



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, 14 December 2022** at **14:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

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 the Meeting of the Council held on 2 November 2022 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4 Provost's Report

Submit report by the Provost for the period covering 24 October - 4 December 2022 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council for the period covering 24 October - 4 December 2022 (copy enclosed).

- 6 Minute Volume (issued under separate cover)**
Submit, for noting and for approval of any recommendations contained therein, the Minutes of Meeting of committees of the Council held in the period 10 June - 29 November 2022.
- 7 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:-
- (1) a motion by Councillor Gurney, seconded by Councillor McClung, in the following terms:**
"Council congratulates Ardrossan Winton Rovers Under 14 Girls football team in their recent success in winning the Erin Cuthbert SW Region U14s league.
- Council also notes that in doing so they remained undefeated for the whole season and commends both their success and their application. Achievements like this do not come easily, and this team turns up to train twice a week in all weathers as well as playing their games at the weekend.
- Council recognises these girls as exceptional ambassadors for the women's game, their sport, Ardrossan Winton Rovers, and the local area."
- 8 Appointment to Committee**
Council is invited to note the nomination of Councillor Burns to serve on the new Skills Investment Fund Sub-Committee of the Ayrshire Regional Economic Joint Committee, as one of the Council's current representatives on the joint committee.
- 9 Review of Accounting Arrangements for PFI and Similar Contracts**
Submit report by the Head of Finance on revising the current methodology used to determine the statutory repayment of debt charged to the General Fund in relation to the Council's service concession contracts (copy enclosed).
- 10 Douglas Park: Proposals for Future Use of Tennis Court Area**
Submit report by the Executive Director (Communities and Education) on current proposals relating to the Tennis Court area of Douglas Park, Largs, the outcome of recent public engagements, and a recommendation to progress alienation of the area from Largs Common Group with the purpose of leasing the area to Largs Tennis Club (copy enclosed).

Questions

In terms of Standing Order 14, submit the following questions for consideration in the undernoted order:-

(1) a question by Councillor T. Ferguson to the Cabinet Member for Education in the following terms:

"To ask the Cabinet portfolio holder for Education how many primary and secondary school children in North Ayrshire have received a free laptop or tablet as per the SNP election promises made in May 2021"

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

"To ask the Cabinet Member for an update on the delivery of the 2022/23 roads, structures and street lighting maintenance programme."

(3) a question by Councillor Johnson to the Leader of the Council in the following terms:

"Does the Leader agree with me that the leaking of confidential papers shows a complete lack of integrity and respect towards all North Ayrshire Council staff, fellow Elected Members and the voting public?"

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

"To ask the Cabinet Member for Place if they could update the Council on the action that will be taken to fix the recently vandalised toilets at the Braes in Saltcoats."

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

"To ask the Cabinet Member what prelims were set to take place on Wednesday 7 December 2022?"

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

"The National Improvement Framework interactive Evidence Report Statistics for Local Authorities published in 22 November 2022 recorded the percentage of combined P1,P4 and P7 pupils achieving the expected grade in Curriculum for Excellence (CfE) combined.

For North Ayrshire the numeracy levels recorded in 2018-19 was 79.4% and in 2020-21 was 67.4%. A drop of 12 points or 15%.

Given that this now means that fully one third of these pupils are failing to achieve the expected grade in Numeracy in CfE what plans do the Administration have to rectify these unacceptable figures?"

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

“To ask the Cabinet Member how much individual schools have used of their devolved budgets to pay off school meal debt to the Council?”

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

“Given the future funding constraints placed on the Authority, can the Cabinet Member for Finance indicate (i) areas where they believe the council should cut back on, in order to balance the budget; (ii) if their administration will take any steps to pay back any debts that the authority has, over and above the interest rate?”

(9) a question by Councillor Bell to the Cabinet Member for Finance in the following terms:

“Does the Cabinet Member agree with Council Directors of Finance, including our own Head of Service, who have written a joint letter to the Deputy First Minister stating that the financial pressures faced by Scottish Local Government are “unprecedented”, that the choices we face “come down to reducing services.....and reducing the number of jobs”, and unless “funding for Local Government is fair, sustainable and flexible”, “there is not a path to delivering balanced budgets”?”

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

“Can the Cabinet Member Education tell me what specific programme(s) exist in North Ayrshire in order support children who are academically gifted, and if none exist, if they intend to create one?”

(11) a question by Councillor McDonald to the Cabinet Member for Health and Social Care in the following terms:

"To ask the Cabinet Member how many Carers Assessments have been conducted in the last year and how many (as a %) have been conducted within the 1-year period set out in the Carers Act"

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

“The BBC recently reported on house prices and rents throughout Scotland, in this report it was found that the Ayrshires collectively were the only place where prices and rents contracted, every other area had an increase. Why does the Member think that Ayrshire is considered less desirable than the rest of Scotland?”

(13) a question by Councillor Kerr to the Leader of the Council in the following terms:

“To ask the Leader of the Council if the Ardrossan Ministerial Task Force has met again since its meeting on 28 June 2022”

(14) a question by Councillor McLean to the Leader of the Council in the following terms:

“Does the Leader of the Council believe that Scotland is a colony of England, and that comparisons can be made between Scotland and Kosovo as the Scottish Government attempted in the Supreme Court earlier this month?”

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

“To ask the Cabinet Member when the Council last met Scottish Futures Trust to discuss the Ardrossan Campus project?”

13 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor McDonald, seconded by Councillor Kerr, in the following terms:

North Ayrshire Council has a proud record of tackling hunger in our communities through initiatives like the Fairer Food Network and Wrap, Run and Fun. Council notes that a pre-pandemic Cabinet decision to implement an action plan to ensure all children in North Ayrshire will have access to a nutritious meal every day has not yet been delivered upon with our current initiatives not providing direct support to young people on free school meals at weekends. Council therefore instructs officers bring a report to Cabinet outlining options for weekend food provision."

(2) a motion by Councillor Foster, seconded by Councillor McDonald, in the following terms:

“In line with our commitment to The Promise, Council agrees that an EIA be undertaken with immediate effect to take forward ending the practice of excluding care experienced children from school and subject to the findings of that assessment and relevant considerations implement the necessary amendments to policy.”

(3) a motion by Councillor McLean, seconded by Cllr S. Ferguson, in the following terms:

"I move that North Ayrshire Council writes to The Rt. Hon. Michael Gove, Secretary of State for Levelling Up, Housing and Communities & Kate Forbes/John Swinney MSP Cabinet Secretary for Finance and the Economy to register interest and ask for backing for North Ayrshire to become Scotland's first Investment Zone, a scheme announced in recent budgets."

(4) a motion by Councillor McLean, seconded by Councillor Inglis, in the following terms:

"I move that North Ayrshire Council writes to First Minister Nicola Sturgeon MSP, Kate Forbes/John Swinney MSP Cabinet Member for Finance and the Economy and Shona Robison Cabinet Secretary for Social Justice, Housing and Local Government to ask for an increased financial settlement in order to stave off the looming harm to North Ayrshire's budget and its impact on services.

Specifically, to ask:

- For the £20 million set aside in the Scottish Governments 2023-24 budget for a Constitutional Referendum be passported to North Ayrshire to eliminate current and ease future funding gaps.
- For a review of the budget for the office of Constitution, External Affairs & Culture given the Supreme Court ruling that Constitutional Affairs are a reserved matter
- For consideration for the estimated £1.5 Billion funding consequential from the new UK budget to be distributed to local government – given that this is extra funding and would have no detrimental impact on any Scottish Government aims or priorities.
- For consideration to be given for the £2b Scottish Government underspend to be distributed to local government."

14 Notice of Motion to Amend Standing Orders

Submit a Notice of Motion in terms of Standing Order 24:

(1) Notice that a Motion by Councillor Foster, seconded by Councillor McDonald, will be submitted to the next ordinary meeting of the Council in the following terms:

"(a) that clause 14.1 of Standing Orders be amended as follows:- the words "The question as tabled should not include supplementary or contextual text." where they occur on the fourth to fifth lines thereof shall be deleted and the words "The question as tabled should only contain contextual information as preamble that is directly related and sufficient to facilitate understanding of the question." substituted therefor

(b) that clause 14.2 of Standing Orders be amended as follows:-

(i) the number "45" where it occurs on the first line thereof shall be replaced with the number "60"

(ii) the words "within one hour of the meeting ending" shall be inserted between the words "provided" and "included" where they occur on the last line thereof.

(c) that clause 14.3 of Standing Orders is deleted and replaced with the following:

"The process for selecting the order of questions for the agenda is as follows:

- Questions received are divided into lots:
 - Lot one - main Opposition;
 - Lot two - second Opposition;
 - Lot three - Independent Members and Opposition Parties with fewer than 2 members and
 - Lot four - the Administration;
- Questions will be put into each lot, by list, in the order received by the Chief Executive, unless all Members of the relevant group have given prior written agreement to the Chief Executive, that the order in which questions are listed in the lot for allocation can be specified by the leader of that group.
- Questions will be allocated to the agenda in turn from each lot list.
- The process proceeds until all questions have been allocated to the agenda.

(d) that clause 14.4 of Standing Orders be amended as follows:-

(i) the words "with contextual preamble" will be inserted between the words "question" and "tabled" where they occur on the first and second lines thereof.

(ii) the word “further” shall be inserted between the words “No” and “preamble” where they occur on the second line thereof.

(iii) the words “with contextual preamble” shall be inserted between the words “question” and “arising” where they occur on the sixth line thereof

(iv) the words “use best endeavours to” will be inserted between the words “will” and “arrange” where they occur on the penultimate line thereof.

(v) the words “within 24 hours from the 10am deadline.” shall be added after the word “provided” where it occurs on the last line thereof.

(e) that clause 14.7 of Standing Orders be amended as follows:- with regard to the rule contained in the third bullet point thereof, the words “unless it is seeking a progress update on a previous answer given” shall be added after the word “months” where it occurs on the last line thereof.

(f) that clause 15.2 of Standing Orders be amended as follows:- the words “For amendments proposed in relation to motions lodged under Standing Order 15.1, notice of amendment from the proposer and seconder must be emailed to the Chief Executive not later than 2pm on the Monday prior to the Council meeting and after having been checked for competency, will be circulated to Members in advance of the meeting.” where they occur on the fourth to eighth lines thereof shall be deleted.

(g) that clause 15.4 of Standing Orders be amended as follows:- with regard to the rule contained in the eighth bullet point thereof, the words “and agreement” where they occur on the penultimate line thereof shall be deleted.

(h) that clauses 6.5, 19.5, 23.1 and 25.1(i) of Standing Orders be amended as follows:- the words “two thirds” where they occur within said clauses shall be deleted and the words “a majority” substituted therefor.”

15 Urgent Items

Any other items which the Provost considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. 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, using the press or public seating area or (by invitation) participating remotely in this meeting, 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 do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

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 dataprotectionofficer@north-ayrshire.gov.uk.

North Ayrshire Council Sederunt

John Bell
Timothy Billings
Marie Burns
Eleanor Collier
Joe Cullinane
Scott Davidson
Anthea Dickson
Stewart Ferguson
Todd Ferguson
Robert Foster
Scott Gallacher
John Glover
Tony Gurney
Alan Hill
Cameron Inglis
Margaret Johnson
Amanda Kerr
Christina Larsen
Shaun Macaulay
Jean McClung
Nairn McDonald
Matthew McLean
Louise McPhater
Davina McTiernan
Tom Marshall
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Chloe Robertson
Ronnie Stalker
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending:

North Ayrshire Council
2 November 2022

At a Meeting of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

John Bell, Timothy Billings, Marie Burns, Eleanor Collier, Joe Cullinane, Scott Davidson, Stewart Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Jim Montgomerie, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker and John Sweeney.

Present (Remote Electronic Participation)

Todd Ferguson, John Glover, Ian Murdoch, and Angela Stephen.

In Attendance

C. Hatton (Chief Executive); R. McCutcheon, Executive Director (Place), C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director (Communities and Education); and A. Craig, Head of Democratic Services, M. Boyd, Head of Finance, F. Walker, Head of People and ICT, Raymond Lynch, Senior Manager (Legal Services), M. McColm, Senior Manager (Communications), M. Anderson, Senior Manager (Committee and Member Services) and H. Clancy and D. McCaw, Committee Services Officers (Democratic Services).

Chair

Depute Provost in the Chair (Agenda Items 1-13(2) and 13(4)-14).
Councillor Marshall (Agenda Item 13(3)).

Apologies

Anthea Dickson and Amanda Kerr.

1. Depute Provost's Remarks

In the absence of the Provost, and in terms of Standing Order 6.6, the Depute Provost took the chair.

The Depute Provost welcomed those present to the meeting and, on behalf of Members, extended his sincere condolences to the Provost following a family bereavement.

The Depute Provost then dealt with preliminary matters, including intimation that the meeting, which was taking place on a hybrid basis, would be live streamed to the internet.

Members were also advised that, in terms of Standing Order 10.8, the Depute Provost had received an urgent item, which he had agreed to consider at the end of the meeting, under Agenda Item 14.

2. Apologies

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

3. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, the Depute Provost declared an interest in Agenda Item 13(3) (Motions), in his capacity as the seconder of the motion, and advised of his intention to vacate the Chair during consideration of this item of business.

There were no declarations of the Party Whip.

4. Previous Minutes

With the permission of the Depute Provost, Councillor Donald Reid made reference to an offer which he understood the Cabinet Member for Place to have made in the course of debate on Item 17(2) (Motions) of the Minute of the Ordinary Meeting held on 21 September 2022, namely that meetings would be held in each Locality to discuss the implications of parking charges. Councillor Donald Reid considered that this offer had not been appropriately recorded within the Minute.

Councillor Donald Reid sought, and received, confirmation that officers would verify the content of the recording of the Ordinary Meeting of the Council and, as appropriate, liaise with the Cabinet Member for Place with regard to arrangements for the relevant meetings.

Subject to the above clarification, the accuracy of the Minutes of the Ordinary and Special Meetings of the Council held on 21 September 2022 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 12 September to 23 October 2022.

The Depute Provost took the opportunity to update Members on receipt by the Council of the national Employer Recognition Scheme Silver Award for 2022, which recognised North Ayrshire Council's commitment to supporting the Armed Forces.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 12 September to 23 October 2022.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period from 20 June to 19 October 2022.

Noted.

8. Appointment to Committee

The Council was invited to note (i) the resignation of Councillor S Ferguson from the Licensing Committee and (ii) that, in terms of Standing Order 8.5, the resultant vacancy has been filled, in terms of Standing Order 8.5, by Councillor Inglis, effective from 5 November 2022.

Noted.

9. Appointments to Outside Bodies

The Council was invited (a) in respect of Hunterston Site Stakeholder Group, (i) to note the resignation of Councillor T. Ferguson and (ii) consider a nomination for Councillor Glover to be appointed to fill this vacancy in terms of Standing Order 8.4; and (b) in respect of the Licensing Board, (i) to note the resignation on Councillor S. Ferguson and (ii) consider a nomination for Councillor Inglis to be appointed to fill this vacancy in terms of Standing Order 8.4.

