2018 (ref: 18/00134/PP). Therefore, the Council was always clear that the jetty is a replacement.

In respect of No. 3, most of the additional rock armour to be formed is shown on the approved drawings of the above planning permission. Therefore, this work has planning permission. There are parts of the rock armour next to permitted caisson gates which are not shown on approved planning drawings. Planning will contact Peel Ports for further information on this alteration. Despite further information being required in respect of the rock armour adjacent to the caisson gates, the Council’s response remains the same as previous, that the Council, as Planning Authority, does not consider that EIA is required.”

As a supplementary question, Councillor Murdoch asked whether the Council, in responding to Marine Scotland, had had regard to paragraph 153 of the EIA regulations, which stated that the significance of any effects must be considered in the context of the existing development.

Councillor Marshall responded by advising that he was unable to give an exact answer. However, he indicated that many of the issues around Hunterston had been the subject of consideration at the Local Development Plan Committee meeting held in April 2018. He suggested that, had Councillor Murdoch attended that meeting, he might have supported Councillor Marshall’s motion that no decommissioning work be carried out at Hunterston. Councillor Marshall concluded his response by undertaking to provide a detailed response to Councillor Murdoch if he wished to put his concerns in writing.

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

“When considering the original (EIA) screening and planning applications in 2017/2018 and the second (EIA) screening in 2019, what tide lines did NAC use as part of their determination? Was it means high water springs or means low water springs?”

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

“Planning Permission and consequential EIA screenings would be required for works above the high-water mark and below that mark would be the responsibility of Marine Scotland.”

As a supplementary question, Councillor Murdoch asked how the high-water mark had been measured and if it had been taken from the Ordnance Survey data.

Councillor Marshall responded by suggesting that Councillor Murdoch write to him on this matter and undertook to provide a detailed response.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 5.15 p.m. for a short comfort break.

The meeting reconvened at 5.25 p.m. with the same Members and officers present and in attendance, with the exception of Councillors Davidson, McNicol, McTiernan, Murdoch and D.L. Reid.

In terms of Standing Order 9.4, the Provost agreed to alter the order of business in light of Councillor Murdoch’s absence, and to consider question (17) prior to question (16).

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

“In 2020 Scotland celebrates its Coasts and Waters with a year-long programme of events and activities to highlight the impact our waters have had on Scotland; from the formation of outstanding natural features to our industrial heritage. In light of this and with The Coig tourism initiative, and the NAC Tourism Action Plan (2018-2022) in mind, would the Cabinet Member support placing the Waverley’s boiler refit appeal badge on the NAC website in order to raise awareness of the appeal which aims to raise £2.3 million to cover the cost of the refit?

The Waverley is an important part of our Clyde Coast heritage and as the last sea-going paddle steamer in the world plays an integral part in the tourism economy of North Ayrshire’s Clyde Coast and Islands. Through continuing the Clyde Coast tradition of going “Doon the Watter” Waverley brings over 8000 visitors to Arran, with three calls a week to the Island during peak season;(and more scheduled for 2020 due to the new pier at Brodick), regularly carries 1500 to Largs and calls at Cumbrae 2 days a week. Based on 2015 figures this brought £3.5 million to the Scottish tourist economy and the economic impact assessment noted that many Waverley passengers have additional on shore spend which boosts local economies.

Due to the complete failure of her boilers The Waverley had to be removed from service earlier this year and needs help to raise the £2.3million required for a boiler refit. £900 thousand has been raised so far, the refit will be carried out at Dales Marine Services in Greenock and the aim is to have Waverley back in service for the full 2020 summer Clyde season.

Therefore, I ask that the Cabinet Member support efforts to raise awareness of the appeal and help ensure that this unique maritime heritage experience continues to enhance people's enjoyment of our beautiful coastal waters and Islands and is saved for future generations to appreciate and enjoy".

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

"We recognise and welcome the fundraising efforts to bring the Waverley back into service.

The Council's Corporate Communications team will support these efforts by utilising its available channels to spread the word about the campaign.

The Communications team will highlight the campaign on its social media channels, such as Facebook and Twitter.

In addition, the Communications team will also promote the campaign through its internal media channels, including News in Brief and the Staff News website.

This will help support the wider campaign to raise the necessary funds for the Waverley's refurbishment work. We wish the campaign well and look forward to seeing the Waverley return to the Firth of Clyde - hopefully as part of the celebrations for the Year of Coasts and Waters in 2020."

Councillors Davidson, McTiernan, McNicol, Murdoch and D.L. Reid re-joined the meeting during consideration of this item.

Councillor McMaster left the meeting at this point.

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

"Can the Leader of the Council please confirm if anyone at NAC 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 the sand to be used for?"

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

“No enquiry has been made as to the availability of sand at Hunterston. The sites landowners Peel Ports have suggested that in cases where material is removed from the sea bed, this can be used in local construction projects if it is deemed suitable by appropriate agencies. No testing of material at Hunterston has taken place.

Initial discussions have suggested that material dredged from Ardrossan Harbour could be used to help raise ground levels at Ardrossan North Shore. Dredging of the Harbour area is required as part of the Harbour works, and any material removed would either be relocated elsewhere on the seabed, or used as construction material if deemed to be suitable. That would first require testing of the material to ensure that it is suitable for use and approval by the Scottish Environmental Protection Agency. This testing has been instructed as part of the design works associated with Ardrossan Harbour.”

As a supplementary question, Councillor Murdoch asked the Leader to confirm who owned the rights to use the sand in question if it was deemed suitable for use and whether it was the property of the company undertaking dredging works or the Crown Estate.

Councillor Cullinane undertook to look into this matter and provide a response to Councillor Murdoch.

#### **14. Motions**

In terms of Standing Order 13, submitted:

- (1) a motion by Councillor Foster, seconded by Councillor Sweeney, in the following terms:

"North Ayrshire Council endorses the support that has been offered by St Louis-based obstetrician-gynaecologist, Dr Dionysios Veronikis to travel to Scotland to train fellow obstetricians in the safe removal of transvaginal and other mesh implants from persons affected by the mesh implant situation in Scotland. Through our endorsement, we recognise the pain that some of our constituents feel due to mesh implants and we are committed to ensuring our local constituents and other persons in Scotland receive humane and fair treatment in regard to their painful and debilitating symptoms. We now call upon the UK government to respond as a matter of urgency to allow our constituents and others to receive expeditious treatment. We also agree that mesh should not be re-introduced until a full, thorough review of the devices has been completed to ensure public safety. We call upon all other Scottish local authorities to support us to show solidarity with Scottish people affected by this issue."

As an amendment, Councillor Billings, seconded by Councillor Ferguson, moved to support the terms of the motion, subject to the deletion of “We now call upon the UK Government to respond as a matter of urgency to allow...” and its replacement with “As a matter of urgency, we call upon the Scottish Government, in particular the Scottish Cabinet Secretary for Health, as well as the UK Government, to expedite the entry of Dr Veronikis into Scotland, so that he can train surgeons within Scotland thereby allowing...”