Councillor Marshall, seconded by Councillor McLean, moved the appointment of Councillor Glover to serve on the Hunterston Site Stakeholders Group. There being no amendment, Councillor Glover was duly appointed.

Councillor Marshall, seconded by Councillor McLean, then moved the appointment of Councillor Inglis to serve on the Licensing Board. There being no amendment, Councillor Inglis was duly appointed.

Accordingly, the Council agreed:

- (a) to note the resignations of Councillors T. Ferguson and S. Ferguson from the Hunterston Site Stakeholder Group and Licensing Board, respectively; and
- (b) to approve the appointment of Councillors Glover and Inglis to the Hunterston Site Stakeholders Group and Licensing Board, respectively.

10. Medium-Term Financial Outlook 2023/24 to 2025/26

Submitted report by the Head of Finance on the financial challenges facing the Council over the medium term to help inform the development of budget proposals.

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

- the assumption that North Ayrshire's population was likely to decrease, particularly given the significant numbers of new houses already built or planned;
- the potential for population projections to change as a result of data from the latest census;
- the negative impacts on travel providers which might arise from the Scottish Government's identification of concessionary fares as a potential area of savings and the extent to which officers would take into account the implications of this in terms of possible service reductions;
- whether the use of reserves was likely to require to form part of the Council's budget strategy for future years and the recognition that this would constitute a temporary measure rather than a solution;
- whether, in light of additional pressures and funding gaps for local authorities, the Scottish Government had indicated that there might be some flexibility in terms of ringfenced funding;
- whether any timeframe was available in terms of an expected improvement in the stability of gilt yields;
- the likelihood of the Scottish Government providing funding for future local government pay awards in the event of them exceeding the current planning assumptions; and
- whether the Council would in future need to revisit its position on avoiding the use of compulsory redundancy

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

Accordingly, having considered the financial position identified in the Medium-Term Financial Outlook 2023/24 to 2025/26, the Council agreed:

- (a) to note the scale of the financial challenges which the Council faced over the medium term; and
- (b) that proposals be brought forward to set a balanced budget for 2023/24.

11. Locality Planning in North Ayrshire

Submitted report by the Executive Director (Communities and Education) to provide an update on Locality Planning in North Ayrshire and seek approval for revised Locality Partnership Terms of Reference and Standing Orders, as reviewed and agreed by the Locality Planning Working Group. The proposed Terms of Reference and Standing Orders were set out at Appendices 1 and 2 to the report, respectively.

At its last Ordinary Meeting held on 21 September 2022, the Council agreed to establish a Member Officer working group to consider proposed changes to the Locality Partnership Terms of Reference and Standing Orders. The Executive Director (Communities and Education) reported on the outcome of the working group's deliberations, as reflected in the recommendations set out in the report.

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

Accordingly, the Council agreed to approve the revised Locality Partnership Terms of Reference and Standing Orders set out at Appendices 1 and 2, respectively, to the report.

12. Sevenacres Bridge, Kilwinning - Compulsory Purchase

Submitted report by the Head of Democratic Services on the proposed compulsory purchase of land required to install a replacement bridge over the Lugton Water at Sevenacres, Kilwinning, and to provide temporary access for those works to be undertaken. The Schedule (setting out the land required and the purpose of acquisition) was set out as an appendix to the report. A location plan was displayed at the meeting and published on the Council's website.

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

- whether there were any estimates available as to the likely cost of pursuing the compulsory purchase of this land, as well as the cost of the bridge replacement itself; and
- the availability of a more detailed plan, referencing the specific areas of ground referred to in the Schedule accompanying the report

The Head of Democratic Services undertook to arrange for the following to be circulated for Members' information: (a) an estimate of the likely costs associated with (i) pursuit of a Compulsory Purchase Order and (ii) the bridge replacement works and (b) a more detailed location plan identifying the individual areas of ground referred to in the Schedule to the report.

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

Accordingly, the Council agreed as follows:

"That The North Ayrshire Council resolves in exercise of the powers conferred by Section 104 of the Roads (Scotland) Act 1984 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a Compulsory Purchase Order to be called "The North Ayrshire Council (Sevenacres Bridge, Kilwinning) Compulsory Purchase Order 2022" to purchase compulsorily ALL and WHOLE those areas of ground listed on the Schedule hereto which are required to replace the existing Sevenacres Bridge, Kilwinning, authorise and instruct the Senior Manager (Legal Services) to sign the Order and plan on behalf of the Council, affix thereto the Common Seal of the Council, submit the Order and plan to the Scottish Ministers for confirmation, give the appropriate notice to the owners and occupiers of the subjects, insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority, (b) have not been acquired by statutory undertakers for the purpose of the undertaking, (c) do not form part of common or open space, (d) are not held inalienably by the National Trust for Scotland and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures".

13. Questions

The Depute Provost introduced this item of business, reminding Members of the Standing Orders provisions relating to questions. Members were advised that a period of 45 minutes was allocated for consideration of the undernoted questions, the order of which had been determined following the drawing of lots, as set out in Standing Order 14.3.

In terms of Standing Order 14, submitted:

- (1) a question by Councillor Marshall to the Cabinet Member for Education in the following terms:

"Noting that Dunoon Grammar has adapted its Curriculum to provide 50 courses which reflect key sectors of the local economy such as tourism and marine studies as well as community projects and as a result was named ahead of runners-up in Brazil and India to win a \$50,000 prize as the T4 Education World 's Best School for Community Collaboration, what lessons can the Council learn to apply to its rural and coastal Academies and High School to mirror the success of Dunoon?"

Councillor Marshall requested that his question be taken as read.

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

"We extend our congratulations to Dunoon Grammar on its achievement in this interesting and novel award. It will be interesting to see the advantage in terms of attainment and positive destinations of these additions to the school's curriculum.

In North Ayrshire, our schools are regularly reviewing their curricula and have been doing so for several years. The purpose of these curriculum reviews is to ensure the curriculum provides a broad and balanced range of activity and subject and that these enable the children and young people to develop knowledge, skills and experiences which lead to recognised and valuable qualifications.

Schools across North Ayrshire have developed their curricula significantly, similarly to Dunoon Grammar, to provide an extensive range of qualifications to improve the educational experience of young people and reflect the needs of the local labour market/intelligence. This extended curriculum offers qualifications in a broad range of areas including, but not limited to, Travel and Tourism, Rural Skills, Retail, Hospitality, Engineering, Health and Social Care, Leadership and Personal Development providing young people with a wide variety of skills to access positive pathways beyond school and support the local economy.

The educational experience of our young people is further enhanced through individual and unique rural and outdoor experiences, including Arran Outdoor Education Centre which also exploits the local rural and coastal resources to provide the best possible experiences for young people in North Ayrshire.

School curricula are supported through our work with local partners such as Ayrshire College, SDS, Ayrshire Chamber of Commerce and local businesses. For example, schools and Ayrshire College work very closely to develop their curriculum offering to ensure provision of courses which meet the needs of our young people and local labour market intelligence. The Ayrshire Chamber of Commerce work closely with all schools and local businesses to provide an extensive work experience programme to support skills development for young people and support future labour market growth. This is obviously underpinned by the Ayrshire Growth Deal which seeks to provide the strategic overview and direction for any future partnership working or curriculum developments.

As an authority and across the whole of Ayrshire we have begun a fresh review of our curriculum which will be a major feature of our service improvement plan for the next three years. This work will build on the recent OECD report on Scotland's Curriculum for Excellence. Indeed, all our Head teachers alongside their counterparts from across East and South Ayrshire met on 7 October 2022 with representatives of Ayrshire College and local businesses to advance our discussions and to plan next steps in a collaborative and innovative way.

As always, the Education Service continues to look outwards and learns from our colleagues' best practice wherever that may be to maximise the potential of all young people across North Ayrshire."

As a supplementary question, Councillor Marshall asked whether the Cabinet Member could provide him with a copy of the extended curriculum which applied to schools in North Ayrshire.

Councillor Macaulay responded in the affirmative.

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

"After 100 years on Saltcoats High Street local businesses Gregor Watsons recently announced that it will close, potentially leaving Saltcoats with another vacant retail unit on our Hight Street. Does the Cabinet Member believe the introduction of parking charges will make it easier or harder for local businesses to survive in the current economic climate, and for the Council to bring vacant properties back into productive use?"

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

“A key desired outcome of introducing DPE and parking charges is the improved regulation of traffic in our town centres, by directing long stay patrons to free parking slightly further out while providing chargeable and short stay parking close to retail and other town centre services. This will provide enhanced access to parking close by to retail and other businesses within towns and in so doing, encourage greater footfall from patrons within towns and villages.

Recent monitoring of our town centre car parks has shown that they are extremely busy with workers by 9 am making it difficult for visitors and shoppers to find parking spaces. It is also clear that disabled parking bays are being abused by non blue badge holders thereby restricting access for disabled people to find an accessible parking space.

The introduction DPE and parking charges should therefore provide a turnover of parking spaces for visitors and shoppers within our town centres thereby improving opportunities for local businesses. DPE will also give us the powers to tackle irresponsible drivers who abuse the use of disabled parking bays.”

At the invitation of the Depute Provost, Councillor Montgomerie took the opportunity to ask a supplementary question.

Councillor Burns queried whether, in delivering his supplementary question, Councillor Montgomerie was intending to ask a question or make a speech. The Depute Provost invited Councillor Montgomerie to proceed with asking his supplementary question.

As a supplementary question, Councillor Montgomerie asked the Cabinet Member when the agreement made by Council at the last meeting to review parking rates would be considered by Cabinet and, further, that petitions submitted in opposition of charges would be presented to the Audit and Scrutiny Committee for due consideration.

Councillor Davidson began his response by expressing disappointment at the Member's opposition to a policy which had been brought by the previous Administration.

Councillor Foster queried the relevance of the Cabinet Member's response to the question. The Depute Provost invited the Cabinet Member to proceed with responding to the supplementary question.

Following a comment by Councillor Montgomerie which failed to meet the standards of behaviour reflected in Standing Order 12.2, the Depute Provost, in terms of Standing Order 6.8, agreed that the meeting be adjourned briefly at 3.10 p.m. The meeting reconvened at 3.20 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person), and with the addition of Councillor Robertson, who had joined the meeting in person.

At the invitation of the Provost, Councillor Montgomerie retracted his earlier remark.

Thereafter, the Cabinet Member for Place responded to the supplementary question by confirming that he would keep all Members fully updated as to when a report would be submitted to Cabinet. He further advised that a petition had been received and would be subject to the same procedure as any other petition.

(3) a question by Councillor Collier to the Cabinet Member for Health and Social Care in the following terms:

“What work is being carried out by HSCP to support individuals in accessing residential rehabilitation?”

Councillor Johnson thanked the Member for her question and responded in the following terms, the latter part of her response being taken as read following expiry of the two-minute period provided by Standing Order 14.4:

“The national mission to reduce drug related deaths and harms has set out the ambition to save and improve lives. Access to Residential Rehabilitation is a key part of the National Mission, the vision being that residential rehab is available to everybody that wants it, and for whom it is deemed to be clinically appropriate, at the time they ask for it in every part of Scotland.

Locally the HSCP has been working closely in partnership with the ADP to ensure appropriate and timely access to residential rehabilitation in North Ayrshire. £5m of funding has been provided nationally, the North Ayrshire share of this being £136k, this funding is to support the development of rehab pathways and an increase in the number of people being referred to residential rehabilitation.

The HSCP and ADP are jointly committed to supporting individuals to access residential rehab and have engaged with a range of services, clinical and care leads, and individuals, families and staff from across services to successfully develop the North Ayrshire residential rehabilitation pathway. This pathway has now been published and promoted on the HSCP web site and shared across services.

The North Ayrshire Drug and Alcohol Recovery Service (NADARS) is an integrated health and social care service and anyone can refer to this service - individuals, families, carers, primary care, prison or any support service. Individuals seeking to access external Residential Rehabilitation (RR) support can do so through NADARS who will support the development of a care plan, identify a residential rehab provider and then support individuals into, through and after their external placement.

There are a range of residential rehabilitation support opens now available to North Ayrshire residents in addition to access to external provision. This includes access to our local 10 bedded ward in Woodland View which provides hospital-based alcohol and/or drug and mental health related detoxification, rehabilitation, and day attendance support. Since April 2020 114 individuals from North Ayrshire have been supported to access residential rehabilitation support with a further 229 individuals supported to access detoxification support in Woodland View.

In addition, locally we are fortunate to be working closely with Phoenix Futures to plan for the opening of the National Specialist Family Service, Harper House which is based in Saltcoats. The HSCP have been closely working with Phoenix Futures to ensure our local services are able to support and complement the service and also to ensure robust referral pathways and criteria for local families to access support at Harper House, due to local services and wrap around support available in North Ayrshire our residents and their families will benefit from more complex needs being supported in the facility. This is an exciting development which will build on the range of rehabilitation supports and interventions available to our residents.”

Councillor McPhater sought the Depute Provost’s permission to ask a question arising from the Cabinet Member’s response to Councillor Collier’s question. The Depute Provost refused this request on the basis that there was no provision within Standing Orders allowing it.

(4) a question by Councillor McLean to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member for Finance how much new capital investment has been made into Springside Primary school since the decision to keep the school open in 2008, not including maintenance and repairs, and not including monies spent on the new Early Years Centre?”

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

“The Property Management and Investment (PMI) team undertake a rolling programme of Condition Surveys across the corporate estate, including all educational establishments. We have a statutory duty to report on the condition of schools through the “Core Facts Return” which is submitted to the Scottish Government. Springside Primary School has been assessed as having a “B” (Satisfactory) rating at the most recent survey (2019).

All general maintenance, statutory compliance and reactive repairs have been carried out to ensure the property is maintained to the appropriate standard. From the financial records available which date back to 2013/14 a total of £152,289 has been invested across these areas. Investment in the Early Years extension totalled £566,752 across 2019/20 to 2021/22. This expenditure included freeing up and refurbishment of a general-purpose area within the school and drainage infrastructure improvements to benefit the whole building.

The Condition Surveys, alongside information gathered by the locality Maintenance Officers, allow us to prioritise investment across the estate. At present, there are no elements within Springside Primary which have been identified as a priority for investment.”

As a supplementary question, Councillor McLean asked for information on how much of the £0.5m investment in the Early Year’s extension had been used for (i) general refurbishment and (ii) longer-term improvements.

Councillor Larsen responded by advising that she did not have this breakdown but would request officers’ assistance in seeking to make this information available to Members.

(5) a question by Councillor Donald Reid to the Cabinet Member for Place in the following terms:

“To ask the Cabinet Member how many applicants are on the North Ayrshire Housing Register with Kilwinning within their choices of area to be considered.”

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

“The North Ayrshire Housing Register is a shared register which is jointly operated by North Ayrshire Council and our RSL partners - Riverside Homes; Cunninghame Housing Association; and ANCHO. It is a live system that changes daily as new housing applications are registered and other applications are updated or cancelled.

Applications are held in one of the seven ‘needs’ groups and awarded points and consequential priority that reflect the applicant’s housing circumstances. If no points are awarded, it means the applicant does not have an assessed housing need as defined by the Housing Allocations Policy.

Applicants can choose as many areas as they wish from the 63 letting areas across North Ayrshire. Staff carry out housing options interviews with applicants and actively encourage them to include several areas to maximise their likelihood of receiving an offer.

As at Wednesday 26 October, I can confirm we have a total of 6,715 applications on the North Ayrshire wide register, of which 3,346 applications have been allocated points. This equates to 50% of applications.

Again at 26 October, the total number of applicants who have included at least one of the 8 Kilwinning letting areas within their preferences is 1,922. Of these, there are 1,081 applicants who have been awarded points/priority. This equates to 56% of all applications for Kilwinning.

359 applicants have chosen Kilwinning areas only, with 197 of these applicants having points/priority awarded (54%).”

A supplementary question by Councillor Donald Reid was not permitted by the Depute Provost on the grounds that it did not adhere to the requirement set out in Standing Order 14.4 that any supplementary question must arise directly from the answer given to the original question.

(6) a question by Councillor McTiernan to the Cabinet Member for Health and Social Care in the following terms:

“Given the current pressures which have been widely reported in the media for Health and Social Care Services across Scotland, there are significant concerns on how the system will cope with the impending winter period. Can the Cabinet Member for H&SC provide an update to Council on the local position and a reassurance on any winter plans in North Ayrshire?”

Councillor Johnson thanked the Member for her question and referred to the following written answer:

“Similar to other areas in Scotland the Ayrshire and Arran health and social care system remains under immense pressure. The impact and legacy of the pandemic is ongoing alongside the continued stresses placed on the workforce and increased demand for services. The pressures are most visible at the hospitals where emergency access performance standards are not met, there are ambulance delays to hand over patients, there is an increased length of stay, all of which lead to poorer outcomes for our citizens.

Despite efforts, continued pressures to date have not enabled the de-escalation of either acute Hospital in Ayrshire and Arran and there has not been the closure of any of the additional beds opened to support the surge in Covid inpatient numbers. A further HSCP sponsored focussed intervention is planned for two weeks from 7th November which will involve the three HSCPs deploying community teams into the acute sites to support patient discharge.

There is a continued focus on prioritising packages of care for individuals in hospital. However, the impact of this is the continued risk posed to those in the community who have been assessed as requiring support. In North Ayrshire 85% of the current hours of unmet need for care at home services are for individuals on the community waiting list and a significant number of individuals are awaiting assessment and review.

In October 2021, over £300m of investment in hospital and community care was announced to support a range of measures with the overarching aim being to reduce risks in community settings and supporting flow through acute hospitals. A total of £3.4million was allocated to North Ayrshire specifically for interim care, Multi-Disciplinary Teams and Care at Home capacity, the majority of this funding has now been provided on a recurring basis.

The North Ayrshire HSCP Winter Funding Plan was approved by the IJB in December 2021. This focusses on a whole system approach to bolstering the care workforce by increasing numbers of staff in key areas of community services, with a longer-term focus on increasing capacity across our system and to invest in services which focus on early intervention and prevention and the alternatives to hospital admission. When the plan was approved it was with the caveat of the scale and pace of the impact being wholly reliant on successful recruitment.

Recruitment is ongoing with a number of key posts now appointed to including additional Social Workers and Social Work Assistants, Community Occupational Therapists, Health Care Support Workers and a range of roles within Care at Home services. For Care at Home there has been a constant focus on recruitment and these efforts have led to a net increase in the workforce over the period. This has led to a significant improvement in the Hospital waiting list which in North Ayrshire is now sitting at the lowest position it has been, this also allows our in-house respite facility to return to fully providing respite support over the winter period. The position with commissioned care providers remains fragile with many citing difficulties in the recruitment and retention of staff and therefore are unable to offer sustainable care provision and an inability to support new services.

In terms of providing the reassurance of any winter plans in North Ayrshire I can reassure members that the HSCP have an investment plan in place to increase capacity and there are business continuity and escalation plans in place across services. I can also reassure members that the HSCP will continue to take all the necessary steps to manage and escalate the risk in the system, however despite this there is no doubt we are heading for a very difficult winter period for health and care services."

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

"Will the new Administration commit to reinstating the disabled fishing platform behind Lamont Drive in Irvine?"

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

"The previous angling platform was removed following complaints from the Angling Club that it was in a dangerous condition. After removal, officers have continued to support the Club, and assisted by seeking bids from contractors for a replacement platform. Unfortunately, the bid received was not affordable.

Although the Council does not have funding nor any responsibility for the replacement of the platform, it is anticipated that the Angling Club will qualify for grant funding the Council would not have access to. An officer will contact the group to discuss opportunities that may be open to them and will assist through the provision of professional services with the specification design for a new angling platform and with engaging a contractor, if required."

As a supplementary question, Councillor Gallacher asked whether progress on this matter could be kept under close review, with a view to supporting the club to ensure a replacement platform was in place for the start of the new season in March 2023.

Councillor Davidson responded by undertaking to ensure officers kept Councillor Gallacher and himself informed at all stages, including arranging meetings for this purpose as and when required.

- (8) a question by Councillor McPhater to the Cabinet Member for Economy and Climate Change in the following terms:

"How many of our residents have received travel passes from the "Public Transport Travel Scheme", approved by Cabinet in June 22?"

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

"The Active Travel and Transport Team are engaging closely with the Council's Employability Team, the Lennox Partnership, Skills Development Scotland and CEIS to identify appropriate beneficiaries for the travel assistance scheme. This has been successful with the first cohort of travel passes and bespoke travel plans being issued this week.

As a supplementary question, Councillor McPhater referred to the amount of time which had now elapsed without a single travel pass having been issued and also referred to an earlier commitment by the Cabinet Member that the scheme would not constitute a subsidy for Stagecoach at a time when the company was cutting local bus services, asking whether the Cabinet Member now admitted that the vast majority of the money spent on this scheme would be spent with Stagecoach.

Councillor Gurney responded by providing contextual information on the proper process which had to be followed in terms of implementing the scheme and emphasising the importance of ensuring that it was properly targeted, particularly given the relatively small number of passes available. The Cabinet Member advised that some of the passes had gone to bus-users, while others were SPT passes, which included rail, bus and underground services.

The Depute Provost reminded Members, in terms of Standing Order 14.4, that questions and responses must each be delivered within a period of two minutes.

The Depute Provost allowed a question of clarification from Councillor McLean on the number of users within the first cohort, and Councillor Gurney confirmed that he had the information and undertook to have this information made available to Members following the meeting.

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

"To ask the Leader of the Council what discussions have taken place with the business sector to promote and attract employment opportunities to North Ayrshire?"

Councillor Gurney, as the relevant Cabinet Member, thanked the Member for his question and responded in the following terms:

"The Economic Development and Regeneration Teams have strong connections with the local business base and continue to provide significant support and advice on a daily basis. During the pandemic these links were further strengthened as officers provided essential guidance and advice to assist businesses during unprecedented economic times and administered a wide range of business support grants.

The Community Wealth Building Strategy, the Recovery and Renewal Approach, the Green Jobs Fund and the Local Employability Partnership Delivery Plan all provide a range of approaches and mechanisms designed to support business growth and investment into North Ayrshire.

In addition to supporting the existing business base, there is extensive work ongoing to attract inward investment to the area. There are currently 24 live inward investment enquiries ranging from new technology to secondary company investment proposals. A significant upturn has also been observed in enquiries based on new green technologies wishing to invest in the area which will assist in ensuring a Green Economic Recovery.”

As a supplementary question, Councillor T. Ferguson asked about the likely impact on North Ayrshire of the Scottish Government’s recent announcement that they would be cutting £53m of funding for employability schemes and whether the Council had any contingency arrangements in place.

Councillor Gurney responded by advising that programmes and funding were subject to change nationally and gave a commitment that the Council would always seek to make the best use of available opportunities to engage with these. The Cabinet Member gave examples of recent work to safeguard some 400 existing jobs and create 71 new jobs within North Ayrshire, and the projected creation of 159 new jobs based on growth plans.

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

“To ask the Cabinet Member for Finance if staff have received the backdated 2022/23 pay award in their pay packets?”

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

“The Scottish Joint Council (SJC) Circular from COSLA has been received, which outlines the pay award for 2022/23. This will be implemented and paid to the local government workforce by December 2022. This will include arrears from 1 April 2022.

Communications, including FAQs, will be issued to the local government workforce to confirm the details, arrangements for pay and provide guidance and support should this be required.”

As a supplementary question, Councillor Bell asked how the Administration planned to budget for next year’s pay award.

Councillor Larsen responded by making reference to information which the Head of Finance had provided earlier in the meeting, in respect of his report on the Medium-Term Financial Outlook.

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

“How can North Ayrshire Council help support the Arran Ferry Committee in its efforts to encourage Transport Scotland, Peel Ports and Calmac to provide a speedy permanent solution to the damaged fenders at Ardrossan which are causing continued cancellation of key early and late ferry sailings?”

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

“North Ayrshire Council has recently engaged directly with Peel Ports and CMAL regarding the condition of the fenders at Ardrossan Harbour. Peel Ports advised that the fenders were damaged; however, they were replaced to full working order in September 2022. The replacement fenders fully conformed to Transport Scotland’s specification. These have subsequently been damaged within the last 4-6 weeks.

Peel Ports have advised that Transport Scotland do not have any fender plates across the network that are the correct dimensions for Ardrossan Harbour. Replacement faceplates were ordered several weeks ago and are expected to be delivered in approximately 4 weeks’ time. In the meantime, they are trying to fabricate a faceplate that, if successful, they will fit weather dependent over the coming weekend.

North Ayrshire Council will continue to liaise with all stakeholders (TS, Peel Ports, CMAL, CalMac) regarding the ongoing maintenance and operation of Ardrossan Harbour to support the resilience of the services.”

The Leader concluded her response by indicating that she shared the Member’s frustration and by offering to meet with Councillor Billings to discuss the matter and possible sustainable solutions further.

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

“To ask the Cabinet Member where North Ayrshire Council was ranked for recycling performance amongst Scottish local authorities in 2016?”

The question and following written response were taken as read, with the agreement of both parties:

“Thank you for your enquiry regarding the Council’s recycling performance for the year 2016. SEPA publishes annual figures of all local authorities on a calendar basis. I can therefore confirm that for 2016 North Ayrshire Council were ranked 5th performing council in Scotland for recycling, with a household recycling rate of 55.3% for 2016.”

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

"To ask the Cabinet portfolio holder for Place to provide an update on the investigation into the paused roll out of Facial Recognition software in our schools."

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

"The matter is still with the Information Commissioner's Office and the outcome is awaited. Members will be advised when the Commissioner's decision letter has been received."

As a supplementary question, Councillor T. Ferguson requested clarification on the likely timescale for the Information Commission's response.

Councillor Davidson reiterated the commitment to advise Members as soon as the Information Commissioner's decision letter had been issued.

(14) a question by Councillor McDonald to the Cabinet Member for Economy and Climate Change in the following terms:

"North Ayrshire Council agreed its budget for 2022/23 eight months ago. Included in the budget was £1.726million for an energy support fund, now called "Energy Smart", to help residents through the cost-of-living crisis. Eight months on, can the Cabinet Member advise us how many residents have received support from the "Energy Smart" scheme?"

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

"As at the end of October, 460 households have received support through the Energy Smart scheme."

The Cabinet Member also clarified that, following a review, the value of the Fund was now £2.176m.

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As a supplementary question, Councillor McDonald asked whether the Cabinet Member considered it was right that carers in receipt of Carer's Allowance were ineligible for the Emergency Support Fund which formed part of the scheme.

With the agreement of the Depute Provost, Councillor Gurney responded by suggesting that this matter might be the subject of consideration as part of the urgent item which had been submitted for consideration at the end of the meeting.

The allotted time of 45 minutes having expired, the Depute Provost, at his discretion in terms of Standing Order 14.2, allowed one further question to be asked and answered, given that some of the foregoing responses had been lengthy.

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

“To ask the Cabinet Member for Place if he is concerned about the state of the old Dregghorn Primary School building on the Main Street and the incessant vandalism to the site?”

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

“The property has suffered extensive vandalism. The property-owner, has advised that they have taken preventative measures to reduce the potential for vandalism on site. The owners are currently engaging with the Council’s Planning, Regeneration and Business Growth Services. This is with a view to identifying potential options for the repurposing and redevelopment of the building.

The property owner is in the process of preparing an application to the Council’s Repurposing Property Grant Fund for a feasibility study on the building. Officers have provided support and guidance to the owner to prepare a brief and enable them to obtain the required tenders to support their application. We anticipate receipt of an application over the next month and, subject to funding, completion of the study in the current financial year.

Officers will continue to support and liaise with the property owner.”

On a point of order, Councillor Foster requested clarification on the mechanism for submitting a supplementary question in terms of Standing Order 14.4 in circumstances whereby no written response had been circulated at the meeting. The Depute Provost confirmed that written responses to three ‘political’ questions would be circulated following the meeting.

On a further point of order, Councillor Murdoch referred to the expiry of the period of 45 minutes allowed for questions in terms of Standing Order 14.2. The Depute Provost clarified that he had, in terms of the same Standing Order, exercised his discretion to extend the time for questions. He also confirmed that the remaining questions and responses, as circulated in advance of the meeting, would be taken as read and included in the Minute.

(16) a question by Councillor Kerr to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member for Finance what impact the current instability in economic markets is having on the Council’s Capital Financing Requirement for the approved Capital Programme, and what subsequent impact that will have on the Loans Fund Principal Repayment?”

The written response by the Cabinet Member for Finance was as follows:

“Work to assess the affordability of the capital programme commenced in August of this year. The anticipated cost of borrowing from the capital expenditure plans over the duration of the capital programme to 2030/31 was based on advice from the Council’s Treasury Management Advisors and was set at a flat 3.30% interest rate forecast across the life of the plan. The general construct of this borrowing from the Public Works Loans Board (PWLB) was based on a 20 Year Gilt yield at 2.50% plus 0.80% to produce a PWLB Certainty rate of 3.30%. At this time, to support the current level of capital investment and provide headroom of up to potentially £25 million of additional cost pressures from the cost volatility in the construction sector, this required an additional £5.550 million revenue investment to be added into the loans fund between 2023/24 to 2030/31. From the events that followed the mini-budget announcement on the 23 September 2022, the Council’s Treasury Management Advisors provided updated PWLB rate forecasts of 5.05% for 2022/23, 4.80% for 2023/24 and 4.60% for 2024/25 onwards. The consequence of this increase was a change to the projected financial position from a previously anticipated additional £5.550 million to £38 million additional revenue investment required. There remains a level of turbulence around the rates. On 28 September the PWLB certainty rate rose to 5.74%, however, the published position at 25 October reflects a PWLB certainty rate of 4.74%. Work will continue with our Treasury Advisors to update the forecasts and cost impacts.”

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

“Will the Leader agree to organise a Members’ Update on the progress that KA Leisure is making to refocus its activities on exercise as a means to aid health and wellbeing, and to be less reliant on subsidy from North Ayrshire Council for its core exercise facilities?”