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to withdrawn their motion in favour of the amendment, which became the substantive motion. There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

"North Ayrshire Council endorses the support that has been offered by St Louis-based obstetrician-gynaecologist, Dr Dionysios Veronikis to travel to Scotland to train fellow obstetricians in the safe removal of transvaginal and other mesh implants from persons affected by the mesh implant situation in Scotland. Through our endorsement, we recognise the pain that some of our constituents feel due to mesh implants and we are committed to ensuring our local constituents and other persons in Scotland receive humane and fair treatment in regard to their painful and debilitating symptoms. As a matter of urgency, we call upon the Scottish Government, in particular the Scottish Cabinet Secretary for Health, as well as the UK Government, to expedite the entry of Dr Veronikis into Scotland, so that he can train surgeons within Scotland thereby allowing our constituents and others to receive expeditious treatment. We also agree that mesh should not be re-introduced until a full, thorough review of the devices has been completed to ensure public safety. We call upon all other Scottish local authorities to support us to show solidarity with Scottish people affected by this issue."

(2) a motion by Councillor Marshall, seconded by Councillor Ferguson, in the following terms:

“That all proposals for the erection of 50 or more Council Houses be required to be determined by a formal Planning Application to ensure complete public transparency and engagement.”

In terms of Standing Order 14.5, Councillor Marshall intimated, with the consent of his seconder, that he wished to withdraw the motion.



- (3) a motion by Councillor McPhater, seconded by Councillor Foster, in the following terms:

“Data published in 2018 showed that Scotland has the highest level of drug related deaths across Europe, here in North Ayrshire the level of drug related deaths are above the Scottish average. Accordingly, North Ayrshire Council agrees: 1. To declare a drugs death emergency and requests the Health and Social Care Partnership to convene a drugs death summit of Community Planning Partners to consider multi-disciplinary local drug policy, funding and service improvements. 2. That the Chief Executive write to the Cabinet Secretary for Health and Sport to strongly urge the Scottish Government to declare drug related deaths as a public health emergency in Scotland and seek a commitment to making real terms funding increases towards Alcohol and Drug Partnerships following a £15.4million reduction in government allocations from 2016/17 which has resulted in real terms funding cuts. 3. That the Chief Executive write to the Home Secretary seeking the devolution of drug powers to Scotland that would allow Drug Consumption Rooms in Scotland and permit the decriminalisation of drug possession which has proved hugely successful in countries such as Portugal.”

As an amendment, Councillor Dickson seconded by Councillor Burns, moved that the Council approve the terms of the motion, subject to an amendment to point “2”, to end it after the word “Partnerships.”

As a further amendment, Councillor Billings, seconded by Councillor Glover, moved as follows:

“That the Chief Executive write to the Scottish Cabinet Secretary for Health and Sport seeking a commitment to undertake a full review of addiction services within Scotland, that will enable all the relevant services to work effectively together to develop and implement innovative and flexible approaches to addiction prevention and treatment.”

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to withdraw their motion in favour of the amendment proposed by Councillor Dickson and seconded by Councillor Burns. This amendment then became the substantive motion.

Following questions, debate and summing up, on a division, there voted for the amendment 6 and for the substantive motion 23, and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

“Data published in 2018 showed that Scotland has the highest level of drug related deaths across Europe, here in North Ayrshire the level of drug related deaths are above the Scottish average. Accordingly, North Ayrshire Council agrees: 1. To declare a drugs death emergency and requests the Health and Social Care Partnership to convene a drugs death summit of Community Planning Partners to consider multi-disciplinary local drug policy, funding and service improvements. 2. That the Chief Executive write to the Cabinet Secretary for Health and Sport to strongly urge the Scottish Government to declare drug related deaths as a public health emergency in Scotland and seek a commitment to making real terms funding increases towards Alcohol and Drug Partnerships. 3. That the Chief Executive write to the Home Secretary seeking the devolution of drug powers to Scotland that would allow Drug Consumption Rooms in Scotland and permit the decriminalisation of drug possession which has proved hugely successful in countries such as Portugal.”

- (4) a motion by Councillor Gurney, seconded by Councillor Davidson, in the following terms:

"It is increasingly likely that our citizens will soon be asked to go to the polls and cast their vote. It is not controversial to suggest that it is important that as many people as possible are given the opportunity to exercise their democratic rights and that it is the duty of this Council to encourage that expression.

Indeed it is the duty of the Returning Officer to promote electoral awareness. That is unlikely to happen in the current circumstances when most common comment heard at polling stations is to the effect that one would hardly know that there was an election. That position would be exacerbated if, as expected, we have an incredibly short run up to any possible poll. It is quite likely that, between calling an election and the election day itself, we might have as few as 25 days.

It is clear that we have a duty to promote the largest demonstration of democratic involvement that we can. Traditionally one of the most effective promotion techniques was to utilise election signs. Indeed signage was historically the most visible means of making the public aware that an election was upcoming.

Taking these circumstances into account it is imperative that every effort is made to raise electoral awareness and to facilitate that Council will implement a pilot project to allow election signage for the next poll. Our previous policy on these matters was clear and comprehensive and so would be used verbatim, subject to any updating required by the Returning Officer who would have the delegated authority to do so if a poll were to be called before the next Council meeting.

This policy was discussed by Council on the 2nd of April 2014 and may be found here:-

<https://north-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/339/Committee/4/Default.aspx>

This report made clear that:

- The policy of allowing posters on Council property had proven fit for purpose
- The previous Chief Executive's clear recommendation to Council was to approve a policy which allowed for such signage. It is therefore clear that this is the right thing to do from an unbiased electoral perspective, especially given that the Chief Executive is also the Returning Officer."

Following this pilot Council will receive a report on the issues in the following terms:

- Benefits in terms of Public awareness
- Cost to the Council in terms of having to remove posters
- Environmental issues relating to inadequately secured posters becoming litter
- Road safety issues Following this pilot, there should be a public consultation on whether the policy should continue for future polls."

As an amendment, Councillor Cullinane, seconded by Councillor Barr, moved the direct negative.

The Senior Manager (Legal Services) sought, and received, the agreement of the Council not to require the amendment to be reduced to writing in terms of Standing Order 14.4.

Following questions, debate and summing up, on a division, there voted for the amendment 19 and for the motion 10, and the amendment was declared carried.

Accordingly, the Council agreed not to approve the terms of the motion.

Councillor Donald L. Reid left the meeting during consideration of the following item of business.

- (5) a motion by Councillor Murdoch, seconded by Councillor Hill, in the following terms:

"That Council has No Confidence in the North Ayrshire Council representatives on the (SSG) Site Stakeholders Group, and removes Councillors Barr, Ferguson, Marshall, Glover and Gallagher as its representatives on the Group and seeks nominations today for five replacement representatives."

As an amendment, Councillor McNicol, seconded by Councillor Foster, moved the direct negative.

The Senior Manager (Legal Services) sought, and received, the agreement of the Council not to require the amendment to be reduced to writing in terms of Standing Order 14.4.

On a point of order, Councillor Barr requested, and received, confirmation from the Senior Manager (Legal Services) that there was no requirement, in terms of Standing Orders, for a two thirds majority of Members to agree to consider the motion.

Following questions, debate and summing up, on a division and roll call vote, there voted for the amendment Councillors Barr, Bell, Billings, Clarkson, Cullinane, Easdale, Ferguson, Foster, Gallagher, Glover, Marshall, McNicol, McPhater, Miller, Montgomerie, Donald Reid, Stephen and Sweeney, and for the motion, Councillors Brahim, Burns, Davidson, Dickson, Gurney, Hill, Larsen, Macaulay, McClung, McTiernan and Murdoch, and the amendment was declared carried.

Accordingly, the Council agreed not to approve the terms of the motion.

The Meeting ended at 6.45 p.m.