The written response by the Cabinet Member for Communities and Islands was as follows:

“The Leader will make arrangements for a Members’ Update on the progress that that KA Leisure is making to refocus its activities on exercise as a means to aid health and wellbeing in North Ayrshire. Regular updates are also part of the ongoing CPP Board discussions and delivered through an annual Cabinet report which is scheduled for annually for February 2022. Progress to date includes securing CPP Board support for KAL to lead a Wellbeing Alliance to lead the delivery of the Wellbeing priority of the new LOIP. KA Leisure continues to work towards recovering its business with its membership now at just under 8000. Additional capacity for reviewing financial systems and processes has been provided by the Council and this work is ongoing.”

(18) a question by Councillor Foster to the Leader of the Conservative and Unionist Group in the following terms:

“What does the Leader of the Conservative Group believe will have the worst impact on North Ayrshire residents - the rise in mortgage repayments, the run on pension funds or the imposition of austerity 2.0 arising from the Tories’ “mini-budget”?”

The written response by the Leader of the Conservative and Unionist Group was as follows:

“Taking the points raised in reverse order:

Austerity is a set of political economic policies that aim to reduce government budgets deficits through spending cuts or tax increases. We will require to wait on the Chancellor’s Budget later this month to determine what Austerity, if any, is needed. Closer to home, the Council in setting its budget will need to practice Austerity by cutting spending/employment or raising the Council Tax

Pension Funds - The Times noted the other day that the economic and financial situation has been transformed in a matter of days. The pound has recovered and is even slightly above where it was before the mini budget, the prices of government bonds are also higher and there is no run on pension funds.

Mortgage Payments - Bank Rate has been below 1% for the last 13 years, is now at 2.25% and is likely to peak at around 5%. This increase is not unexpected and is a result of the inflation in the UK of 10.1% caused by Covid support, energy payments, war in Ukraine and other factors. As a matter of interest, this rate is lower than the Europe average and the 114% reported by our socialist comrades in Venezuela. Closer to home, it is clear that the socialist policies of the Labour Group have not found favour with the North Ayrshire voters, who viewed the return of a Labour Administration with disdain and ensured that they were returned with the lowest number of councillors ever. In fact, one fewer than the 10 Conservative councillors.

In 2010, Liam Byrne the former Labour Chief Secretary to the Treasury left a note saying to the incoming Conservative Government, “Dear Chief Secretary, I am afraid to tell you there is no money left.”

So, we will take no criticism or lessons from the Labour Party.”

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

“Does the Education Portfolio holder support the proposal in the Gender Recognition Reform (Scotland) Bill as debated at Holyrood that will allow people as young as 16 to legally change their gender?”

The written response by the Cabinet Member for Education was as follows:

“Yes, I support the proposal.”

(20) a question by Councillor McDonald to the Cabinet Member for Health and Social Care in the following terms:

“It has been reported that the Scottish Government want to “reclaim” reserves from Health and Social Care Partnerships. Can the Cabinet Member tell us how much funding for health and social care services in North Ayrshire could be grabbed back by the Scottish Government under this move?”

The written response by the Cabinet Member for Health and Social Care was as follows:

“At the end of February 2022, the Scottish Government wrote to Integration Joint Boards to advise that significant additional funding was being made available to meet Covid costs and the ongoing impact of the pandemic, this resulted in the North Ayrshire IJB carrying forward an earmarked Covid reserve of £13.321m into 2022-23.

This funding is to be utilised by Health and Social Care Partnerships to cover additional Covid-19 related costs associated with delegated services, to support any loss of income as a result of services being closed, and to support commissioned care providers for additional costs incurred. During 2022-23 the funding can only be utilised to fund the same costs and areas which were funded in previous years and not any new areas of expenditure.

“At the end of February 2022, the Scottish Government wrote to Integration Joint Boards to advise that significant additional funding was being made available to meet Covid costs and the ongoing impact of the pandemic, this resulted in the North Ayrshire IJB carrying forward an earmarked Covid reserve of £13.321m into 2022-23.

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Further communication was issued by Scottish Government in September, noting that “There have been a number of significant changes to Public Health policies in relation to Covid over the summer, resulting in the profile of Covid spend reducing significantly compared to when funding was provided to IJBs for Covid purposes. In response to this, the Scottish Government will reclaim surplus Covid reserves to be redistributed across the sector to meet current Covid priorities”.

At the end of September, the projected utilisation of this funding by the HSCP for the 2022-23 financial year is £5.118m. This is significantly less than the previous two financial years, due to a reduction in additional costs as well as the provision of new funding by Scottish Government to support areas of additional expenditure which were covered by the Covid funding in previous years, for example additional funding for investment in Care at Home capacity.

This underutilisation of Covid funding is consistent across all IJBs in Scotland.

On this basis, it is anticipated that the amount reclaimed by Scottish Government from North Ayrshire IJB would be £8.203m.

The Scottish Government plan to retain this funding in the health and social care system as Health Boards locally and nationally also continue to incur additional costs as a result of the pandemic in services which are not delegated to IJBs and have not yet received any additional funding to meet these in 2022-23. The Covid funding which is reclaimed from IJBs will be redistributed to Health Boards across Scotland, including NHS Ayrshire and Arran, to meet these additional costs.”

(21) a question by Councillor Foster to the Leader of the Council in the following terms:

“To ask the Council Leader whether they “detest the Tories”?

The written response by the Leader of the Council was as follows:

“I thank Councillor Foster for his question, which I assume is referring to a previous comment made by the First Minister. When asked if she would prefer a Labour or Tory Government in Westminster, she commented that she “detested the Tories and everything they stand for”. I’m sure any sensible person would know she was referring to Tory Governments and not to individuals or voters. If Councillor Foster is asking me if I share that view, then I think he knows the answer as does everyone else in this Chamber.”

In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 4.00 p.m. for a short comfort break. The meeting reconvened at 4.20 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person).

14. Motions

In terms of Standing Order 15, submitted:

- (1) a motion proposed by Councillor McDonald and seconded by Councillor Kerr in the following terms:

“Council notes that there will be no Wrap, Run and Fun holiday meal and activity programme over the October and festive holidays. Further notes that a voucher replacement will be in place with values of £10 per week for the mainland and £20 for the islands, which represents a 50% cut in the value of mainland vouchers when compared to the voucher replacement scheme that operated during the Covid pandemic. Council believes it would be unacceptable to cut school holiday meal support by 50% during a cost-of-living crisis and therefore agrees to use £145,000 of unearmarked reserves to increase the value of the voucher to reinstate the £20 per week where the Wrap, Run and Fun programme cannot be provided vouchers for children on the mainland during the October and festive holiday periods.”

In the absence of Councillor Kerr, and in terms of Standing Order 15.1, Councillor Foster agreed to second the above motion.

The Depute Provost intimated that two amendments to this motion had been received, both of which involved negation. Given that the effect of the two amendments was the same, Members were advised that the Depute Provost had, in terms of Standing Order 15.4, determined that only the first amendment received would be considered and Councillor Marshall was duly invited to move his amendment.

As an amendment, Councillor Marshall, seconded by Councillor T. Ferguson moved that no action be taken to spend £145,000 of unearmarked reserves for the purpose outlined in the Motion.”

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, S. Ferguson, T. Ferguson, Gallacher, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Donald L. Reid, Robertson, Stalker and Stephen (23) and for the motion, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8) and the amendment was declared carried.

Accordingly, the Council agreed that no action be taken to spend £145,000 of unearmarked reserves for the purpose outlined in the Motion.”

Councillor Glover left the meeting immediately prior to the following item of business.

- (2) a motion proposed by Councillor Inglis and seconded by Councillor Glover in the following terms:

“Following the rejected bid for the STEP Fusion Plant at Ardeer Peninsula I move that North Ayrshire Council records its regrets of the loss of millions of pounds of investment and 4500 jobs that would have come to the area of Stevenston if Ardeer was the winning bid and instructs the Chief Executive to write to the First Minister to ask her to prioritise this Council area for inward Investment and to explain her Government’s refusal to support nuclear energy as a dependable carbon free method of electricity generation.”

In the absence of Councillor Glover, and in terms of Standing Order 15.1, Councillor Marshall agreed to second the motion.

As an amendment, Councillor McDonald, seconded by Councillor McPhater, moved as follows:

“Following the rejected bid for the STEP Fusion Plant at Ardeer Peninsula I move that Council records its disappointment at the UK Government’s decision to reject the Ardeer STEP consortium bid for the UK’s fusion prototype plant. Council acknowledges that the STEP project would have brought significant levels of investment to North Ayrshire, creating thousands of high-skilled jobs to the area.

Following the UK Government’s decision, Council agrees to:

- Write to the UK and Scottish Government’s calling on them to prioritise North Ayrshire for Government investment;
- Bring a report to a future meeting of North Ayrshire Council to consider the future potential for economic and social investment at Ardeer Peninsula, including in the protection of the Peninsula’s rich biodiversity; and
- Publish feedback from the UK Atomic Energy Authority, including a record of the recent meeting between UKAEA officials and North Ayrshire Council.”

At the invitation of the Depute Provost, the Monitoring Officer provided clarification that, in terms of the final element of the amendment, only material which was not commercially sensitive could be published in the event of the amendment being carried.

Councillor Glover re-joined the meeting at this point.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8), and for the motion, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Glover, Inglis, Marshall, McLean, Donald L. Reid, Stalker and Stephen (11), Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan, Murdoch and Robertson (12) abstaining, and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that the Council record its regret at the loss of millions of pounds of investment and 4500 jobs that would have come to the area of Stevenston if Ardeer had been the winning bid; and
- (b) to instruct the Chief Executive to write to the First Minister to ask her to prioritise this Council area for inward Investment and to explain her Government's refusal to support nuclear energy as a dependable carbon-free method of electricity generation."

Councillor Donald L. Reid left the meeting at this point.

Having declared an interest in the following item of business in his capacity as the seconder of the motion, the Deputy Provost intimated his intention to vacate the Chair for the following item of business. Prior to doing so, and in terms of Standing Order 6.8(iv), the Deputy Provost invited the Council to appoint another Member of the Council to assume the Chair.

Councillor Burns, seconded by Councillor Cullinane, moved that Councillor Marshall assume the Chair for the following item of business. There being no amendment, Councillor Marshall duly took the Chair.

- (3) a motion proposed by Councillor Kerr and seconded by Councillor Sweeney in the following terms:

"In light of allegations made in the BBC Scotland Disclosure episode, "The Great Ferries Scandal", which relates to the procurement of two ferries including the Glen Sannox, Council instructs the Chief Executive to write to Chief Constable Sir Iain Livingstone of Police Scotland, requesting that the force carries out a full and thorough investigation into all aspects of the ferries procurement process. Council also instructs the Chief Executive to request that all members of the Ardrossan Ministerial taskforce co-operate fully with any investigation."

In the absence of Councillor Kerr, and in terms of Standing Order 15.1, Councillor Foster agreed to propose the motion.

As an amendment, Councillor Macaulay, seconded by Councillor Burns, moved as follows:

"In light of allegations made in the BBC Scotland Disclosure episode, "The Great Ferries Scandal", which relates to the procurement of two ferries including the Glen Sannox, Council acknowledges serious concerns have been raised and remain concerned regarding the delay in ferries becoming operational. Council notes that the police operate independently from politics, and it is not for any politician to instruct justice. Council agrees to cooperate fully if any future investigation were to take place."

Members asked questions of clarification in respect of the motion and amendment.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (11) and for the motion, Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Foster, Gallacher, Glover, Inglis, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, Donald Reid, Stalker, Stephen and Sweeney (19), and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that the Chief Executive write to Chief Constable Sir Iain Livingstone of Police Scotland, requesting that the force carry out a full and thorough investigation into all aspects of the ferries procurement process; and
- (b) the Chief Executive request that all members of the Ardrossan Ministerial taskforce co-operate fully with any investigation.

The Depute Provost then resumed the Chair for the remainder of the meeting.

- (4) a motion proposed by Councillor McDonald and seconded by Councillor McPhater in the following terms:

"Council notes recent analysis by the IFS that if benefits were uprated in line with inflation next April they would still be 6% below their pre-pandemic levels due to a below-inflation uprating in April 2022.

Notes with concern that senior Conservative Government Ministers have refused to commit to even uprating benefits in line with inflation this coming April.

Council is concerned that the cost-of-living crisis will push more families in North Ayrshire into poverty and believes that the value of benefits must be restored to pre-pandemic levels to assist families with rising costs.

Council therefore instructs the Chief Executive to write to the Chancellor of the Exchequer calling on the UK Government to not only uprate benefits in line with inflation but to fully restore their value by compensating for the 6% lost value from the April 2022 uprating."

There being no amendment, the motion was declared carried.

- (5) a motion proposed by Councillor Foster and seconded by Councillor McDonald in the following terms:

"Council acknowledges that Education Maintenance Allowance (EMA) provides financial support to young people from low-income households to stay on in post-16 education.

Council notes that the income thresholds for eligibility (£24,421 for households with one dependent child and £26,884 for households with more than one dependent child) has not been reviewed since 2016 nor has the EMA award been uprated (£30 per week per eligible young person).

Given the pressures on household budgets as a result of the cost-of- living crisis, Council acknowledges that households above these income thresholds are increasingly struggling financially.

Council believes that the income thresholds for EMA and the award level should be reviewed to ensure that young people are not prevented from continuing in post-16 education because of pressures on their household budgets. Council therefore instructs the Chief Executive to write to the Deputy First Minister requesting that they increase the income thresholds and the level of EMA in their upcoming budget."

As an amendment, Councillor Macaulay, seconded by Councillor Robertson, moved that the Council approve the terms of the motion, subject to the addition of the following:

"In addition Council notes that uptake of EMA has been historically low, and therefore agrees to increase awareness of EMA through North Ayrshire Council communication channels. Council also notes the success of young person travel scheme awareness sessions, and requests similar events be organised to increase EMA take up."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor Foster agreed to amend his motion to incorporate the additional elements contained in the amendment. There being no further amendment, the motion, as amended, was declared carried.

Accordingly, the Council agreed as follows:

- (a) to acknowledge that Education Maintenance Allowance (EMA) provided financial support to young people from low-income households to stay on in post-16 education;
 - (b) to note that the income thresholds for eligibility (£24,421 for households with one dependent child and £26,884 for households with more than one dependent child) had not been reviewed since 2016, nor had the EMA award been uprated (£30 per week per eligible young person);
 - (c) given the pressures on household budgets as a result of the cost-of- living crisis, to acknowledge that households above these income thresholds were increasingly struggling financially;
 - (d) that the income thresholds for EMA and the award level should be reviewed to ensure that young people were not prevented from continuing in post-16 education because of pressures on their household budgets and instruct the Chief Executive to write to the Deputy First Minister requesting that an increase in income thresholds and the level of EMA in the upcoming budget;
 - (e) noting that uptake of EMA had been historically low, that awareness of EMA be increased through North Ayrshire Council communication channels; and
 - (f) noting the success of young person travel scheme awareness sessions, that similar events be organised to increase EMA take-up.
- (6) a motion proposed by Councillor McLean and seconded by Councillor Billings in the following terms:

“That the Council agrees to form a Member Officer Working Group to review the operation of the Housing Allocation system.”

As an amendment, Councillor Montgomerie, seconded by Councillor Foster (in the absence of the original seconder, Councillor Kerr, and in terms of Standing Order 15.1), moved as follows:

“Council notes that a common housing register operates across all registered social landlords in North Ayrshire, including North Ayrshire Council. Council agrees that a short life working group consisting of Elected Members, RSL representatives and Tenants representatives be convened to review the allocation policies that operate within the common housing register.”

On a point of order, Councillor Billings queried the competence of the amendment given that it included a factual inaccuracy, namely that it asserted that a common register operated across all registered social landlords in North Ayrshire, whereas a separate register was operated by Trust Housing.

The Monitoring Officer advised that the point highlighted was not sufficiently material to invalidate the amendment and there may simply have been an oversight on the part of the mover of the amendment.

As a further amendment, Councillor Hill, seconded by Councillor Gurney, moved as follows:

"The Allocation Policy is scheduled for refresh and formal approval in early 2023. Consultation with local elected members will once again play a significant role in any changes that are proposed, prior to the refreshed policy being presented to the Council's Cabinet and RSL Boards. All of the NAHR partners are committed to involving local elected members within the consultation process. Council agrees to accept a presentation before Christmas on the current arrangements and proposals for the 2023 review.

Our island communities have specific issues and differences, and Council agrees to establish a short-term Working Group to investigate and feed into the long-established process with our RSL partners and ultimately report to them and to Council on housing needs and issues on our islands."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor McLean agreed to withdraw his motion in favour of Councillor Hill's amendment. The amendment by Councillor Montgomerie, seconded by Councillor Foster, became the substantive motion.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, S. Ferguson, T. Ferguson, Gallacher, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Robertson, Stalker and Stephen (22), and for the substantive motion, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8), and the amendment was declared carried.

Accordingly, the Council agreed to accept a presentation before Christmas 2022 on the current arrangements and proposals for the 2023 review of the Housing Allocation Policy.

Councillor Glover left the meeting during following item of business.

- (7) a motion proposed by Councillor McLean and seconded by Councillor Gallacher in the following terms:

“Council agrees to the creation of a Member Officer working group to look into the current and historic issues in the Dundonald Camp/Auchengate area to take a paper to Cabinet acknowledging these issues and attempt to find positive solutions.”

As an amendment, Councillor Larsen, seconded by Councillor Collier, moved direct negative.

Members asked a question of clarification of the mover of the motion.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (11) and for the motion, Councillors Bell, Billings, Cullinane, S, Ferguson, T. Ferguson, Foster, Gallacher, Inglis, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, Donald Reid, Stalker, Stephen and Sweeney (18), and the motion was declared carried.

Accordingly, the Council agreed:

- (a) to approve the creation of a Member Officer working group to look into the current and historic issues in the Dundonald Camp/Auchengate area; and
- (b) that a paper be submitted to Cabinet acknowledging these issues and attempting to find positive solutions.”

15. Urgent Item

In terms of Standing Order 10.8, the Depute Provost agreed that the undernoted motion be considered as an urgent item on the basis that the fund in question had been launched and that consideration could not, therefore, be postponed to the next ordinary meeting of the Council.

15.1 Motion

A motion, proposed by Councillor McDonald, seconded by Councillor McPhater:

"Council notes the launch of the Energy Smart Emergency Fund earlier this week. Further notes that people in receipt of benefits are not eligible to access the fund. In practice, this has prevented low-income households who are in work but in receipt of universal credit to top-up their incomes, from making an application. Council is concerned that a blanket ban on households in receipt of payments could also hit pensioners including those on pension credit and unpaid carers on Carers Allowance. Council therefore instructs officers to review the eligibility criteria of the fund as a matter of urgency and report back to elected members at the earliest opportunity."

On a point of order, Councillor Gurney queried the factual accuracy of the assertion within the motion that those in receipt of benefits were not eligible to access the fund.

In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 5.50 p.m. to allow advice and clarification to be sought on the terms of the motion. The meeting reconvened at 5.55 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person).

In terms of Standing Order 16.5, Councillor McDonald, as the mover of the motion and with the agreement of his seconder, agreed to withdraw his motion following the provision of clarification on the eligibility criteria for the Fund.

The Chief Executive intimated that the Council's communication on the Energy Smart Emergency Fund would be updated to ensure that constituents were able to access support and be directed to the most appropriate fund to help with their energy needs.

16. Depute Provost's Closing Remarks

The Depute Provost closed the meeting by thanking Members for their participation.

The meeting ended at 6.00 p.m.



PROVOST'S REPORT

For the period covering: 24 October – 4
December 2022

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

PROVOST'S REPORT

For the period covering: 24 October – 4 December 2022

Since the last meeting of the Council, I have taken part in several events, including:

Opening of Roslin and Red Rose Houses, Stevenston, 28 October

On 28 October, I performed the official opening of Red Rose House and Roslin House in Stevenston. These state-of-the-art respite facilities are sited adjacent to the Lockhart ASN and provide a comfortable, home from home experience for respite guests and are a much needed, valued and deserved break for families and carers.

The Promise Conference, Town Hall, Saltcoats, 4 November

On 29 September, the Depute Provost attended The Promise conference in Saltcoats Town Hall. The Promise is a 10-year programme launched in 2020 to support care-experienced children and young people. During the event the Depute Provost formally opened the Hasta Barista ...coffee you'll be back for, initiative delivered by young people and supported by NAHSCP.

Remembrance Day, Irvine, 11 November

On 11 November at 11am we gathered at the War Memorial in Irvine to observe a two minute silence and remembered all those brave men and women who have lost their lives in conflict while serving their country.

"Knox the Urban Fox" Book Launch, Kilbirnie Library, 12 November

On 12 November, I was delighted to attend the "Knox the Urban Fox" book launch in Kilbirnie Library. Author Julie Morris and illustrator Tony Van Bruegel were present to meet guests and present their book. Proceeds from sales will go to the Stoneyholm Mill Trust who aim to restore a former 19th Century textile mill in Kilbirnie.

Remembrance Sunday, 13 November

On Remembrance Sunday our communities came together in services throughout North Ayrshire to remember those who paid the ultimate sacrifice while serving in wars and military conflicts since the onset of World War 1. I attended the service in Kilbirnie while the Depute Provost attended the services in Irvine and Stevenston.

Ayrshire Cancer Support Presentation, Kilmarnock, 15 November

On 15 November, Ayrshire Cancer Support were presented with The Queen's Award for Voluntary Service by the Lord Lieutenant at a special ceremony in Kilmarnock. The organisation has been serving the community for forty years supporting those affected by cancer and their families. I was delighted to attend the event and show our appreciation of all the work that they do.

Brathwic Terrace Opening Ceremony, Brodick, Isle of Arran, 18 November

On 18 November I was on the Isle of Arran to officially mark the opening of the Brathwic Terrace development. Representatives of all the partner organisations and new tenants were present. The Council has one of the most ambitious housebuilding programmes in the country. The 34 homes at this development have contributed towards the Council's target of building 1,625 new homes across North Ayrshire by 2028. This £6.6m project was supported by £2.4m of Scottish Government grant funding and we are grateful that this funding has enabled us to deliver such a fantastic development.

Kirking of the Council, Old Parish Church, Irvine, 20 November

The traditional Kirking of the Council event took place on Sunday 20 November. This started with a procession from Irvine Town House followed by a service in Irvine Old Parish Church. The event was supported by various organisations within the Town and the parade was led by Zak Currie from Garnock Campus.

Visit to Wellwood Burns Centre and Museum, Burns Club, Irvine, 21 November

I visited Wellwood Burns Centre and Museum on 21 November. I was given a full tour of the facility and spoke with representatives from Irvine Burns Club and Irvine Lasses Burns Club. The visit highlighted some of the amazing work that is carried out in our local communities by volunteers.

Raising the Flag to start 16 Days of Action on Violence Against Women, Cunninghame House, Irvine, 25 November

On 25 November, I, along with the representatives from North Ayrshire Violence Against women Partnership, raised the flag at Cunninghame House to mark the start of the 16 days of action campaign to end violence against women. Various events were organised highlighting the fact that domestic abuse will not be tolerated. The partnership brings together key partners who have a role in tackling gender-based violence and supporting those affected.

DYW School Project Launch, Lockhart Campus, Stevenston, 25 November

I was delighted to officially launch two Developing the Young Workforce innovative schools' projects at Lockhart Campus, Stevenston on 25 November. One project was on Cyber Security and Computer Skills and the other on Cycle Safety and Maintenance. These initiatives aim to reduce youth unemployment and encourage better connectivity between education and the world of work. They are delivered with the support of North Ayrshire Council, Ayrshire College and of course the young people who benefit from developing their employability skills.

Community Project Launch, Ardeer Centre, Stevenston, 25 November

On the afternoon of 25 November in the Ardeer Centre, Stevenston, I launched one of three new innovative community projects developed by NAHSCP and the Developing Young Workforce Business Ambassador. The project named "Changing Room" aims to develop barista skills for service users within the Justice Service programme. The project will provide training and practical experience and the participants will obtain industry entry level qualifications. It is also hoped that this will further develop into a mini enterprise.

DSM- Bovaer Ground Breaking Ceremony, Dalry, 30 November

On 30 November I attended the ground breaking ceremony by the First Minister of Scotland marking the construction of a new plant at the DSM site in Dalry. I'm grateful to the workforce in Dalry for playing an integral part in convincing DSM globally that North Ayrshire, and Dalry in particular, was the best location to undertake an investment of this scale.

Irvine Lasses Burns Club St Andrews' Night Celebration, Wellwood Burns Centre and Museum, Irvine, 1 December

On 1 December I attended the Irvine Lasses Burns Club St Andrew's Night in Wellwood Burns Centre and Museum, Irvine. I am always inspired by the sense of community spirit and civic pride that surrounds Irvine and its deep-rooted history and traditions. These traditions are upheld by organisations like Irvine Lasses Burns Club who ensure that Irvine's and indeed Scotland's cultural heritage is in safe hands for future generations.

DYW School Project Launch, Garnock Campus, Glengarnock, 2 December

On 2 December, I was in Garnock Campus to officially launch a new innovative school's project. The project is in the form of a community café incorporating barista, smoothie bar and practical cake craft. The project is supported by Developing the Young Workforce Ayrshire, North Ayrshire Council and Ayrshire College. The project aims to give the participating young people additional skills to develop their employment prospects for the future.

North Ayrshire Women's Aid Car Procession, Irvine to Saltcoats, 3 December

On 3 December as part of the 16 days of action to end violence against women, I took part in "Drive for Change" arranged by North Ayrshire Women's Aid. This car procession left Cunninghame House and made its way to Saltcoats. I was only too happy in my role as Provost to highlight the campaign and get the message across to put an end to gender based violence. My thanks go to North Ayrshire Violence Against Women Partnership for the excellent work they do to tackle this serious issue and support victims.



A handwritten signature in blue ink, which appears to read "Anthea Dickson".

Councillor Anthea Dickson
Provost North Ayrshire Council



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

LEADER'S REPORT

For the period covering: 24 October – 4
December 2022

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

LEADER'S REPORT

For the period covering: 24 October – 4 December 2022

COMMUNITY WEALTH BUILDING COMMISSION MEETING, 26 October

On 26 October I chaired a meeting of the Community Wealth Building Commission. Attendees received various presentations on

- Land and Assets Workstream
- Procurement Workstream Update
- Ayrshire Growth Deal Community Wealth Building Fund
- Ayrshire Regional Economic Strategy

Following a meeting of the Lead Officers Working Group (LOWG) in August 2022, it was agreed that the LOWG would initially focus on three workstreams: Procurement, Fair Employment and Land and Assets. The LOWG includes relevant officers from Commission Members (and wider regional Anchor Institutions as required) who are responsible for progressing CWB actions and will report on progress to the Commission.

The Commission will meet again on 13 December.

LIVING WAGE VISITS, 27 October

On 27 October, in the run up to Living Wage Week 2022 (week beginning 14 November), I was delighted to visit two organisations recognised as Accredited Real Living Wage Employers, 1st Alliance Community Bank in Kilwinning and North Ayrshire Women's Aid.

Paying staff the Real Living Wage is always important but even more so now given the current cost-of-living crisis with many families struggling to make ends meet.

Both organisations realise the benefits to both employers and employees with higher staff morale and better productivity as staff feel valued and supported by their employer.

North Ayrshire Council has paid the Real Living Wage since 2011 and once again this year has committed to paying its staff the new rate of £10.90 per hour.

COSLA CONVENTION, 28 October

On 28 October I attended the COSLA Convention where Convention delegates were asked to approve appointments to outside bodies. Delegates were also asked to consider and agree the new COSLA Plan drafted earlier this year in June. The Plan covering 2022 – 2027 presents a high-level framework setting out the strategic direction and ambitions for COSLA for the current Local Government term and is based on the Blueprint for Local Government, as agreed previously by Convention.

COSLA LEADERS, 28 October

Later on 28 October I attended a meeting of COSLA Leaders where attendees discussed a packed agenda including the following items:

- Local Government Finance Update
- Accounts Commission – Future Engagement
- 16 Days of Action Against Gender Based Violence
- Free School Meals
- Ukraine
- COSLA & Improvement Service Partnership Working
- Health and Social Care Winter Planning 2022-23

PARLIAMENTARY UNDER SECRETARY STATE FOR SCOTLAND MEETING, 2 November

On 2 November, together with North Ayrshire Council Chief Executive, Craig Hatton, I had an introductory meeting with the Parliamentary Under Secretary State for Scotland, Lord Offord to discuss several issues including Levelling Up and the failed STEP bid at Ardeer.

NHS PERFORMANCE GOVERNANCE COMMITTEE, 3 November

On 3 November I attended an NHS Performance Governance Committee where members discussed various financial management reports and financial planning for the foreseeable future.

“THE PROMISE” AWAY DAY, 4 November

I was delighted to be invited along to “The Promise” Away Day on 4 November and to welcome the Scottish Government Minister for Children and Young People, Clare Haughey who came along to deliver the keynote speech.

It was an informative event with much discussion on what has been done so far in North Ayrshire to keep The Promise - ensuring that we are doing everything we can to ensure every care experienced child grows up feeling loved, safe and respected so they can realise their full potential.

Thanks to all the speakers and to those involved in making the day such a success, but a special word of thanks to Oisín King and Tasha Gills, who did a brilliant job of being the young hosts for the duration of the Conference.

NHS GOVERNANCE COMMITTEE MEETING, 7 November

I attended an NHS Ayrshire and Arran Governance Committee meeting on 7 November where attendees received updates on the following:

- Ayrshire Mental Health Conversation (AMHC) and discussion on Priorities and Outcomes 2019-2027 Patient Safety
- Healthcare Associated Infection (HCAI) report
- Quality and Safety report – Neonatal

There was also discussion around various reporting relating to Annual Governance reports.