# PROVOST'S REPORT

For the period covering: 16 September 2019 – 3  
November 2019

The attached report gives a summary and brief details to Council, of  
meetings and events attended by the Provost of North Ayrshire  
Council, Councillor Ian Clarkson.

# PROVOST'S REPORT

For the period covering: 16 September 2019 – 3 November 2019

Since the last meeting of the Council I have attended various events throughout North Ayrshire.

## ***Ground-Breaking ASN Campus, Stevenston, 16 September***

I was delighted to attend the ground-breaking ceremony for the new ASN Campus and Respite and Residential Accommodation Project in Stevenston on 16 September.

This unique Education and Health and Social Care Partnership (HSCP) project will see a £30 million capital investment in the creation of modern, state-of-the-art educational and respite and residential accommodation for young people with additional support needs.

## ***Macmillan Coffee Morning, Irvine Townhouse, 27 September***

On 27 September, I hosted a Macmillan coffee morning in Irvine Townhouse to raise funds for Macmillan Cancer Support. A total of £280 was raised at this particular event and my thanks go to everyone who supported this worthwhile cause. Many more similar events were held throughout North Ayrshire.

## ***70<sup>th</sup> Anniversary Reception hosted by Chinese Consulate in Edinburgh Gailes Hotel, 29 September***

To mark the 70<sup>th</sup> Anniversary of the People's Republic of China, I attended a reception hosted by the Consulate General in Edinburgh. I joined other civic heads and special guests at this event. Events like these provide excellent networking opportunities.

## ***Prince's Trust Annual Awards Ceremony, Edinburgh, 1 October***

On 1 October, I attended the Prince's Trust Annual Awards Ceremony in Edinburgh. The Awards provided a fantastic opportunity to honour the achievements of the award winners who shared stories of their incredible journeys. The evening highlighted the tremendous contributions of those engaged with the Prince's Trust in supporting and transforming the lives of young people.

### ***Cream of Ayrshire Awards, Park Hotel, Kilmarnock, 3 October***

I was delighted to attend the West Sound Cream of Ayrshire Awards on 3 October in Kilmarnock. I jointly sponsored the Unsung Hero award along with the Provosts from East and South Ayrshire Council. Events like these highlight the amazing work that is carried out by people in our communities.

### ***Ayrshire Hospice Autumn Ball, Seamill Hydro, 4 October***

I was happy to be able to support this year's Ayrshire Hospice Autumn Ball which took place in Seamill Hydro on 4 October. A total of £46,000 was raised at the event which will help the Hospice greatly in providing excellent care and resources for those with life-limiting illness and their families.

### ***Scottish Older People's Assembly, Scottish Parliament, Edinburgh, 5 October***

On 5 June I attended the Scottish Older People's Assembly in the Scottish Parliament. This event gives a voice to older people throughout Scotland. A range of themed workshops were arranged and included Age-friendly Communities, Hearing the Voices of Older People, Digital Connectivity, Food and Nutrition, Primary Care and Older Veterans.

### ***Kirkin' of the Deacon Convener, Old Parish Church, Irvine, 6 October***

The Kirkin' of the Deacon Convener of Irvine Incorporated Trades took place on 6 October in Old Parish Church, Irvine. This traditional event was attended by many local groups and organisations.

### ***Official Opening of The Circuit, Quarry Road, Irvine, 7 October***

I was delighted to attend the formal opening of the Circuit on 7 October. The £5.4 million sports facility includes a full size 3G outdoor pitch, 9-a-side 3G indoor pitch and a 750m closed cycle loop. Also, within the facilities is the new Circuit Enterprise Hub.

### ***Citizenship Ceremony, Saltcoats Town Hall, 9 October***

On 9 October, a citizenship ceremony was held in Saltcoats Town Hall. It was a pleasure to be able to attend this special event and to formally welcome new UK citizens to North Ayrshire.

### ***Mary Poppins Performance, Irvine Royal Academy, Irvine, 9 October***

On the evening of 9 October, I attended a performance of Mary Poppins in Irvine Royal Academy. I'm always delighted to attend and support events like these which highlight the sheer talents of our young people here in North Ayrshire.

### ***Go Purple Day, Cunninghame House, Irvine, 11 October***

On 11 October, we went purple for the Ayrshire Hospice. Fundraising events took place in venues throughout North Ayrshire. I hosted Go Purple Day in Cunninghame House, which included a prize raffle and lunchtime activities, which raised over £800. My thanks to all our generous staff and elected members who supported the event.

### ***Launch of Breakfast Club, Hayocks hall, Stevenston, 12 October***

On 12 October, I was delighted to officially launch the Stevenston North Breakfast Club in Hayocks Community Hall, Stevenston. The Club will be run by Stevenston North Community Association. The Breakfast Club is not only an opportunity for residents to enjoy a delicious, free breakfast each Saturday, but also to meet other members of the community, catch up with friends and find out more about what's happening in Stevenston.

### ***Festival of Juvenile Solo Piping, Auchendarvie Academy, Stevenston, 19 October***

On 19 October, I went along to the 17<sup>th</sup> annual Festival of Juvenile Solo Piping in Auchendarvie Academy. The event was very well attended with young people from all over Scotland competing. The Festival is run by volunteers who work tirelessly behind the scenes and give up so much of their free time. My thanks go to everyone involved.

### ***Irvine Incorporated Trades Annual Celebration, Riverside Lodge Hotel Irvine, 19 October***

I attended Irvine Incorporated Trades' 373<sup>rd</sup> Annual Celebration on 19 October in Riverside Lodge Hotel, Irvine. I was delighted to reply to the toast to the Royal Burgh. Events like these are steeped in tradition and celebrate the history and culture of Irvine.

### ***19th Ayrshire (Kilwinning) Scout Group - World Jamboree Presentation, Scout Hall, Kilwinning, 22 October***

It was a pleasure to attend 19<sup>th</sup> Ayrshire (Kilwinning) Scout Group's World Scout Jamboree presentation. It was fascinating to hear first-hand the stories and experiences of those who attended the Jamboree in West Virginia, which is the world's biggest scouting event.



### ***Poster Competition, Elderbank Primary School, Irvine, 23 October***

Irvine Horticultural Society arranged a “design a poster” competition. The theme, this year, was around climate change. I was delighted to go along to Elderbank Primary School on 23 October and present the prizes. There were many outstanding entries and my appreciation to everyone who took part.

### ***Irvine Burgh Archives Launch, Townhouse, Irvine, 24 October***

An additional 2000 records of historical importance have now been made available to the public for the first time at Irvine’s Townhouse after Ayrshire Archives launched the Irvine Burgh Archive Collection on 24 October, which I attended. The Irvine Burgh archive is a real treasure trove for anyone researching specific aspects of the town’s history, with trained staff able to help you along the way. Along with our Family History Service, which is based at the venue, this is an extremely valuable resource for the people of North Ayrshire.

### ***Irvine Town Twinning Association Coffee Morning and Presentation, Mure Church, Irvine, 26 October***

I attended Irvine Town Twinning Association’s coffee morning on 26 October in the Mure Church, Irvine. The event promoted Irvine’s links with Voisins-le-Bretonneux and included a slide show presentation.

### ***Cyclocross, Beach Park, Irvine, 27 October***

I was delighted to attend the Scottish Cyclocross National Trophy held at Irvine Beach Park on 27 October. This was an excellent, well-attended event and I was only too pleased to present the prizes to the winners. I am delighted to see high profile events of this nature being staged in North Ayrshire.

### ***Poppyscotland Ayrshire Reception, Dean Castle, Kilmarnock, 28 October***

I attended a reception at Dean Castle, Kilmarnock on 28 October to mark the start of the 2019 Scottish Poppy Appeal. Guests heard about important issues affecting the Armed Forces Community across Scotland as well as details on Poppyscotland’s ambitious learning and outreach project.

***Turkish National Day Reception, City Chambers, Edinburgh, 29 October***

On 29 October, I attended a reception in Edinburgh City Chambers hosted by the Consul General of the Republic of Turkey. The event was held to mark the 96<sup>th</sup> anniversary of the proclamation of the Republic. The event gives civic heads the opportunity to network, show support for the Turkish community in Scotland and promote their respective local authority area to a wider audience.

***Barista Launch, Ardrossan Academy, Ardrossan, 1 November***

I attended the launch of Ardrossan Academy's Barista project on 1<sup>st</sup> November. The project is supported by the Prince's Trust and Developing Young Workforce. Projects like this aim to improve young people's employability skills.



A handwritten signature in black ink that reads "Ian Clarkson". The signature is written in a cursive, flowing style.

Councillor Ian Clarkson  
**Provost North Ayrshire Council**



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

# LEADER'S REPORT

For the period covering: 16 September – 3  
November 2019

The attached report gives a summary and brief details to Council, of meetings and events attended by the Leader of North Ayrshire Council, Councillor Joe Cullinane.

# LEADER'S REPORT

For the period covering: 16 September – 3 November 2019

## ***ADDITIONAL SUPPORT NEEDS CAMPUS AND RESPITE AND RESIDENTIAL ACCOMMODATION GROUND-BREAKING, 16 September***

On 16 September, I was delighted to be invited to the ground-breaking ceremony for the new Additional Support Needs (ASN) Campus and Respite and Residential Accommodation Project. This unique Education and Health and Social Care Partnership (HSCP) project, which will be based next to Auchenhavie Academy, will see a £30 million capital investment in the creation of modern, state-of-the-art educational and respite and residential accommodation for young people with additional support needs.

The Campus will enable close collaboration and partnership working between Education, HSCP and the children, young people and their families.

## ***COMMUNITY WEALTH BUILDING COMMISSION MEETING, 17 September***

Our work on Community Wealth Building is progressing well and on 17 September some of our Community Planning Partners, senior officers and representatives from the Centre of Local Economic Strategies (CLES), came together for the first meeting of the Community Wealth Building Commission, held here in Cunninghame House.

The Commission discussed some of the findings from the CLES report and agreed next steps going forward. One of the key areas will be procurement and what can be done collectively. The Commission will meet again in early December to discuss and agree a strategy.

## ***VISIT BY EUROPEAN ECONOMIC AND SOCIAL COMMITTEE DELEGATION, 18 September***

On 18 September, North Ayrshire Council welcomed a delegation from the European Economic and Social Committee (EESC) which was headed up by President of the EESC Brexit Committee, Stefano Mallia. The visit was part of a wider visit to Scotland to meet various organisations to discuss post Brexit implications and the impact on any future working relationships.

### ***STRATEGIC BUSINESS DINNER, 18 September***

Later on 18 September, I attended a strategic business dinner hosted by North Ayrshire Council at the Irvine Townhouse. The dinner was attended by several local businesses and Stefano Mallia, President of the European Economic and Social Committee (EESC) Brexit Committee.

The dinner gave us an opportunity to talk about Community Wealth Building (CWB) to a wider audience and more importantly, highlight how local businesses could play their part in contributing to this strategic piece of work that North Ayrshire Council is championing in Scotland.

### ***COMMUNITY PLANNING PARTNERSHIP BOARD MEETING, 19 September***

On 19 September, I chaired the Community Planning Partnership (CPP) Board meeting held in the Fullarton Community Hub. CPP partners heard updates on the Children Services Strategic Plan and a presentation from Councillor Robert Foster on the subject of "Corporate Parenting".

Following the presentations, workshops were held for the Garnock Valley Locality Partnership and the Three Towns Locality Partnership to enable Board Members to discuss priorities at a local level and how we are addressing these priorities. We also looked at the impact of strategic approaches and what else is needed to be done to support this work.

### ***Wi-fi SPARKS LAUNCH, 20 September***

As Leader of North Ayrshire Council, I am proud to say that we are hugely committed to getting more people into work and I was therefore delighted to attend the WiFi Spark Launch on 20 September. It is great to see that WiFi Spark has safeguarded 10 good quality jobs by choosing to locate their premises at the i3 site in Irvine.

While this is their first office here in Scotland, WiFi already has plans to grow and diversify. This is great news for North Ayrshire. I know the company has already been working closely with our Team North Ayrshire who have supported them with their move to North Ayrshire. I am sure they will continue to support and help them with their ongoing growth plans.

### ***ECONOMIC, DEVELOPMENT AND REGENERATION BOARD, 26 September***

On 26 September, the Economic Development and Regeneration Board met in Cunninghame House. The Board received a presentation on the i3 Digital Manufacturing and Demonstrator Hub and another on the COIG. I am pleased the COIG app is now available to download as it

contains really useful information about local walks, restaurants, places of interest which will be helpful for visitors and local residents alike.

### ***FAIR SAY STAFF ENGAGEMENT EVENT, 26 September***

Later on 26 September, I travelled to Arran to take part in the second of our “Fair Say” Staff Engagement sessions together with our Chief Executive, Craig Hatton. The session provided NAC employees with an opportunity to ask myself or Craig questions. These were on a range of issues with a particular focus on our new Council Plan. Further events are planned for later in the year in the remaining localities.

### ***COSLA LEADERS, 27 September***

I attended COSLA Leaders in Edinburgh on 27 September for a meeting to discuss a range of subjects including the Local Government Spending Review, EU Settlement Scheme Applications, Family Leave for Councillors, the 16 days of Action Campaign and the updated Gypsy/Traveller Action Plan. This updated plan was received more positively as it further ensures that Gypsy/Travellers are treated fairly and have positive experiences of our public services, while retaining the right to maintain and enjoy their nomadic lifestyle.

### ***MEETING WITH THE WOODLAND TRUST, 30 September***

On 30 September, myself and officers attended a meeting with The Woodland Trust to explore the possibility of increasing our commitment to tree planting. We have declared a Climate Emergency and I will continue to look at ways of how we can tackle climate change here in North Ayrshire.

### ***FAIR FOR ALL COMMISSIONER MEETING, 3 October***

On 3 October, I attended the Fair For All Commissioner meeting at Fullarton Connexions. Our Fair For All Commissioners heard some more profound stories about those who have experienced hardships in the past and how they have struggled to survive. FFA Commissioners will continue to meet until May 2020 before a report will be submitted to the Scottish Government.

## ***OFFICIAL OPENING OF THE CIRCUIT, QUARRY ROAD, 7 October***

On 7 October, I attended the official opening of The Circuit, Irvine's new £5.4m sports facility at Quarry Road. It was fabulous to have Scottish Women's National Team player Erin Cuthbert, born in Irvine, do the honours.

The new facilities, which have been part funded by North Ayrshire Council, the Scottish Government Vacant and Derelict Land Fund, European Regional Development Fund and the Landfill Tax Credit Scheme, will include a full-size 3G outdoor pitch for football, a 9 a-side 3G indoor pitch to allow all-weather training and a 750m closed cycle loop. The facilities were completed in August and have been used by local groups with very positive feedback. KA Leisure operate the facilities and take bookings for the football pitches. The cycling facilities are free and open for use.