JOINT YOUTH CABINET MEETING, 8 November

On 8 November, North Ayrshire Council Cabinet Members attended a Joint Youth Cabinet meeting at Redburn Community Centre in Irvine. The meeting was well attended with pupils from our schools with discussion themes on the following:

- Police Scotland and Wellbeing Support for Young People
- Supporting the Needs of Young People Disengaging from Education
- Young People and Families Affected by the Cost of Living
- Public Health and Young People
- Young Peoples Voice – Communities and Schools

As always, I am proud of the interest shown by our young people in current and local affairs. These meetings provide the opportunity for our young people to raise concerns with Cabinet

members and senior officers but, more importantly, it allows Cabinet members to listen to their views on a range of matters.

Thank you to all the young people who took part and for their valuable contribution in making the day such a success.

TACKLING CHILD POVERTY – EMPLOYABILITY WORKSHOP, 15 November

I attended an Employability Workshop at Whitlees Community Centre in Ardrossan on 15 November. The workshop was part of the continued strategy of the Tackling Child Poverty Board of which I am Chair. The aim of the workshop was to look at what was being done well in our communities, look at where things could be improved and to highlight any gaps in services.

The three key drivers of child poverty are income from employment, income from social security and the cost of living. As a local authority, we are determined to make sure that residents are aware of the support that is available to them from North Ayrshire Council and our partner organisations.

It was great to have everyone coming together, to share ideas at what we can do better by identifying challenges and barriers. I would like to thank everyone who attended and a special word of thanks to Laura Neil, Senior Manager for Employability at North Ayrshire Council for her input.

TACKLING CHILD POVERTY BOARD MEETING, 16 November

I Chaired a meeting of the Tackling Child Poverty Board on the 16 November where much of the discussion focused on the outcomes from the “No Wrong Door” mini enquiry and an updated Cost of Living report.

Actions from the “No Wrong Door” Officer Workshop and Mini Public Enquiry identified potential gaps in provision and opportunities to improve our delivery for our residents. It is hoped to identify leads and specific timescales for each action subject to approval by the Child Poverty and Cost of Living Board. These will then form the basis of our Child Poverty Action Plan 2023-26.

OFFICIAL OPENING OF BRATHWIC TERRACE, 18 November

I travelled to Arran on the 18 November to attend the official opening of the new housing development at Brathwic Terrace in Brodick. The new 34-unit development provides high

quality and modern general needs houses, amenity bungalows and homes for wheelchair users.

KIRKING OF THE COUNCIL PARADE AND SERVICE, 20 November

On 20 November I attended the Kirking of the Council Parade and Church service together with other Elected Members, senior officers from North Ayrshire Councils and representatives for the clergy and other community groups.

OFFICIAL OPENING OF HARPER HOUSE, 21 November

I was delighted to be invited by Phoenix Futures Charity to the official opening of Harper House in Saltcoats on 21 November. Officially opened by the First Minister Nicola Sturgeon, Harper House was awarded £8 million in Scottish Government grant funding last year to establish a family rehabilitation service, accepting referrals from across Scotland. The facility can support up to 20 families at any one time for placements between three and six months long, meaning up to 80 families will be supported annually.

The service is designed to make it easier for parents to access treatment by allowing them to care for their family while in recovery with the help of the Centre's staff who support child development, parenting skills and the overall health and wellbeing of all family members.

NHS AUDIT AND RISK COMMITTEE MEETING, 23 November

On 23 November I attended the NHS Audit and Risk Committee meeting where attendees received a detailed presentation on Counter Fraud and reviewed some internal audit reports.

Counter Fraud Services (CFS) receive referrals directly from members of the public, via Crimestoppers or through contact with NHS Ayrshire and Arran's Fraud Liaison Officer. The presentation also highlighted some of the work from International Fraud Awareness Week which ran from 13-19 November. CFS provided excellent promotional materials helping to raise awareness of personal and organisational fraud prevention for all NHS staff at a time of financial pressure.

COSLA LEADERS, 25 November

I attended a meeting of COSLA Leaders on 25 November, where Leaders discussed a packed Agenda covering the following items:

- Presidential Statement – 16 Days of Action Against Gender Based

- Revised COSLA Plan 2022-2027
- Barriers to Elected Office
- Ukraine
- Scottish Attainment Challenge
- National Care Service- Mental Health, Neurodiversity and Dementia
- Additional Cost of Living Support – DHP route proposal
- COSLA Governance Meetings 2023
- Asylum and humanitarian protection

The United Nations international 16 Days of Action against gender-based violence runs annually from 25 November through to 10 December. COSLA participates in this campaign with the action plan for 2022 approved by the Community Wellbeing Board. COSLA marked the first day of the 16 Days of Action on 25 November 2022 with an opening Presidential statement by COSLA President, Councillor Shona Morrison, aligned to this year's 'What Next' theme.

The North Ayrshire Violence Against Women Partnership has developed a robust action plan and communication framework in support of the campaign which will run throughout the 16 days of action.

NHS BOARD MEETING, 28 November

I attended an NHS Board meeting on 28 November where attendees received an update from the Chief Executive and presentations on the following

Healthcare associated infection (HCAI)
Women and children's services - neonatal
Corporate Governance learning and improvement plan

The Board also discussed key issues arising from the various committees including the Audit and Risk Committee, Healthcare Governance Committee, Information Governance Committee, Integrated Governance Committee and the Performance Governance Committee.

TACKLING CHILD POVERTY – EMPLOYABILITY MINI ENQUIRY, 28 November

On 28 November I attended the Employability Mini Enquiry as part of the continued work of the Tackling Child Poverty Board. The event held at Saltcoats Town Hall was attended by many of our partners, including NHS, CEIS and representatives from community groups and the Third Sector.

Tackling poverty, in particular child poverty, is one of our key priorities in North Ayrshire. The responsibility for leading this work and for reporting to Scottish Government in relation to child poverty lies with North Ayrshire Council and NHS Ayrshire and Arran. This event enabled attendees to take part in a discussion to understand how residents, especially families, are supported into fair work. The focus was on what areas are working well, identified areas for improvement and gaps in work.

Again, I would like to thank all the attendees for taking the time to come along and participate in the discussions.

1ST TIER JOINT CONSULTATIVE COMMITTEE MEETING AND HEALTH AND CORPORATE HEALTH AND SAFETY GROUP MEETING, 1 December

On 1 December I chaired a meeting of the 1st Tier Joint Consultative Committee (JCC) meeting and the Corporate Health and Safety Group. Attendees at the 1st Tier JCC meeting were provided with an update on the support available to North Ayrshire communities to cope with rising energy costs. There was also an update on the Under 22 free bus travel scheme and the uptake by young people throughout North Ayrshire.

Attendees at the Corporate Health and Safety Group meeting received an update on the LiveWell Healthy Working Lives Programme. The LiveWell Group continues to promote wellbeing activities and campaigns via a range of communication channels and is split into four key themes which are PlayWell, BeWell, WorkWell and EatWell. During September 2022, a fifth theme called SaveWell was added to the LiveWell programme.

AYRSHIRE SHARED SERVICES COMMITTEE MEETING, 2 December

On 2 December I Chaired a meeting of the Ayrshire Shared Services Committee where attendees received an update on the Ayrshire Civil Contingencies Plan.

The Ayrshire Civil Contingencies team (ACCT) Service Plan for 2023 has provided the civil contingencies services on behalf of the three Ayrshire Councils since it was established in 2008. The team has a responsibility to ensure the provision of the key requirements on behalf of the North, South and East Ayrshire Councils.

FINALLY

LEADER'S REPORT



On behalf of all the Elected Members, I would like to thank all the staff in North Ayrshire Council for their invaluable work during the year and for their continued support in helping to deliver on a range of Council priorities.

In these challenging times, I hope that everyone can enjoy their Christmas with friends and loved ones.



A handwritten signature in blue ink that reads "Marie Burns".

Councillor Marie Burns
Leader of North Ayrshire Council

NORTH AYRSHIRE COUNCIL

14 December 2022

North Ayrshire Council

Title:	Review of Accounting Arrangements for PFI and Similar Contracts
Purpose:	To seek approval of Council to revise the current methodology used to determine the statutory repayment of debt charged to the General Fund in relation to the Council's service concession contracts.
Recommendation:	That Council approve the adoption of the revised accounting arrangements under Local Government Finance Circular 10/2022 for the recalculation of debt repayments arising from the Council's service concession contracts aligned to the useful economic life of the assets under the contracts.

1. Executive Summary

- 1.1 The Scottish Government has issued Finance Circular 10/2022 to all local authorities which enables the application of a financial flexibility in relation to the accounting for service concession arrangements, leases and similar arrangements. Under this flexibility, the accounting arrangements in relation to the capital repayment element of the Council's PPP and DBFM contracts have been reviewed and it is recommended that these are adjusted in a manner consistent with the accounting for other local authority fixed assets financed through more traditional arrangements.
- 1.2 The adoption of an annuity based repayment schedule is considered prudent, sustainable and affordable and will result in the rescheduling of charges to the General Fund over the 50 year useful economic life of the assets rather than the current contract terms. This will result in the release of a one-off retrospective repayment adjustment of £21.546m with a short to medium term reduction in the annual debt repayment charges over the period to 2037/38.
- 1.3 It is emphasised that the reductions highlighted are purely in relation to timing and that the overall repayments charged to the General Fund remain unchanged. This change will result in repayment charges to the General Fund extending beyond the periods of 2037/38 for current PPP contracts and 2042/43 for the current DBFM contract to years 2056/57 and 2066/67 respectively.

- 1.4 It is proposed that the short to medium term cost reductions are considered as part of the Council's budget planning arrangements over the medium-term and are applied to address the rising cost pressures within the 10-year General Services Capital Programme. The retrospective element of this change would be utilised to help temporarily and partially mitigate the challenges identified in the significant budget gap within the medium-term General Services Revenue Budget. It is recognised however, that any use of this flexibility would have to be applied in a limited and controlled manner across several financial years, and critically, that this runs in parallel with more sustainable measures to reduce the cost base of the Council in line with available funding and the key priorities.

2. Background

- 2.1 During 2007/08, North Ayrshire Council entered into a 30 year PPP contract for the construction, maintenance and operation of four schools with a principal capital repayment value of £81.845m. Subsequently, during 2018/19, the Council entered into a 25 year Design, Build, Finance and Maintain (DBFM) contract for the provision of Largs Campus with a principal capital repayment value of £46.626m. The statutory accounting requirements in relation to these "service concession" arrangements requires Councils to separately identify the capital repayment elements of the unitary charge payments and account for them as debt repayments over the term of the respective contracts.
- 2.2 If these assets had been financed through traditional borrowing methods, the borrowing would have been managed through the Council's Loans Fund with the repayment of the principal capital element calculated over the useful economic life of the assets. In the case of schools, this would have resulted in repayment over a 50 year period rather than over the 25 – 30 year contract period currently in place, allowing for a lower annual charge to the General Fund over the longer repayment period.
- 2.3 Representations from local authorities to Scottish Government ministers have highlighted the inherent anomaly in the current accounting treatment and the resultant issue in terms of inter-generational equity, whereby current Council Tax payers are required to meet the full cost of acquiring the schools while future generations will continue to receive the benefit of the assets without any requirement to contribute towards the acquisition costs.
- 2.4 Under Local Government Finance Circular 10/2022 – Finance Leases and Service Concession Arrangements, the Scottish Government has outlined a provision for financial flexibility which will allow local authorities to apply a retrospective recalculation of the annual charges to the General Fund in relation to the principal capital repayment element of service concession arrangements, including PPP and DBFM contracts. There would be no change to the actual payments to the contractor or to the value of interest or service charges made against the General Fund and the schools would still transfer to North Ayrshire Council at the end of the current contract for nil consideration.
- 2.5 In order to apply this flexibility, the Finance Circular requires that the decision must be taken to full Council, setting out the reasons for the change and demonstrating that the change is prudent, sustainable and affordable over the life of the assets.

- 2.6 The tables attached at Appendix 1 highlight the current arrangements for charging the debt repayment element to the General Fund. This highlights that total principal repayments to 31 March 2022 were £28.755m with a further £99.716m due to be charged over the remaining period of the contracts, which are due to end in 2037/38 and 2042/43. This will result in total debt repayments of £128.471m over the 25-30 year period.
- 2.7 Under Finance Circular 10/2022, local authorities have the option to exercise a financial flexibility to align the statutory debt repayments to the asset life using either equal instalments or the annuity method.
- 2.8 Under the equal instalment's method the same amount of principal repayment is applied annually. The annuity method assumes that the total payments, including interest charges, are equal across all years, with the principal repayment increasing as the interest charge reduces. It has been determined that the annuity method appropriately reflects the consumption of the assets over their useful lives as maintenance costs tend to increase in later years. Further, it is recognised that the annuity method provides a fairer charge than equal instalments as it takes better account of the time value of money e.g., paying £1,000,000 in ten years' time is less of a burden than paying £1,000,000 now. The schedule of charges produced by the annuity method thus results in a consistent charge over an asset's life, considering the real value of the amounts when they fall due. It should also be stressed that the annuity approach is consistent with the repayment method adopted by North Ayrshire Council in relation to existing Loans Fund advance repayments under the current Treasury Management and Investment Strategy.
- 2.9 The application of the financial flexibility has been recalculated in Appendix 1 on the annuity basis, discounted using the interest rate implicit in the relevant contracts as specified in the Circular. These rates are 6.52% and 4.4% for PPP and DBFM respectively. This is consistent with the 5% annuity rate applied to standard Loans Fund repayment arrangement for more traditionally funded acquisitions over the same periods. On this basis, the total repayments remain at £128.471m.
- 2.10 It is important to emphasise that the service concession flexibility is a timing related transaction under which the total liability remains unchanged but is spread over a longer period aligned to the useful economic lives of the schools in question. The amount that would have been charged to the General Fund to 31 March 2022 is reduced to £7.209m with a further £121.262m due to be charged over the remaining period of the assets' useful economic lives, which have been calculated as 2056/57 and 2066/67 respectively. This will result in £86.664m of repayments, which would have been charged to the General Fund over the original repayment periods, being deferred and charged over the period 2038/39 to 2066/67, resulting in additional General Fund revenue pressures across those years.
- 2.11 As detailed in Appendix 1, the application of the financial flexibility on this basis will result in a retrospective financial benefit to 31 March 2022 of £21.546m with an average annual reduction in charges to the General Fund over the 10 year period to 2031/32 of £3.380m per year. However, the final accounting adjustments will be subject to further scrutiny and confirmation as part of the annual external audit.

2.12 As indicated in the Medium-Term Financial Outlook, considered by Council on 2 November 2022, it is currently recommended that the recurring element of the annual cost reductions is allocated to help address the rising cost pressures within the 10 year General Services Capital Programme, providing an additional element of headroom in relation to both inflationary pressures and borrowing costs.