Also, within the same facility is the Circuit Enterprise Hub. This is an incubation facility for small local businesses who aspire to grow and take on their own premises within a 12-month period. It offers subsidised office accommodation for up to 12 new and ambitious early-stage growth businesses with access to business support through the Council's Business Team who are also located in the new offices.

## ***CHALLENGE POVERTY WEEK, 7-13 October***

Once again, North Ayrshire Council supported the Poverty Alliance's Challenge Poverty Campaign, which ran from 7-13 October. This is the fourth year that we have supported this campaign and in those four years, we have done some great work which we should be proud of. This includes our Fair For All Commission work, the expansion of our Early Years Child Care and our social housing programme. This year I was involved in the following:

### ***Ask the Leader, 7 October***

ASK THE LEADER live social engagement session, streamed on Twitter and Facebook. This enabled me to highlight some of the great work we are doing around poverty and to take questions from members of the public.

### ***Launch of Kilwinning Employability Hub and Jobs Fair, 8 October***

Launch of Kilwinning Employability Hub and Jobs Fair at Kilwinning Library. Previously located at Ayrshire College in Kilwinning, it is hoped that by moving the Hub to the library it will be more



widely accessible. The Jobs Fair was hugely successful with a total of 14 employers from a range of sectors participating. There were 155 attendees on the day with five job offers from NAC Care at Home.

Thanks to our Employability team for putting on such a successful event and all those employers and partners who took part.



Councillor Alex Gallagher, Liz MacKay CEIS Ayrshire, Barbara Hughes North Ayrshire Council Libraries, Council Leader, Joe Cullinane, Greig Robson Senior Manager at NAC, Julie Berryman Department of Work and Pensions, Kelly Mccandlish Business & Employability Liaison Officer at NAC

### *Visit to Kilwinning Academy Credit Union Access Point, 9 October*

On 9 October, together with Provost Clarkson, I visited the Credit Union Access Point based in Kilwinning Academy. This is run by pupils and volunteers and is the first school in North Ayrshire to have this facility. It is also the first in Scotland to have pupils being trained up in financial literacy, IT and Customer Services courses where they can obtain a recognised qualification. The work is overseen by 1<sup>st</sup> Alliance Credit Union and the aim is to encourage pupils/users to save using a different method to traditional high street banks.



Not only was this a great week but also a first and something to be immensely proud of. Congratulations to all those involved, the teachers at Kilwinning Academy, 1<sup>st</sup> Alliance Credit Union, the volunteers and of course the pupils.



Council Leader, Joe Cullinane with some of the pupils, Rochine (pupil), Angela (volunteer), Amanda (1<sup>st</sup> Alliance), Janet (volunteer), Kyle (pupil) and Taylor (pupil).

### *Real Nappy Scheme*

I also wanted to highlight our Real Nappy Scheme which was launched during Challenge Poverty Week. This innovative scheme could save families up to £1300 per child on the cost of disposable nappies while at the same time reduce our costs of transferring waste to landfill.

Thanks again to officers for their great work challenging poverty during the week.

### ***COSLA CONVENTION AND AWARDS, 10-11 October***

I attended COSLA Convention and Awards held in the Fairmont Hotel in St Andrews. It was another packed programme with a variety of speakers on the first day followed by dinner and the Awards event. At the meeting on the following day, members received updates on the Spending Review, the Local Governance Review and an update on details of planning following UK Exit from the EU.

### ***NATIONAL CARE LEAVERS EVENT, 22 October***

It was another great evening at Ayrshire College on 22 October when I attended the Care Leavers event with the Cabinet Member for Health and Social Care, Councillor Robert Foster. We really do have some truly amazing young people in North Ayrshire and it is always great to take part in these events to acknowledge and celebrate their successes.

### ***SUSTAINABLE FOOD CITIES MEETING, 24 October***

On the 24 October I travelled to Stirling to attend the Sustainable Food Cities (SFC) Group Meeting. The SFC Group have more than 50 members throughout the UK and their aim is to drive through positive change in future food delivery, through effective cross-sector Food Partnership working, embedding healthy and sustainable food in Policy and developing and delivering an Action Plan.

The Group will look at 6 main areas:

- Promoting healthy and sustainable food to the public
- Tackling food poverty and increasing access to affordable healthy food
- Building community food knowledge, skills, resources and projects
- Promoting a vibrant & diverse food economy
- Transforming catering and food procurement
- Reducing waste & the ecological footprint of the food system.

### ***COSLA LEADERS, 25 October***

I was back through in Edinburgh on 25 October to attend the COSLA Leaders meeting. Leaders received a verbal update on the Spending Review and heard more about the Parental Employability Support Fund, which is part of the wider Government's Tackling Child Poverty Plan.

There was a report detailing work around the “16 days of Activism against Gender Based Violence” Campaign. North Ayrshire Council (NAC) has always been fully supportive and involved in the “White Ribbon” campaign and will be again this year. The campaign runs from 25 November until 10 December and I, together with other NAC Elected Members, will be signing the White Ribbon pledge later in November.

### ***CONVENTION OF HIGHLANDS AND ISLANDS, 28 October***

I travelled up to Inverness on 27 October to attend the Convention of Highlands and Islands meeting (COHI) held on 28 October. Agenda items included a paper on the European Structural and Investment Funds (ESIF), the Global Climate Change Emergency and a paper on “population and productivity”. NAC is one of eight local authorities on the west coast of Scotland which is anticipated to see population decline between 2016-2026 with the population of Scotland as a whole due to increase. North Ayrshire Council and other West of Scotland local authorities, supported by COSLA, will continue to lobby the Government to look at measures to reduce this imbalance.

### ***COSLA CONVENTION AND AWARDS, 10-11 October***

On 1 November, I was delighted to be able to go along to the North Ayrshire Youth Council Annual Youth Conference held in Ardeer Neighbourhood Centre. The theme this year was Climate Change.

There were several workshops held throughout the day which enabled our young people to outline their concerns for the future, hear some of the work that is being done to tackle climate change and for them to make suggestions of what else they would like to see being done. It was also great to meet Toni Lamont, who started as a Modern Apprentice at Eglinton Country Park studying Countryside Management. She has since then, given her vast experience, gone on to speak at various national events and run workshops about Climate Change.

My thanks to all the young people who attended and for their continued enthusiasm on climate change, to Toni for her valuable input and to all those who were involved in the organization of the event.



A handwritten signature in black ink, appearing to read 'Joe Cullinane'.

Councillor Joe Cullinane  
**Leader North Ayrshire Council**

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**NORTH AYRSHIRE COUNCIL**

**13 November 2019**

**North Ayrshire Council**

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**Title:** **North Ayrshire Community Planning Partnership (CPP) Board:  
Minutes of Meeting held on 19 September 2019**

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**Purpose:** To submit the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 19 September 2019.

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**Recommendation:** That the Council notes the Minutes contained in Appendix 1.

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**1. Executive Summary**

- 1.1 It was previously agreed that the Minutes of the Community Planning Partnership (CPP) Board be submitted to North Ayrshire Council for information. The key matters arising from the minutes have been highlighted for the attention of Council and are detailed in Section 2.1.

**2. Background**

- 2.1 Minutes of the meeting of the CPP Board held on 19 September 2019 are appended. Particular matters for the Council's attention include the following: -

**Agenda Item 4**

CPP partners heard about the work of the Corporate Parenting Team and the role of Community Planning Partners as corporate parents. The wide range of supports and initiatives coordinated by the team was commended by the Board.

**Agenda Item 5**

Attendees split into groups and participated in workshops which focused on the Three Towns and the Garnock Valley Locality Partnerships. They were given an overview of the work of Locality Partnerships and sub groups which support and feed in to the Partnerships. Partners discussed the reasoning behind the priorities which have been set for the areas. There was also detailed discussion on initiatives supported by the Locality Partnerships and planned work going forward. Partners considered how they can support work at a locality level.

## Agenda Item 6

The Board considered the draft Local Outcomes Improvement Plan annual report which was available online using a Story Map format.

### 3. Proposals

3.1 That the Council notes the Minutes contained in Appendix 1.

### 4. Implications

<b>Financial:</b>	There are no financial implications arising from this report.
<b>Human Resources:</b>	There are no human resource implications arising from this report.
<b>Legal:</b>	There are no legal implications arising from this report.
<b>Equality: Children and Young People:</b>	There are no implications relating to equality or children and young people arising from this report.
<b>Environmental &amp; Sustainability:</b>	There are no environmental implications arising from this report.
<b>Key Priorities:</b>	The CPP activities detailed within this report support the Local Outcomes Improvement Plan.
<b>Community Benefits:</b>	There are no community benefit implications arising from this report.

### 5. Consultation

5.1 No consultation was required.

Audrey Sutton  
Executive Director (Interim) (Communities)  
[Click here to enter text.](#)

For further information please contact **Morna Rae, Senior Manager, Policy, Performance and Community Planning** on **01294 324177**.

### Background Papers

N/A

## **Community Planning Partnership Board**

Thursday 19 September 2019 at 11.00 am

Fullarton Community Hub



North Ayrshire  
Community Planning Partnership

### **Present**

#### **North Ayrshire Council**

John Bell, Elected Member **(Chair)**

Marie Burns, Elected Member

Alex Gallagher, Elected Member

Scott Davidson, Elected Member

Ellen McMaster, Elected Member

Craig Hatton, Chief Executive

Audrey Sutton, Interim Executive Director (Communities)

Rhona Arthur, Interim Head of Service (Connected Communities)

Morna Rae, Senior Manager, Policy, Performance and Community Planning

#### **North Ayrshire Health and Social Care Partnership**

Stephen Brown, Director

Robert Foster, Elected Member and Chair of the North Ayrshire IJB

#### **KA Leisure**

Ashley Pringle, Vice Chair, KA Leisure

#### **NHS Ayrshire and Arran**

Lynne McNiven, Director, Public Health

Hazel Borland, Nurse Director

#### **Police Scotland**

Stuart McGregor, Superintendent

#### **Scottish Enterprise**

Mark Newlands, Head of Partnerships

#### **Scottish Fire and Rescue**

Gibby Lamont, Depute Group Manager

Steven Corrigan, Station Manager

#### **Skills Development Scotland**

Katie Hutton, Depute Director, National Training Programme

#### **Strathclyde Partnership for Transport**

Allan Comrie, Senior Transport Planner

### **In Attendance**

Lauren Cameron (NAC), Jennifer McGee (NAC), Andrew Keir (NAC), Mhairi McFadyen (HSCP), Courtney Gemmell (HSCP)

## **Apologies**

Cllr Joe Cullinane (NAC), Cllr Tony Gurney (NAC), John Burns (NHS) Audrey McGee (DWP), Stephen Gallagher (SG), Vicki Yuill (TSI), Michael Breen (Ayrshire College), Mark Hargreaves (Police Scotland), Ian McMeekin (SFRS), Martin Cheyne (NHS)

### **1. Welcome and Apologies**

The Chair welcomed everyone to the meeting and apologies were noted.

### **2. Minute of the Previous Meeting and Action Note**

The minutes of the previous meeting were approved, and the action note was discussed.

### **3. Childrens Services Strategic Partnership Report**

Lauren Cameron, Policy Officer (Children's Services) provided the Board with an update on the work of the North Ayrshire Children's Services Strategic Partnership.

Lauren advised that at the CSSP Meeting on 24 July, a question set for the pupil survey (ChildrenCount) was discussed. The group were able to select several bespoke options that would provide additional insights in addition to the core set of questions.

The options selected were:

- Coercive Control (secondary only),
- Suicidal Ideation (secondary only),
- Exercise, Positive Wellbeing; and
- Opportunities for Prosocial Involvement with Parents.

The group are also keen to include a section on Social Media Use which is currently being looked at by Dartington Research Unit.

The survey will be issued to school children aged eight and above during November and December 2019 with the results of the survey being available early 2020. The findings of this survey will help shape the work of the new Children's Strategy as the Partnership want to build their strategy on evidence-based information.

A findings report will be brought back to the CPP Board early 2020.

### **4. Corporate Parenting**

Councillor Foster thanked the Board for allowing the Team to come along to the meeting to provide them with an update.

Councillor Foster highlighted that in 2017 Community Planning partners committed to being corporate parents to our young people in the care system. He also reported that North Ayrshire Council is the first Council in Scotland to provide 100% Council Tax exemption for our care leavers. This means that if any young person aged 18 to 25 was 'looked after' by the Council on their 16th birthday, or at any time after that date



and even if they are no longer looked after by the Council, they will be eligible for the exemption.

Councillor Foster then introduced the Council's Corporate Parenting Team to the meeting.

Andrew Keir, Corporate Parenting and GIRFEC Manager, Mhairi McFadyen, Corporate Parenting Co-ordinator and Courtney Gemmell Corporate Parenting Support Assistant provided the CPP Board on the work of the Corporate Parenting Team.

Andrew advised that there are 562 Care Leavers in North Ayrshire and there are 24 Corporate Parents (agencies). The North Ayrshire Corporate Parenting Team support local collaboration across 10 of these agencies.

Mhairi reported that she works in partnership with different services ensuring young people have the opportunity to get involved in youth and community work in their area. She also supports the North Ayrshire Champions Board (who recently celebrated their first birthday). The Board brings together care experienced young people and Corporate Parents to create change within the care system.

Mhairi highlighted work of the North Ayrshire Family Firm which supports care experienced young people (aged 15 plus) into employment. The initiative ensures that the young person gains paid work experience before moving on to an apprenticeship.

Courtney advised the Board that the Team were currently working on a new Mental Health Toolkit specific to care leavers, it will follow a similar approach to the current Mental Health toolkit. They are also looking at the possibility of the toolkit being made into an App to ensure young people have access to it at all times.

Andrew thanked the Board for allowing the team to come along and showcase their work. He also advised that Board that the funding for the posts that support all this excellent work were only funded until March 2020 and that other funding options would need to be explored to keep the programme running.

Both Audrey Sutton and Hazel Borland highlighted that they would like to be a part of discussions relating to the programme. Partners commended the input to the Board and the work undertaken by the team.

## **5. Workshops**

The Board split into two groups for the workshop session, which focussed on two of North Ayrshire's Locality Partnerships – Three Towns and Garnock Valley. At the workshop partners considered:

- What are the priorities at a local level?
- What is being done to address them?
- How should this impact strategic approaches?
- What else can be done across partners to support this work?

### **Three Towns:**

Shirley Morgan, Locality Officer (Three Towns) provided the group with an overview of the Locality Partnership and Sub Groups which support and feed in to the Partnership. Shirley also highlighted the reasoning behind the priorities which have been set for the area.