2.13 In addition, it is recommended that the potential utilisation of the non-recurring, retrospective element is considered as part of the Council's Medium-Term Financial Planning. It is recognised however, that any use of this flexibility would have to be applied in a limited and controlled manner across several financial years, and critically, that this runs in parallel with more sustainable measures to reduce the cost base of the Council in line with available funding and the key priorities.

3. Proposals

3.1 It is proposed that That Council approve the adoption of the revised accounting arrangements under Local Government Finance Circular 10/2022 for the recalculation of debt repayments arising from the Council's service concession contracts aligned to the useful economic life of the assets under the contracts.

4. Implications/Socio-economic Duty

Financial

4.1 The financial implications are as outlined in the report. The resultant adjustments to the debt repayment charges to the General Fund will be considered as part of the Medium Term Financial Plan 2023/24 to 2025/26.

It is the opinion of the Chief Finance Officer that the recommended adoption of the financial flexibility on an annuity basis is prudent and will contribute to the medium and long term financial planning arrangements of North Ayrshire Council.

Human Resources

4.2 None.

Legal

4.3 The application of this financial flexibility is an internal accounting adjustment for North Ayrshire Council and has no contractual implications in relation to the existing PPP or DBFM contracts.

Equality/Socio-economic

4.4 None.

Climate Change and Carbon

4.5 None.

Key Priorities

- 4.6 This proposal supports the key priority of “An efficient Council that maximises resources and provides value for money”

Community Wealth Building

- 4.7 None.

5. Consultation

- 5.1 The Finance Service has consulted with the Council's treasury advisors, Arlingclose Ltd, and our appointed external auditors, Audit Scotland, in the preparation of this report.

Mark Boyd
Head of Service (Finance)

For further information please contact **David Forbes, Senior Manager (Strategic Business Partner)**, on **01294 324551** or **DavidForbes@north-ayrshire.gov.uk**.

Background Papers

Medium-Term Financial Outlook 2023/24 to 2025/26

Appendix 1

	PPP			DBFM			Combined		
Financial Year	Current Profile	Revised Profile	Movement	Current Profile	Revised Profile	Movement	Current Profile	Revised Profile	Movement
	£m	£m	£m	£m	£m	£m	£m	£m	£m
Pre 2022/23	22.113	5.737	(16.376)	6.642	1.472	(5.170)	28.755	7.209	(21.546)
2022/23	1.946	0.611	(1.335)	1.764	0.334	(1.430)	3.710	0.945	(2.765)
2023/24	1.926	0.651	(1.275)	1.762	0.349	(1.413)	3.688	1.000	(2.688)
2024/25	2.305	0.693	(1.612)	1.890	0.364	(1.526)	4.195	1.057	(3.138)
2025/26	2.375	0.738	(1.637)	1.911	0.380	(1.531)	4.286	1.118	(3.168)
2026/27	2.512	0.787	(1.725)	1.870	0.397	(1.473)	4.382	1.184	(3.198)
2027/28	2.752	0.838	(1.914)	1.789	0.415	(1.374)	4.541	1.253	(3.288)
2028/29	3.120	0.893	(2.227)	1.787	0.433	(1.354)	4.907	1.326	(3.581)
2029/30	3.261	0.951	(2.310)	2.080	0.452	(1.628)	5.341	1.403	(3.938)
2030/31	3.540	1.013	(2.527)	1.874	0.472	(1.402)	5.414	1.485	(3.929)
2031/32	3.826	1.079	(2.747)	1.855	0.493	(1.362)	5.681	1.572	(4.109)
2032/33	3.917	1.149	(2.768)	1.889	0.514	(1.375)	5.806	1.663	(4.143)
2033/34	3.988	1.224	(2.764)	1.957	0.537	(1.420)	5.945	1.761	(4.184)
2034/35	5.211	1.304	(3.907)	1.945	0.561	(1.384)	7.156	1.865	(5.291)
2035/36	5.551	1.389	(4.162)	1.746	0.585	(1.161)	7.297	1.974	(5.323)
2036/37	5.913	1.479	(4.434)	1.589	0.611	(0.978)	7.502	2.090	(5.412)
2037/38	7.589	1.576	(6.013)	1.588	0.638	(0.950)	9.177	2.214	(6.963)
2038/39		1.679	1.679	1.769	0.666	(1.103)	1.769	2.345	0.576
2039/40		1.788	1.788	2.022	0.695	(1.327)	2.022	2.483	0.461
2040/41		1.905	1.905	2.141	0.726	(1.415)	2.141	2.631	0.490
2041/42		2.029	2.029	2.235	0.758	(1.477)	2.235	2.787	0.552
2042/43		2.161	2.161	2.521	0.791	(1.730)	2.521	2.952	0.431
2043/44		2.302	2.302		0.826	0.826	-	3.128	3.128
2044/45		2.452	2.452		0.862	0.862	-	3.314	3.314
2045/46		2.612	2.612		0.900	0.900	-	3.512	3.512
2046/47		2.782	2.782		0.940	0.940	-	3.722	3.722
2047/48		2.963	2.963		0.981	0.981	-	3.944	3.944
2048/49		3.157	3.157		1.024	1.024	-	4.181	4.181
2049/50		3.363	3.363		1.069	1.069	-	4.432	4.432
2050/51		3.582	3.582		1.116	1.116	-	4.698	4.698
2051/52		3.815	3.815		1.165	1.165	-	4.980	4.980
2052/53		4.064	4.064		1.217	1.217	-	5.281	5.281
2053/54		4.329	4.329		1.270	1.270	-	5.599	5.599
2054/55		4.611	4.611		1.326	1.326	-	5.937	5.937
2055/56		4.912	4.912		1.385	1.385	-	6.297	6.297
2056/57		5.227	5.227		1.445	1.445	-	6.672	6.672
2057/58			-		1.509	1.509	-	1.509	1.509
2058/59			-		1.575	1.575	-	1.575	1.575
2059/60			-		1.645	1.645	-	1.645	1.645
2060/61			-		1.717	1.717	-	1.717	1.717
2061/62			-		1.793	1.793	-	1.793	1.793
2062/63			-		1.872	1.872	-	1.872	1.872
2063/64			-		1.954	1.954	-	1.954	1.954
2064/65			-		2.040	2.040	-	2.040	2.040
2065/66			-		2.130	2.130	-	2.130	2.130
2066/67			-		2.222	2.222	-	2.222	2.222
	81.845	81.845	(0.000)	46.626	46.626	0.000	128.471	128.471	(0.000)

NORTH AYRSHIRE COUNCIL

14 December 2022

North Ayrshire Council

Title:	Douglas Park: Proposals for Future Use of Tennis Court Area
Purpose:	To advise Council of the current proposals relating to the Tennis Court area of Douglas Park, Largs, the outcome of recent public engagement, and to propose a recommendation to progress alienation of the area from Largs Common Good with the purpose of leasing the area to Largs Tennis Club.
Recommendation:	<p>It is recommended that Council:</p> <ul style="list-style-type: none"> a) Considers the proposals regarding the future use of the Tennis Courts at Douglas Park, Largs; b) Notes the outcome of the public engagement regarding the proposed future use of the Tennis Courts at Douglas Park, Largs; c) Authorises officers to progress alienation of the area from the Largs Common Good with the purpose of agreeing a lease with Largs Tennis Club; d) Approves the establishment of a Council/Community Garden Project Group working group to identify a suitable site for allotments; e) Agrees to refer the business applicants (Largs Dog Park and the Pooch Pad) to the Council's Business Development team to progress commercial options; and f) Agrees that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

1. Executive Summary

- 1.1 Douglas Park is a much-loved civic park in central Largs. It is owned by Largs Common Good (LCG). Since Covid there has been an upsurge in interest in the park and a local desire to see it developed. This includes four competing requests for a lease of the Tennis Court area.
- 1.2 Each of the community groups is seeking a lease in order to improve the park or make changes to meet their needs. External funders seek assurance of security of tenure before approving grants. Leasing is complicated by the ownership by LCG, changes to which require Court approval.

- 1.3 A period of discussion to seek a compromise with the groups involved has taken place. Officers have now also carried out public engagement, including online and face-to-face drop-in events.
- 1.4 This paper summarises the proposals, the feedback from public engagement on these options and makes a recommendation that Largs Tennis Club's request for a lease be progressed, while offering support to the other applicants to progress their aspirations.

2. Background

- 2.1 Douglas Park was originally created in 1906 when Mr C. J. C. Douglas gifted the land to Largs Town Council for a public park. It comprised of the formal Spring Gardens at Irvine Road and the hill section of Haylie Estate.
- 2.2 The Douglas Park title is held by Largs Common Good and has seen a growth in community activities in last two years. The aims of this paper are:
 - To review options for the development of the Tennis Court area, which would enable investment in and use of the park;
 - To share feedback on the options from the local community; and
 - To make recommendations for a proposed way forward.
- 2.3 The increased interest in and activity around Douglas Park has resulted in requests for long-term leases and community asset transfers. The reason for this is that external funders require community groups to have clear and secure tenure, so that any investment they make stays in the public domain.
- 2.4 There are seven Tennis Courts in Douglas Park (Appendix 1). These are currently not used and are in need of investment. The four competing requests for the use of this area are:
 - Largs Tennis Club – for reinstatement as a tennis facility;
 - Community Growing Project – for an allotment area of raised beds;
 - Largs Dog Park – for a dog exercise business facility; and
 - The Pooch Pad - a dog care business.
- 2.4 A series of meetings has taken place between local ward members and officers, with representatives of the community groups putting forward their case. PMI and Legal Services advise that Court approval will be needed for any leases of a long-term nature to be progressed, thus allowing the community groups to access external funding. No consensus has been reached. The local ward members have indicated that they will only consider leasing options to develop the community use of the park, and do not agree that a full community asset transfer of ownership of any part of the park is in the public interest.

Largs Common Good

2.5 The Douglas Park title is held by Largs Common Good. The management and use of lands and buildings controlled by the Council, and the use or disposal of land and buildings declared surplus to the requirements of the Council, including Common Good and HRA land are always subject to:

- The principle of Best Value
- The terms of the Disposal of Land by Local Authorities (Scotland) Regulations 2010; and
- Any other relevant enactment.

It should be noted that the requests in question are for leases rather than transfers of ownership.

Proposals

2.6 Proposal 1 - Community Growing Project

2.6.1 The stated aims of this project are to:

- Provide an outdoor focused community allotment, space for which is not available elsewhere in Largs;
- Regenerate a disused and derelict space;
- Help improve mental and physical wellbeing of the people of Largs whilst building new relationships and sense of place;
- Provide new Access to Food options enabling people to grow their own, healthier and nutritious produce; and
- Increase the attraction of Largs as a place to live and to visit.

2.6.2 The proposal is for the constituted group, with the support of the Organic Growers of Fairlie, to create a Community Allotment space in four of the currently unused courts, for use by the people of Largs and local area. The next step would be to work with Council Officers to secure funding and develop a business plan to support the community asset transfer lease agreement, should this be granted. Initially, the plan is to use half of the existing fenced area to create 10 raised beds. Once the first 10 are in place, and subject to further funding, this will increase to 50 beds, including beds along the fenceline for climbing plants. Beds will be split in two and allow up to 100 people to participate, assuming two people per bed. The beds are raised and will be spaced to allow wheelchair access. The other half of the court be used for a polytunnel, children's growing area, seating area, tool storage, water collection and compost bay.

2.6.3 With the growing spaces and community garden the Community Growing Project will have an active social inclusion policy. The local nursery would be offered a specific area for the children to have outdoor learning and development through hands on growing which develops coordination and motor skills as well as communication and understanding and providing some food for their snacks. The nursery teachers and parents will be invited to be actively involved in these activities. The Community

Growing Project has established school growing projects within the high school and the primary schools in Largs that are run by a committed local team, which is keen to get a bigger project running for the wider community. Demand is high for growing spaces; this has been established by the Organic Growers of Fairlie who have a waiting list of 26 people from Largs trying to get some growing space. Community allotments can also provide local access to surplus for local food larders, for example community partnership in West Kilbride has a link between allotments and the local food larder which supports people in need with some healthy options, especially important during the cost-of-living crisis, and this is a model which the group would like to replicate. Council officers have not received the business plan for review.

2.7 Proposal 2 - Largs Tennis Club

- 2.7.1 Largs Tennis Club is proposing to develop the seven courts at Douglas Park to a standard which provides the opportunity to play tennis all year round on all-weather, floodlit courts. This will include resurfacing the courts at Douglas Park, the provision of new fencing and floodlighting (subject to Planning Consent), posts and nets. A smart entry system will also be installed to enable season passes and public access to the courts.
- 2.7.2 This proposal will provide facilities which ensure the long-term viability of the tennis courts through a fully funded maintenance programme. This will guarantee the site's long-term sustainability by the Club setting aside finance to ensure ongoing maintenance and facility refurbishment after a ten-year period.
- 2.7.3 Largs Tennis Club (LTC) has been in existence for a number of years and since its inception members have developed links with the local community and schools through Community Holiday Coaching Courses and Community Coaching Programmes, which include:
- Mini Tennis Red 4 to 8 years - played on small courts with short rackets and sponge balls or felt balls enabling players to learn different shots and start to rally;
 - Mini Tennis Orange & Green 9 to 11 years - courts are bigger and wider than the red stage allowing players to develop a range of techniques and tactics before moving on to the next level;
 - Junior Tennis - 12 to 16 years - played on a full-sized court with yellow compression balls. Players learn to develop basic technique, how to build rallies and learn about match play; and
 - Orange and Green Tennis - 9 to 11 years; Junior Tennis 12 to 16 years; Adult Beginner 17+ years; and Adult Improver 17+ years.
- 2.7.4 LTC also has links to Largs Academy, which involves coaching courses tailored towards the needs of various age groups. These courses will continue if the move to Douglas Park progresses.

2.7.5 The proposal is that the refurbishment of the Douglas Park Courts will provide a wide range of health opportunities to members of the local community who will have access to the refurbished Douglas Park Tennis Courts. These include:

- A full body workout;
- Improvements in stamina;
- Increased muscle toning;
- Weight loss; and
- Improved agility.

2.7.6 The Lawn Tennis Association (LTA) is supportive of this proposal and has provided North Ayrshire Council with a fully costed option to develop the courts. The LTA's proposed business model is supported by its Parks Renovation model. The business plan shows annual income of £18k from season passes; public pay and play (the proposed Lawn Tennis Fund includes 75% of time protected for public access on a 'pay to play' basis); and coaching, with annual expenditure of £14k, leaving an estimated annual excess (including contingency) of £4k to be used for community development. The Parks Tennis Programme includes annual maintenance of the courts. In addition, LTC has a 'sinking fund' of £30k which would be used to obtain additional match funding of £30k to fund floodlights. As part of the discussions, the LTA requested and gained approval for the Council to undertake a long-term commitment for maintenance for 10 years, with Largs Tennis Club as the responsible partner, should the request be granted by Council. Support for community development would be available from the Locality Team, should this proposal be approved.

2.8 Proposal 3 - Largs Dog Park

2.8.1 The third proposal seeks to offer something to Largs that people, the proposer suggests, will use on a daily and weekly basis all year round, through turning the disused Tennis Court area into a dog park business.