Shirley also highlighted some of the examples of key areas of work in the Three Towns:

- £50,000 CIF Funding granted to the Training Station. This is located at Saltcoats Train Station. As well as receiving CIF Funding this project has also received in excess £400,000 of funding from a range of partners including ScotRail, the Railway Heritage Trust, Sport Scotland and the Scottish Government. It will re-purpose a category B listed building, developing local community-based facilities that meet community needs and contributing to the community's health and wellbeing.
- £100,000 of CIF Funding was granted to the Three Towns Growers. This project provides opportunities for local people involved in growing and supports making the Three Towns a 'centre of environmental excellence'. Three Towns Growers also received £367,000 of funding from the Big Lottery Fund. The Growers are hoping to get incredible edible town status and have been exploring options with private land owners to use areas of derelict land to grow on.
- Support to set up an Ardrossan Development Trust. This initiative was set up on the back of a very successful 'Save Our Ferry' campaign which saw the people of Ardrossan working together to ensure the Arran ferry crossing remained within Ardrossan. The Development Trust also received funding from Cunninghame Housing and Big Lottery Our Place Fund.
- The Partnership are also looking in to options for better signage in the area to point visitors in the direction of the lovely beaches and coastal areas as well to historical sites.

### **Garnock Valley**

Councillor John Bell, Chair, Garnock Locality Partnership and Angela Morrell, Lead Officer, Garnock Locality Partnership provided the group with an overview of the Locality Partnership and the Sub Groups which support and feed in to the Partnership. Angela also highlighted the reasoning behind the priorities which have been set for the area.

They also highlighted some of the examples of good practice in the Garnock Valley:

- £28,000 of CIF funding granted for the creation of a Men's Shed in Kilbirnie. The aim of the Mens Shed was to address social isolation and to provide opportunities for community involvement, health and well-being and employment. This initiative provides a meeting place or collective "shed" where men are able to share skills, actively pursue hobbies, work

on community projects and have a place to go and relax knowing they are among friends. It has also been replicated in other areas across North Ayrshire also.

- Financial and Locality Partnership support to conduct a travel needs analysis to investigate what can be done to improve accessibility to employment, education, social and leisure activities and health services. Lack of Public Transport in the Garnock Valley area is very often an issue raised by the residents.
- Weekly Parklives events which bring together local people to engage and participate in a sporting activity for free, with food provision. The event is very well attended each week.

Some of the comments/feedback received at workshops by Board Members were:

- We can improve sharing of learning across Locality Partnerships: eg consultants brief for Garnock Valley, this could be useful in other areas
- Some issues are North Ayrshire wide, how can we support such issues?
- Utilise current meeting structures more effectively: focus on the priority issues: less about how meeting went;
- Create a solution focused culture;
- Create a learning Hub for Locality Partnerships, where projects/ briefs etc could be stored.

## **6. LOIP Performance and Annual Performance Report**

Morna Rae provided the Board with an overview of the LOIP Annual Performance Report which has been designed as a Story Map. She invited Board members to provide feedback prior to the finalisation of the report at the end of September.

## **7. Minutes/Reports for information.**

Morna Rae advised that Board that a number of items were attached for their information.

## **8. AOCB**

No other business was discussed.



## NORTH AYRSHIRE COUNCIL

13 November 2019

### North Ayrshire Council

<b>Title:</b>	<b>McGavin Park Trust – Reorganisation Scheme and Winding Up</b>
<b>Purpose:</b>	To approve changes to the McGavin Park Fund and thereafter confirm expenditure of the remaining funds, the transfer of the trust assets and the winding up of the Trust
<b>Recommendation:</b>	The Council as Trustees of the McGavin Park Fund (a) approve the changes to the wording of the McGavin Park Fund Trust Deed as approved by the Office of the Scottish Charity Regulator; (b) confirm the proposed expenditure of the remaining trust funds; (c) agree the transfer of McGavin Park to the Council; and (d) approve the winding up of the Trust once all assets have been transferred.

## 1. Executive Summary

- 1.1 The Council are Trustees of the McGavin Park Fund, which was established following a bequest by John McGavin for the provision of a park for the town of Kilwinning. McGavin Park was purchased with this bequest and is presently held by the Council as Trustees. The balance of the Trust Funds are insufficient for the upkeep of the park and the fund has been classed as a dormant trust.
- 1.2 A grant application by Kilwinning Community Events to use the remaining funds has been approved by Kilwinning Locality Partnership. The Office of the Scottish Charity Regulator (OSCR) has approved the amendment of the Trust Deed to allow the capital of the fund to be used and to approve the transfer of McGavin Park, the remaining trust asset, to North Ayrshire Council. The Council as Trustees of the McGavin Park Fund is asked to approve the amendment of the Trust Deed, and thereafter approve the expenditure of the remaining capital, the transfer of the park and the winding up of the Trust.

## 2. Background

- 2.1 The McGavin Park Fund is a charitable trust fund which is registered with OSCR as part of the North Ayrshire Council Charitable Trusts (SC025083). It was established by the Trust Disposition and Settlement of John McGavin registered on 23 July 1881. Mr McGavin set aside the sum of £7,000 in his will for the provision of a park for the town of Kilwinning, with a maximum of £5,500 to be used for the purchase of land and the

laying out, etc. of the park. The balance was to be invested and the interest thereof applied in the management, maintenance and ornamentation of the park.

- 2.2 McGavin Park was purchased and laid out with this bequest. The balance of the Trust Fund as at 31 March 2018 was £2,331.68 and the income of this fund is low. It was accordingly classed as a dormant trust and expenditure of the capital considered appropriate as the best use of the fund for the trust purposes.
- 2.3 The Kilwinning Locality Partnership approved a grant application by Kilwinning Community Events to use the remaining funds held in the McGavin Park Fund as a contribution towards the cost of green gym equipment within McGavin Park. At its meeting on 7 November 2018, the Council as Trustees of the McGavin Park Trust, approved this expenditure and agreed to allow the McGavin Park Trust to be wound up in line with OSCR recommendations.
- 2.4 Although the expenditure of the remaining capital and revenue held in the fund has been approved, the Trust Deed only permits the Trustees to use the annual income. An application to OSCR was accordingly required to approve an amendment to the Trust Deed to allow the expenditure of both capital and income.
- 2.5 McGavin Park is held by the Council as Trustees of the McGavin Park Fund and forms part of the trust assets. However, the park has no market value and the income and capital of the Trust is not sufficient to cover maintenance of the park. As a result, these costs have for many years been met by the Council and the park is treated in the same manner as other Council owned parks in North Ayrshire. The amendment to the Trust Deed will accordingly also allow the Trustees to transfer of ownership of the park to The North Ayrshire Council subject to the condition that it is maintained as a public park.
- 2.6 OSCR have approved the application to amend the Trust Deed, and the approved changes are set out in the Supplemental Deed annexed to the Report. In particular, the Trust Deed as amended will allow the Trustees:
  - 2.6.1 to make payments from the capital for the management, maintenance and ornamentation of the park where the Trustees consider this reasonable, including if appropriate expenditure of all the remaining capital for one or more of these purposes and the winding Up of the Trust Fund, and
  - 2.6.2 if the Trust Fund is wound up, to transfer McGavin Park to an organisation which undertakes to maintain the park as a public park for use of the inhabitants of Kilwinning, the said organisation being either (i) a charity or (ii) a Local Authority or other body which has statutory powers and duties in relation to the provision of recreational facilities.