2.8.2 This proposal would use all seven of the tennis courts in Douglas Park, which, it is proposed, would provide a safe place for a dog park in Largs. It has large areas with high fencing which are already in place and the proposer suggests that re-purposing the area could be completed quickly.

2.8.3 The dog park would be a business which could bring a handful of jobs for people part time/full time. It could also offer work experience for school children or for people to volunteer.

2.8.4 The dog park would work through website booking or telephone booking, which would generate a time and a coded text or email once payment has been received. Entry would be protected by a gate, with a coded lock that would generate access every 30mins to 60mins.

- 2.8.5 A reception cabin (subject to Planning Consent) at the park would be staffed, providing on site booking, monitoring and an inside space for people to shelter while their dogs run free, with a place to rinse and wash, dry and provide water for dogs. There would be booking timings for large, medium and small groups, to allow dogs to play and bond.
- 2.8.6 Training classes may be put in place from experienced trainers, depending on demand.
- 2.8.7 The proposal is for year-round, 12 hours access per day and includes CCTV monitoring of the area.
- 2.8.8 This is a proposal from an individual for commercial purposes. The lease would not meet the criteria for community asset transfer leasing, as identified in the Community Empowerment (Scotland) Act 2015. Income from the commercial lease would go to the Largs Common Good Fund. Council officers have not received the business plan for review.
- 2.9 Proposal 4 - The Pooch Pod
- 2.9.1 This proposal is to lease a three court area of Douglas Park tennis courts for a dog day care business operating Monday - Friday, 8am - 5pm during school term time.
- 2.9.2 This proposal indicates that a client list has already been identified. This business aims to bring services, jobs and a health initiative to Largs.
- 2.9.3 The intention would be to construct a cabin/structure (subject to Planning Consent) to provide an indoor facility for the dogs in the day care service. The business-owner intends to create a 'home from home' feeling with a comfortable inside area for dogs to play or rest. There would be sofas, bean bags and classical music playing, which is proven to create a restful, calming feeling for the dogs. Rest time for each of the dogs will be encouraged between the hours of 12-2pm each day. The outside area of the business-would be paramount to creating a healthy, happy environment. The business owner stresses the dog waste will be picked up immediately and that dogs will get plenty of fresh air and exercise. There will be a 2-gate safety system in place to avoid any dogs escaping from the area. Each of the dogs in the day care would be suitably vetted.
- 2.9.4 This is not a kennels nor a boarding facility. The business owner's background is as a professional dog groomer, with experience of running successful businesses, including dog handling skills, understanding and knowledge of dogs, dogs' body language, canine anatomy and canine first aid certification. As the business establishes, there would be opportunities to employ staff with similar experience.
- 2.9.5 This proposal includes possible opportunities to provide other community-based initiatives such as volunteering for people suffering with mental health issues or partnering with the allotment project proposal's dementia groups and providing a dog-petting area with "therapets." The aim is to help reduce anxiety, ease loneliness, boost self-confidence, add structure to the dogs' day help them to meet new people.

- 2.9.6 This is a proposal from an individual for commercial purposes. The lease would not meet the criteria for community asset transfer leasing, as identified in the Community Empowerment (Scotland) Act 2015. Income from the commercial lease would go to the Largs Common Good Fund. Council officers have not received the business plan for review.

The Legal Process

- 2.10 Legal Services advise that there are two stages involved when considering alternative use of Common Good land.
- 2.11 The first stage is disposal to a third party. If the use of the land is changed so that it is no longer available for the inhabitants as a whole to use this is likely to be a disposal (or appropriation, if the Council itself wishes to use the land for another purpose). The disposal may be a sale or a lease – either will have the practical effect of removing it from public use.
- 2.12 If there is a disposal, the second stage is to consider whether the land is inalienable. In general terms Common Good land is inalienable when the use of the land is dedicated to a public use. In most cases, common good land held by the Council will fall into this category, and officers take the view that Douglas Park would fall into the category of being inalienable. When common good land is inalienable, court authority to any disposal or appropriation is required.
- 2.13 The Council has investigated the practicalities of providing a lease to the tennis club. Unfortunately, it seems providing a lease will not be a quick or simple process given that the tennis court areas forms part of the Common Good.
- 2.14 As the two community organisations (The Community Growing Project and LTC) want to secure funding, they would also require security of tenure. A lease that would be acceptable to funders (potentially, between 10 and 25 years), regardless of the proposed lessee, is likely to amount to a disposal from the Common Good and require court authority to alienate the area from the Common Good.
- 2.15 Before the Council could grant a lease, officers would need to establish Trustees' support and a statutory consultation process would require to be completed, including publishing the details about the proposed lease and representations invited from Community Councils and community bodies. There are set timescales which must be allowed for responses to the consultation and the Council is required to consider and reply to any representations. The statutory consultation process would take a minimum of 16 weeks to complete.
- 2.16 Moreover, court authority to lease the land would almost certainly be required to be obtained before the lease could be granted, as the grant of the lease would be a disposal which would alienate the subjects let from the Common Good purposes. The court process would be commenced following the consultation process being successfully completed. Commencing the court process would not guarantee an outcome in which the Council would be authorised to lease the land; and the court may reject the petition, particularly if there are local objections. Separately, the club or

group would be required to meet the court fees along with the Council's Legal and Estates fees, and the court fees would be increased in the event the petition was opposed.

2.17 The Council could draft lease heads of terms in a relatively short timescale but would not be able to sign-off a lease until the common good issue is resolved.

2.18 The process of disposal from the Common Good, including obtaining court authority for alienation, can take a minimum of six months, and is likely to take longer in more complex scenarios such as this. The court application itself may take more than six months if there are objections, especially as the courts are still dealing with the backlog which has accumulated during the coronavirus restrictions. It would also require Council and public support.

2.19 **Proposals**

<i>Proposal</i>	<i>Summary</i>
<i>1. Community Growing Project</i>	Requires 4 courts. 10 raised beds, increasing to 50. Capacity for 100 growers. Longer term development of court includes polytunnel. Wheelchair access.
<i>2. Largs Tennis Club</i>	Requires 7 courts. Public pay to play 75% and 25% member-only. Longer term development of court includes floodlights. Youth coaching. Concessionary access. Fully funded development through Club funds and Lawn Tennis Association, using their business modelling to create a 'sinking fund'.
<i>3. Largs Dog Park</i>	Requires 7 courts. Dog exercise and training facility, Private business. Volunteering/employment opportunities. Pay to use. Longer term development includes reception cabin and CCTV. Commercial lease with income for Largs Common Good Fund.
<i>4. The Pooch Pad</i>	Requires 3 courts. Dog day-care facility. Private business. Volunteering/employment opportunities. Potential community partnership opportunities – pet therapy. Pay to use. Longer term development includes a shelter. Commercial lease with income for Largs Common Good Fund.

Public Engagement

- 2.20 Public engagement opportunities were set up by North Ayrshire Council, publicised through partners, in the Largs and Millport News and on social media. Drop-in sessions were held on 21st and 28th November 2022. Opportunities were offered for the public to see the proposals and comment on their preference.
- 2.21 The purpose of the engagement was to gather the views of:
- Users and non-users of Douglas Park who reside in Largs;
 - Those with an interest in the future of the park; and
 - Partner organisations potentially impacted by any changes.
- 2.22 The public engagement was instigated as a means of clarifying the strength and breadth of public views. The strength of feeling expressed about the potential impact on the neighbouring residents and properties was also taken into account. The factors below have shaped the recommendations:
- Numbers of responses;
 - The content of public feedback; and
 - The need to consider the views of those residents most affected by the proposals for the Park.
- 2.23 In total 465 responses were received through the online portal, in paper form and via email. A number of strong views were expressed in the returns. There were also seven proposals for sharing the tennis court area, however it had been identified earlier in the process of exploring respective applications that sharing the area is unlikely to meet the needs of respective groups.
- 2.24 A selection of comments made by the public, both in favour of and against the proposals, is included below in Table 1.

Table 1
<i>Proposal 1 - Community Growing Project</i>
<ul style="list-style-type: none">• 'This is a much-needed resource for Largs Community as a whole and could (hold) benefit for more individuals and groups in Largs than any other proposal.'• 'This would be fabulous for young and old alike. Mental health and physical exercise would be bonuses to fresh food and a learning environment.'• 'The best proposed idea of all. No such facility exists in Largs and given the current global food situation it is imperative that as many people as possible are given the opportunity to grow within Largs.'• 'While I appreciate the benefits of having allotments, I think there are other areas in Largs where they could be located. For example, in Anderson Park.'• 'This is a good idea but it should not replace tennis courts, some other place should be found for it. I would also be worried about it looking untidy, messy, and possibly also attract pests and rats.'• 'There are other and more appropriate areas for growing. Raised beds on this foundation will mean all growing mediums will need to be imported.'

Proposal 2 - Largs Tennis Club

- 'Excellent proposal, lots of merit, I can see a well thought out plan and the land would keep its sporting purpose.'
- 'This would provide an open-air facility for sport and exercise for all ages, in unlimited numbers. It would be restoring and upgrading an existing facility.'
- 'This sounds well researched and costed. It will involve more of the community than the other options and will include visitors/ tourists to area over the summer months. I think this is best option.'
- 'Already have great facilities in Inverclyde sports centre.'
- 'I have never seen anyone playing tennis on any of the courts. How did the courts become derelict in the first place? Lack of interest? Insufficient information? Additionally, the National Sports Centre provides tennis courts and club facilities. All of the other proposals have no other opportunities available.'
- 'Has been here for years & look at the state of it & lack of use as a result. Tennis courts in operation & well maintained up at Inverclyde with sufficient parking.'

Proposal 3 - Largs Dog Park

- 'This proposal gets my 100% support. We have nothing like this in the town and it would make a massive difference to able to use this dog park with dogs that can't be off lead for some reason and be given a chance to still run off lead with the option of booking a private slot. Brilliant idea and well thought through with a wide range of uses for a huge amount of people with dogs of different needs and interests.'
- 'This is a much-needed facility for the town, a well thought out and comprehensive pitch.'
- 'I think having the dog park in Douglas Park would be an excellent idea.'
- 'As a dog owner I feel we have plenty of on and off lead areas to walk a dog in and around Largs so I don't think this is required.'
- 'Already a number of similar areas allocated for dogs available to the Largs Community but FREE. This is a private business making profits from the land belonging to the constituents of Largs.'
- 'I agree that a dog park will be beneficial to Largs. I also feel that Douglas Park has a community ethos and is no place for a business. Question the wisdom of this so close to a nursery. Wonder how local residents feel about it. Dogs going up the hill are very difficult to contain excited dogs noise wise.'

Proposal 4 - The Pooch Pod

- 'Another good idea for this place as we need doggy day care.'
- 'A good idea, but how does closing affive help those in work, probably the group most needing such services? Also, despite the good intentions, I'm not sure letting other people in to interact with customers' dogs is a good idea.'
- 'I like this idea and think this facility would be welcomed.'
- 'Curious how a business can survive when selectively turning away dogs not small or medium. As a dog owner I am aware the size of the dog doesn't determine its temperament so having dogs kept outside a nursery doesn't consider children who are dog averse. Am very confused how a dog service operates term time and hence how it could hope to survive. I feel focus on size, neutered dogs ignores the importance of vaccinations, hygiene, waste disposal

and noise. These are the real issues around this type of business in a public space.'

- 'I disapprove of this option. Taking your dog to an enclosed area while you sit inside a cabin and watch them seems a strange way to exercise your dog. Most dog owners enjoy walking their dogs out in the open. There are many areas in Largs to walk your dog properly.'
- 'I understand the need for a daycare facility for dogs especially after the rise in dog ownership during Covid and the fact that people are now having to return to the workplace. But I do not think that this area should be used as a private business as it was given to the community by a benefactor.'

2.25 The first preference outcomes expressed in the online form, paper versions from face to-face engagement and emails sent directly to the Council provided the following results:

Largs Tennis Club	147
Community Garden	132
Dog Park	105
Dog Day Care	76
Spoilt papers*	5

** Where the voter's preferences were unclear, or a blank return.*

2.26 The views expressed included those of many of the Park's neighbouring households, who were significantly in favour of the Largs Tennis Council's proposal.

Recommendations

2.27 Taking the above into account, and following extensive exploration of options with the individual groups and public engagement, the recommendations to Council are therefore as follows:

2.27.1 North Ayrshire Council should initiate lease discussions with Largs Tennis Club, as the first stage of alienation of Common Good land, taking into account the complex court and public consultation processes involved;

2.27.2 Council should remit officers to set up a formal North Ayrshire Council working group with the Community Growing Project with the following purposes:

- Review all the options for suitable Council-owned ground for a
- community growing initiative in the Largs area;
- Explore potential options with all public sector partners in the area;
- Explore potential options to purchase an appropriate site for the use
- of the Community Growing Project; and
- Report to Council on the recommendations of the working group.

2.27.3 Council should refer the Largs Dog Park and the Pooch Pod to appropriate Council and other business support should they wish to explore alternative commercial opportunities.

3. Proposals

3.1 It is proposed that Council:

- a) Considers the proposals regarding the future use of the Tennis Courts at Douglas Park, Largs;
- b) Notes the outcome of the public engagement regarding the proposed future use of the Tennis Courts at Douglas Park, Largs;
- c) Authorises officers to progress alienation of the area from the Largs Common Good with the purpose of agreeing a lease with Largs Tennis Club;
- d) Approves the establishment of a Council/Community Garden Project Group working group to identify a suitable site for allotments;
- e) Agrees to refer the business applicants (Largs Dog Park and the Pooch Pad) to the Council's Business Development team to progress commercial options; and
- f) Agrees that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

4. Implications/Socio-economic Duty

Financial

4.1 Option 1 is likely to attract external funding. Option 2 has secured external funding considered to be in the region of £200 000. Options 3 and 4 would generate annual income for the Largs Common Good Fund. It is also recommended within this paper that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

Human Resources

4.2 None.

Legal

4.3 Legal implications are identified in paragraphs 2.10-2.18.

Equality/Socio-economic

4.4 There will be considerable socio-economic benefits to be achieved should the asset be successfully transferred into community ownership. These are outlined under the individual proposals.

Climate Change and Carbon

4.5 There will be considerable environmental and sustainability benefits to be achieved should the asset be successfully transferred into a community growing initiative.

Key Priorities

4.6 The proposals contained within the report support the following North Ayrshire Council Plan priorities:

- Active and strong communities

- People enjoy good life-long health and wellbeing.

Community Wealth Building

4.7 The proposal supports the following pillars of community wealth building:

- Advancing community enterprises; and
- Advancing local ownership of underused land and buildings.

5. Consultation

5.1 In preparation for this report, extensive conversations were held with local ward members, community groups and Council officers. A public engagement was carried out in November 2022 and the outcomes are included at 2.20-2.24 in this report.

Audrey Sutton
Executive Director (Communities & Education)

For further information please contact **Rhona Arthur, Head of Service (Connected Communities)**, on **(01294) 324415**.

Background Papers

Appendix 1: Douglas Park Plan