### **3. Proposals**

- 3.1 In order to use the balance of the Trust Funds in an effective manner for the Trust purposes, it is proposed that the Trust Deed is amended in accordance with the attached Supplemental Deed by the North Ayrshire Council as Trustees in terms of the McGavin Park Fund to allow the expenditure of the remaining capital, the transfer of McGavin Park to the Council and the winding up of the Trust.
- 3.2 Following amendment of the Trust Deed in terms of 3.1 above, it is proposed that the Council as Trustees of the McGavin Park Trust then approve:
  - (i) expenditure of the remaining trust funds for the purpose previously approved by the Kilwinning Locality Partnership,

- (ii) transfer of McGavin Park to the North Ayrshire Council as Local Authority, subject to a condition stated in the transfer deed that the park is retained as a public park for the town of Kilwinning, and
- (iii) the winding up of the McGavin Park Fund.

#### 4. Implications/Socio-economic Duty

<b>Financial:</b>	The Council will require to maintain the park. However, note that the Council already maintains the park and has done so for many years as the Trust Fund is insufficient for this purpose.
<b>Human Resources:</b>	None
<b>Legal:</b>	The proposed amendment to the Trust Deed has been approved by OSCR. The changes to the Deed and the winding up of the Trust will, if approved, require to be notified to OSCR.
<b>Equality/Socio-economic Duty:</b>	None
<b>Children and Young People:</b>	None
<b>Environmental &amp; Sustainability:</b>	There are no environmental implications relating directly to this Report.
<b>Key Priorities:</b>	The use of the remaining Trust monies, together with the transfer of the Park to the Council, will improve the park facilities and will accordingly support the North Ayrshire Council Plan 2019-2024 priorities, in particular: working with individuals and communities to support positive lifestyle choices which improve health and wellbeing
<b>Community Benefits:</b>	The proposed expenditure will improve the facilities at McGavin Park for the community, in accordance with the intention of the original bequest to provide a public park for the inhabitants of the town of Kilwinning.

#### 5. Consultation

- 5.1 Kilwinning Locality Partnership has been involved in the proposals and have consulted the Local Community in relation to the proposed expenditure.

ANDREW FRASER  
Head of Democratic Services

For further information please contact **Rosemary Conner, Solicitor**, on **01294 324327**.

#### Background Papers





## SUPPLEMENTAL DEED

by

THE NORTH AYRSHIRE COUNCIL

in respect of the

McGAVIN PARK FUND

WE, THE NORTH AYRSHIRE COUNCIL, constituted under the Local Government etc. (Scotland) Act 1994 and having our principal office at Cunninghame House, Irvine, KA12 8EE (hereinafter referred to as the "Council"); the Trustees (hereinafter referred to as "the trustees") acting under the Trust Disposition and Settlement and Codicils of the late John McGavin dated 29 November 1871 and subsequent dates and recorded in the Books of Council and Session on 23 July 1881 (hereinafter referred to as "the Trust Deed") which established the trust known as the 'McGavin Park Fund' in accordance with (1) the Trust Deed which provided that the trust should be managed by a Committee of nine men residing in Kilwinning appointed in accordance with the Trust Deed and (2) Court of Session Decree dated 3 June 1952 in the petition of John Agnew and Others, the Trustees and Committee of Management of the McGavin Public Park Kilwinning granting authority to transfer the whole property and assets of the McGavin Park Fund to the Provost, Magistrates and Councillors of the Burgh of Kilwinning to be held and managed by them, from whom we, The North Ayrshire Council, acquired right by virtue of (i) the Local Authorities (Property, etc.)(Scotland) Order 1975 made in terms of Section 222 of the Local Government (Scotland) Act 1973 and (ii) Article 2 of the Local Authorities (Property Transfer)(Scotland) Order 1995 made in terms of Section 15 of the Local Government, etc. (Scotland) Act 1994;

CONSIDERING THAT:-

(a) The Trust Deed was granted by John McGavin for the purpose of settling his affairs and provided that his estate should be applied for a number of purposes, including In The Sixth Place a provision that the sum of £7,000 should be set aside for the provision of a park for the town of Kilwinning, with a maximum of £5,500 to be used for the purchase of land and laying out same as a public park with the balance to be invested and the interest thereof applied in the management, maintenance and ornamentation of the said park.

(b) An area of land was acquired in 1883 and laid out as a park, now known as McGavin Park. The Trust Deed restricts the annual expenditure from the balance of the fund to the annual interest. The annual income is currently less than £15 and Trust has not been able to meet the maintenance costs of the park for many years. These costs are met by The North Ayrshire Council as local authority, not from the trust fund, and it is not possible to identify a use for this level of income which would contribute effectively to the management, maintenance and ornamentation of the park. The trustees accordingly wish to undertake a reorganisation scheme by making certain amendments to the Trust Deed as are hereinafter set out. The amendments would permit both the capital and income to be used and also allow the transfer of the park to an organisation which is not a charity provided it agrees to maintain the land as a public park. This will secure the future of the park and allow the remaining funds to be used more effectively in accordance with the trust purposes as set out in the Trust Deed.

(c) In terms of section 39 of the Charities and Trustee Investment (Scotland) Act 2005, the Office of the Scottish Charity Regulator (hereinafter referred to as "OSCR") is empowered to approve a reorganisation scheme on the application of a charity;

(d) Such an application has been made and the reorganisation scheme has been approved by OSCR;

(e) The reorganisation scheme varies the Trust Deed as follows:

(one) On page Third of the Trust Deed after the words "ornamentation of said Park," where they occur in the 3<sup>rd</sup> and 2<sup>nd</sup> line from the end of the said page, the following wording shall be inserted:

"And the Trustees will have the discretion to make payments from capital for the management, maintenance and ornamentation of said Park where they consider this reasonable and may, if appropriate, decide to expend all the remaining capital for one or more of these purposes and wind up the trust fund, subject to obtaining any necessary consents from the Scottish Charity Regulator. In that event, the said Park may be transferred to an organisation which undertakes to maintain the Park as a public park for use of the inhabitants of Kilwinning. For the avoidance of doubt, the said organisation may be either (i) a charity or (ii) a statutory body, such as a local authority, which has statutory powers and duties in relation to the provision of recreational facilities."

(two) On page Fifth of the Trust Deed, immediately before the words "And lastly", where they occur in the 7<sup>th</sup> line from the top of the said page, the following wording shall be inserted into the Trust Deed:

"The Trustees shall be empowered to make any amendment to the terms of the Trust Deed provided always that any amendment to the trust purposes shall be consistent with the spirit of the original Trust Deed and that the resources of the trust shall be applied in a manner consistent with the spirit of the original Trust Deed."

(three) If and where they appear in the Trust Deed, the following expressions shall have the meanings set out below:

"charitable purpose" - a charitable purpose under section 7 of the Charities and Trustee Investment (Scotland) Act 2005 which is also regarded as a charitable purpose in relation to the application of the Taxes Acts.

"charitable body" - a body on the Scottish Charity Register which is also regarded as a charity

"charitable organisation" – an organisation regarded as charitable in relation to the application of the Taxes Acts

"charity" - a body entered in the Scottish Charity Register

NOW THEREFORE we the Trustees DO HEREBY:-

(a) Vary the TRUST DEED as set out in Clause (e) above: IN WITNESS WHEREOF this Deed consisting of this and the preceding page is sealed with the Common Seal of the said The North Ayrshire Council and subscribed for and on their behalf by the undernoted Proper Officer at the place and on the date undernoted: