

North Ayrshire Council  
9 November 2016

**IRVINE, 9 November 2016** - At a Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

Ian Clarkson, Robert Barr, John Bell, Matthew Brown, John Bruce, Marie Burns, Joe Cullinane, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Elizabeth McLardy, Grace McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Louise McPhater, Tom Marshall, Jim Montgomerie, Alan Munro, Irene Oldfather, David O'Neill, Donald Reid and Joan Sturgeon.

**In Attendance**

E. Murray, Chief Executive; L. Friel, Executive Director and D. Forbes, Senior Manager (Financial Management) (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); Iona Colvin, Director (Health and Social Care Partnership); A. Fraser, Head of Democratic Support, C. Andrew, Senior Manager (Legal Services), L. McEwan, Corporate Communications Manager and M. Gilmour, Senior Communications Officer (Media and Internal Communications), and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Chair**

Provost Clarkson

**Apologies for Absence**

Robert Steel.

**1. Provost's Remarks**

The Provost agreed, in terms of Standing Order 9.3, to vary the order of business to allow the Motion at Agenda Item 13(b) to be considered immediately following Agenda Item 10 (Safeguarding the Ardrossan to Brodick Ferry Service).

The Provost then invited the Council, in terms of Standing Order 2.2, to consider a written request from the Ardrossan and Saltcoats Herald to film and photograph proceedings in respect of the Ferry Service report and motion.

The Council unanimously agreed to permit still photographs and filming of the proceedings.

**2. Apologies**

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

### **3. Declarations of Interest**

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

There were no declarations of the Party Whip.

### **4. Previous Minutes**

The accuracy of the Minutes of the Ordinary Meeting of the Council held on 14 September 2016, 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**

The Provost reported on the following matters:-

- the official opening in September 2016 of the VOCA Offices in Ventanas House, the call centre being the first in Britain to give all employees the voluntary living wage;
- the presentation of the Prince's Trust Ayrshire Enterprise of the Year award to Danielle Farrel for her work in setting up Your Options Understood, which offers advice to those with disabilities, their parents and carers;
- a meeting with carers at the Unity Enterprise Carers in Irvine High Street on 27 September 2016;
- an event on 30 September 2016 to mark the next phase of the Council's Affordable Housing Development Programme at Cheviot Gardens (formerly Fencedyke Primary School);
- the MacMillan Coffee morning hosted in Cunninghame House on 30 September, which included a 'Cake Off' event and raised a total of £500;
- Go Purple fundraising for the Ayrshire Hospice, which raised £904;
- attendance at Lawthorn Primary School on 6 October 2016 to present the winners in the Marymass poster competition;
- the Kirkin' of the Deacon Convenor, which took place on 9 October 2016 at the Old Parish Church, and the Reply to the Burgh Toast at the 370th annual celebration of the Big Pie on 21 October 2016;
- a Veterans Champions event in Glasgow City Council Chambers on 10 October 2016, a visit on 8 November 2016 to the Home Coming Veterans Centre in Govan, and plans for attending forthcoming Remembrance events;
- attendance at a number of Challenge Poverty Week events, including visiting Garnock Valley Allotments Association, Cunninghame Housing Furniture Recycling store, Castlepark Primary School breakfast club and the Dirrans Centre;
- the generous Foodbank donations provided by Council staff and presented to the Foodbank on 21 October 2016, together with a cheque for £1,761 from walkers in the Moneymatters team;
- the Cream of Ayrshire Awards held on 20 October 2016 at the Seamill Hydro to celebrate local community heroes;

- attendance at the Ayrshire College Kilwinning Campus Graduation ceremony on 21 October 2016;
- a service at Erskine Church in Kilwinning on 22 October 2016, at which Mrs Betty Kilpatrick was presented with the British Empire medal for her charity work; and
- North Ayrshire Sports Awards on 28 October 2016 at the Waterside, Seamill, and the North Ayrshire Achieves awards on 4 November 2016 at Greenwood.

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

The Leader of the Council reported on the following matters:-

- a STEM event for young people held at Greenwood on 16 September 2016;
- an Ayrshire Equality Outcomes consultation event which took place on 21 September 2016 at Saltcoats Town Hall;
- the Islands Transport Forum, which took place on 29 September 2016 and included discussion on YoungScot discounts and ferry services;
- a meeting with the Minister for Local Government and Housing on 29 September 2016, which included discussion on central government support for the Council's house-building programme;
- a number of visits during the October 2016 recess, to the Arran Outdoor Centre, the Arran Economic Group, the Auchrannie, the Professional Learning Academy at Auchenharvie, Hazeldene Horticulture, SAMH Positive Steps in Stevenston, the Foodbank in Ardrossan, Café Solace at Fullarton Connexions, PRYDE (where the school holiday meal programme was delivered), the Field Studies Centre in Millport, and the Employability Hub in Stevenston;
- attendance at the COSLA Convention with Councillors Gibson, Hill and O'Neill;
- events in connection with Challenge Poverty week (17-23 October 2016), including volunteering for Food Train, attendance at the Castlepark Primary School breakfast club, and visits to On Yer Bike, the new Dirrans Centre, TACT and the 1st Alliance Credit Union;
- an event at Ayrshire College on 25 October 2016 in connection with Carer Leavers Week;
- a meeting with MSYPs on 28 October 2016;
- the Convention of Highlands and Islands on 30/31 October 2016 to discuss a range of issues, including fuel poverty and digital connectivity;
- the recent launch of the Social Enterprise Strategy;
- the Council's accreditation on 31 October 2016 as a Living Wage Employer; and
- congratulations to staff nominated at the North Ayrshire Achieves awards.

## **7. North Ayrshire Council Minute Volume**

Submitted for noting and approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 5 August to 28 October 2016.

Noted.

## **8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 22 September 2016**

Submitted report by the Chief Executive on the Minutes of the meeting of the North Ayrshire Community Planning Partnership (CPP) Board held on 22 September 2016.

Noted.

Councillor Munro joined the meeting at this point.

## **9. Questions**

In terms of Standing Order No. 12 there were submitted:-

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

"With respect to the Council's PPP schools contract, the term 'indexation' refers to a mechanism whereby the annual sum payable to the PPP contractor is adjusted to reflect annual changes to the Retail Price Index, (RPI). These changes are referenced to a fixed value which is the RPI value as at September 2005. The cumulative RPI trend is inexorably upward with only one very small downward value in 2009. During the course of the last full council meeting I asked for an estimate of the PPP indexation cost for the current year and was informed that it would be in the order of £250,000 for this year and also for the following two years.

Can the Cabinet Member for Education tell Members what the cumulative total of indexation payments has been from contract start, up to and including the current year, and what benefit do we actually derive in return for these uplifted payments?"

Councillor Bell responded in the following terms:-

"The table below details the indexation applied and unitary charge payments made since the contract was entered into.

	<b>Opening Annual Unitary Charge £</b>	<b>Annual Indexation £</b>	<b>Final Annual Unitary Charge £</b>
2007/08	9,411,500		9,411,500
2008/09	9,411,500	594,616	10,006,116
2009/10	10,006,116	0	10,006,116
2010/11	10,006,116	253,442	10,259,558
2011/12	10,259,558	393,162	10,652,720
2012/13	10,652,720	279,437	10,932,157
2013/14	10,932,157	250,193	11,182,350
2014/15	11,182,350	214,452	11,396,802
2015/16	11,396,802	81,231	11,478,033
2016/17	11,478,033	107,226	11,585,259
Total		2,173,759	

The total indicates that £2,173,759 of the current unitary charge relates to indexation.

The Council has a contractual obligation to apply indexation to the Unitary Charge."

As a supplementary question, Councillor Hunter, in reference to page 77 paragraph 1.5 of the contract document, asked for further information on the amounts mentioned and how they were apportioned within the Unitary Charge.

Councillor Bell responded by indicating that the Unitary Charge paid for the use of the facilities on an annual basis as well as some maintenance and upkeep costs, but undertook to provide all Members with a fuller answer to this question in due course.

(b) A question by Councillor Hunter to the Cabinet Member for Place in the following terms:-

"In April of this year Councils across Scotland were asked to urgently carry out "any necessary checks" after the shock closure of 17 schools in Edinburgh due to concerns over the buildings' safety. The request was issued after an emergency meeting of the Scottish Government's Resilience Committee to discuss the issue. At the time Ministers said it was too early to assess the wider implications for schools elsewhere in Scotland. However Government officials issued a letter to all local authorities asking them to carry out any required checks on their own estate "as soon as possible".

Can the Cabinet Member for Place confirm that structural integrity and safety checks have been carried out on all of the Council's PPP schools estate? If so, who instructed and oversaw the checks, who carried them out, how much did it cost, who paid for them and are the findings/reports in the public domain?"

Councillor Montgomerie responded in the following terms:-

"I can confirm that, following the 8 April Edinburgh schools closure, the Council requested the PPP contractor to provide assurance that no similar issues exist within our schools PPP estate. The PPP contractor undertook inspections and has provided assurances regarding the adequacy of the structure of each building. The outcome was confirmed to Scottish Government on 27 April 2016.

The PPP contractor further commissioned an intrusive inspection of wall tie embedment depths of the PPP estate by an independent engineer. The report has recently been received by the Council and confirms that the quantity and embedment of wall ties is adequate and gives no cause for concern. The cost of all inspections and surveys in respect of the PPP estate have been borne by the contractor and are therefore unknown."

As a supplementary question, Councillor Hunter asked whether he could have sight of the further report referred to by the Cabinet Member.

Councillor Montgomerie responded by undertaking to ensure that all Members had access to the report.

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

"At the Elected Members' Briefing on 18 October 2016, on the subject of "Nursing in Partnership", it was stated on the Handout for Members on the page entitled "Health Visitors' Home Visiting Pathway" that there would be a "wellbeing review" and a "transfer from outgoing Named Person ( Health Visitor) to incoming Named Person (e.g. Education)."

Given that the Supreme Court recently ruled the "Named Person" Legislation as contrary to the European Convention on Human Rights, are wellbeing reviews still being conducted, at what stage(s) is/are information being transferred and the nature of that information?"

Councillor McNamara responded in the following terms:-

"Getting it Right for Every Child (GIRFEC) Policy (2008) introduced Named Person across Scotland and the role and responsibilities have been in place in line with this National policy since then.

The recent Supreme Court ruling relates specifically to information-sharing concerns and not the role of the Named Person per se.

The pre-school review highlighted by Councillor Marshall is offered to assist families and their child transition to school as this is a major change for children with their health, learning and development being of critical importance at this time.

Regarding wellbeing reviews, Health visitors offer all families the national evidence-based Health Visitor Pathway where assessments are carried out **with** parents in relation to their child's health, development and overall wellbeing. Maternal health and wellbeing assessments are also offered as part of this Pathway.

I can assure Councillor Marshall that the information-sharing that takes place at such times continues to be in line with current guidelines and is fully compliant with all Data Protection requirements."

As a supplementary question, Councillor Marshall asked whether all parents had consented to the sharing of information and, if not, how the transfer of information would work in practice.

Councillor McNamara responded by confirming that all parents had been duly consulted.

## **10. Committee Timetable 2017**

Submitted report by the Chief Executive on the proposed committee timetable for the period from January 2017 until the conclusion of the current Administration. The proposed timetable was set out at Appendix 1 to the report.

Members asked a question, and received clarification, on the separation notification which could be expected in terms of arrangements for meetings of the Licensing Board.

The Council agreed to approve the 2017 committee timetable as contained in Appendix 1 to the report.

## **11. Suspension of Standing Orders**

The Council unanimously agreed, in terms of Standing Order 21.1, to suspend Standing Order 15.1 to allow a debate to take place in respect of Agenda Item 10 (Safeguarding the Ardrossan to Brodick Ferry Service) and the Motion at Agenda Item 13(b).

## **12. Safeguarding the Ardrossan to Brodick Ferry Service**

Submitted report by the Chief Executive on the steps being taken to secure the operation of the Ardrossan to Brodick ferry service.

The report referred to a recent unsolicited bid by the owners of the port of Troon, Associated British Ports (ABP), to the Scottish Government to secure the ferry sailing currently operating from Ardrossan to Brodick on the Isle of Arran and to work being done by officers to seek the retention of the Ardrossan to Brodick service. It was noted that there was considered to be no case in technical or financial terms to support ABP's bid, with Ardrossan offering the shortest, fastest and cheapest means of accessing Arran, and that any transfer of the service would have a significant detrimental impact on both Arran and Ardrossan. A decision on the matter by the Minister for Transport and the Islands was expected early in 2017.

Members then raised the following questions in connection with the report:-

- the increased carbon emissions associated with the proposed transfer of the ferry service;
- the importance of close consultation with local Elected Members in making the case for retaining the current service;
- the role of South Ayrshire Council in supporting the proposed transfer, notwithstanding its work in relation to the Ayrshire Economic Forum and Ayrshire Growth Deal;
- the potential conflict of interest in terms of the actions of the President of the Ayrshire Chamber of Commerce in advocating the relocation of the service to Troon and his role at ABP;
- any proposals for Ardrossan harbour arising from the construction of larger ferries;



- forthcoming consideration by Strathclyde Partnership for Transport of proposed changes to the rail timetable to accommodate increased demand for the Sunday morning Ardrossan Harbour service; and
- the potential cost to the Council of delivering services for Arran in the event of the ferry service transferring to Troon.

The Council agreed to (a) note the report and the work being undertaken to safeguard the Ardrossan to Arran ferry service; and (b) consider the Motion at Agenda Item 13(b) in respect of lobbying activity.

### **13. Motion**

- (a) a motion by the Leader, seconded by the Leader of the Opposition in the following terms:-

#### **"Ardrossan to Brodick (A to B) Ferry- Shorter, Quicker and Cheaper**

We note with regret the divisive and opportunistic bid by Associated British Ports to replace the Arran to Brodick ferry by a longer, slower and more expensive one to Troon. This would have a catastrophic impact on the ongoing regeneration of Ardrossan, act as a significant drag on Arran's economic growth and provide no overall economic benefit to Ayrshire. The ripple effect across North Ayrshire should not be under-estimated. The Ardrossan to Brodick route is shorter, quicker, and cheaper and its retention is the right thing to do for the following reasons:-

- **History and Cultural Ties** - The Arran ferry has operated from Ardrossan since 1839 because it is shorter, quicker and cheaper. Since that date, local communities, economies and infrastructure have developed around, and are dependent upon, this ferry link. Indeed, the main reason why Arran forms part of North Ayrshire is in recognition of the ties created by this ferry.
- **Ardrossan Regeneration** - Recent years have seen substantial public and private investment in the Ardrossan Harbour area, including the restoration of the Shell site, the marina, Cecchini's restaurant building, residential development, Asda supermarket, the medical centre and Quayside Offices. Ardrossan harbour regeneration is key to both the marine tourism and coastal regeneration components of the Ayrshire Growth Deal and to the regeneration of North Ayrshire as a whole. Without the Arran ferry, past investment will have been wasted and future regeneration will be lost.
- **The Impact on Ardrossan** - While Ardrossan is the busiest passenger port in Scotland, the harbour area remains the most deprived community in Ayrshire, being the 17<sup>th</sup> most deprived SIMD datazone in Scotland. Without the ferry its chances of further regeneration are next to nil. By way of contrast, Troon is possibly the most affluent community in Ayrshire. The Arran ferry is a key driver of regeneration. To move it from an area of deprivation to one of such wealth is not something which anyone with a genuine social conscience should ever countenance.

- Impact on Arran – Importantly, the Ardrossan to Brodick ferry is shorter, quicker, cheaper and cleaner. A Troon ferry cannot serve the needs of Arran. The ferry journey is 29.km, compared to 21.2km to Ardrossan. This increases CO2 emissions, increases the journey time by 40% or 22 minutes, impacting on the frequency with which ferries can sail, changing them from 5 to 4. With fares linked through the Road Equivalent Tariff to sailing distance this can only increase fares by 40%. Let's be clear there is no evidence to demonstrate that Troon is any more reliable than Ardrossan in poor weather. Road links to Troon harbour are poorer, its town centre more congested, its train station a 2km, 15 minute walk from the harbour, its transport arrangements far from integrated, and current ferry parking arrangements non-existent. Nor does ABP's proposed £8m investment buy much - compare this to the £28m currently being spent on improvements at Brodick. As the Arran Economic Group recently stated, islanders will suffer if the ferry moves to Troon.
- Impact on Arran Services - Severing the link between North Ayrshire mainland and Arran brings other problems, including the cut-off of the direct connection with the local authority. Many Arran services, such as care services are provided by staff who commute from the Three Towns to the island. A move to Troon is likely to result in many of these lower paid workers seeking alternative employment to avoid the long and costly journey to Troon, detrimentally impacting on services within Arran. From a Council perspective it makes it more difficult for Councillors who serve both Ardrossan and Arran to effectively engage with their constituents. It also makes it more difficult for Council staff to deliver integrated and efficient services to both mainland and island North Ayrshire
- Impact on the Ayrshire Growth Deal - The aim of the developing Ayrshire Growth Deal is to achieve economic growth throughout Ayrshire as a whole. A commitment to partnership working is essential. It cannot work with proposals which shift employment and regeneration from one authority to another, in this case, to the overall detriment of Ayrshire. Nor can there be economic growth while there is uncertainty. While retention of the Ardrossan to Arran link is key to both the marine tourism and coastal regeneration components of the Ayrshire Growth Deal, we recognise that Troon Harbour is also an important part of the Coastal corridor proposition of that Deal. North Ayrshire Council have championed investment in Troon to support an increase in cruise business. We regret that South Ayrshire Council have chosen to support ABP's divisive bid, but this Council still remains committed to a strategic Ayrshire-wide approach to sustainable growth and regeneration.

I therefore move that Council:-

- (a) notes with regret the divisive and opportunistic bid by Associated British Ports to remove the Ardrossan to Brodick ferry to Troon;
- (b) supports the retention of the Ardrossan to Brodick route as the shorter, quicker and cheaper route;
- (c) agrees to work with the communities of Ardrossan and Arran, the current operators, Peelport, and the Scottish Government to take all necessary steps to retain this lifeline service;
- (d) notes the excellent progress being made through joint work with PeelPort;
- (e) welcomes the support of the Arran Economic Group and seeks full island proofing of the respective options;
- (f) seeks agreement from other partners that a key principle of the Ayrshire Growth Deal must be that partners will not do anything which undermines or harms other parts of the Deal; and
- (g) requests a joint meeting with the Minister for Transport and the Islands, or the First Minister, at an early date to discuss both the importance of the Arran ferry remaining in Ardrossan, and the economic impact and local uncertainty that the current Scottish Government approach is fuelling."

Members then debated the following issues in connection with the Motion:-

- the cross-party nature of support within the Council for the retention of the current service, in addition to the support expressed by MSPs for the area;
- the Scottish Government's role in assessing the proposal and the importance of avoiding unnecessary delay in concluding its assessment;
- the hope that PeelPort would be incentivised to invest in Ardrossan harbour;
- the work of groups such as "Our Place" in seeking to raise the aspirations of the people of Ardrossan and the extent to which this would be undone by any loss of the ferry service;
- the lack of technical case for a transfer of the service to Troon given that it would offer no advantage in terms of avoiding adverse weather cancellations;
- the advantage offered by Ardrossan in terms of road and rail connectivity;
- recent improvements to Ardrossan town centre and the desire to see such improvements continue;
- disappointment in respect of South Ayrshire Council's support for the proposed transfer and its impact on the wider Ayrshire Growth Deal;
- the anticipated timescale for a Scottish Government decision on the proposal;
- ABP's apparent lack of awareness of the Ayrshire Growth Deal;
- the adverse impact on North Ayrshire Council's budget in the event of a transfer of this service, given the need to provide services on Arran;
- the wider implications of the proposal to the economy of Arran, the Three Towns and North Ayrshire generally;
- the fact that most ferry cancellations related to ferry failures rather than difficulties accessing the harbour in poor weather; and
- Ardrossan harbour's capacity to accommodate two ferries, unlike Troon.

The Council unanimously agreed to approve the motion.

Councillor O'Neill left the meeting at this point.

#### **14. Audit Scotland : Annual Report on the 2015/16 Audit**

Submitted report by the Executive Director (Finance and Corporate Support) on the annual audit report for 2015/16.

That Council agreed to note (i) the findings of the 2015/16 audit as contained in the External Auditor's annual report at Appendix 1 to the report and (ii) the agreed action plan as outlined in Appendix IV of the annual report.

Councillor Montgomerie left the meeting at this point.

#### **15. Audit Scotland Report to Those Charged With Governance on the 2015/16 Audit - Registered Charitable Trusts**

Submitted report by the Executive Director (Finance and Corporate Support) on matters arising from the audit of the Council's registered charitable trusts for the year to 31 March 2016.

That Council agreed to note (i) the key issues identified in the Audit Scotland report attached at Appendix 1 to the report and (ii) the actions to be taken by the Council to resolve them where appropriate.

Councillor Montgomerie rejoined the meeting at this point.

#### **16. Motions**

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

"The Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with letter/no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

I therefore move that Council instructs the Chief Executive to write to the Secretary of State for Works and Pension to request the Government to reconsider the transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements."

Councillor Bruce proposed a minor revision to the motion to clarify that the Government referred to in the first line of the motion was the UK Government.

Councillor McPhater agreed to accept the proposed revision.

The Council unanimously agreed to approve the revised motion.

Councillors Highgate and McLardy left this meeting at this point.

(b) a motion by Councillor Gurney, seconded by Councillor McMillan in the following terms:-

"The Scottish Government have pledged to build 50,000 new homes over the term, an aim that the previous administration wholeheartedly supported.

Central to this ambition is the support given by our Registered Social Landlords partners, something that is threatened by the decision of the Office for National Statistics to reclassify Registered Social Landlords as public bodies in the national accounts. If this reclassification stands all developments by Registered Social Landlords would count against Government expenditure, greatly endangering the building programme.

Accordingly, this Council instructs the Chief Executive to write to the Housing minister expressing our support for the pledge to build 50,000 new homes, reassuring him of our determination to be a proud partner in that aim and assuring him of our support in his efforts to change the Housing Amendment (Scotland) Bill to reclassify Registered Social Landlord spending back to the private sector."

The Council unanimously agreed to approve the motion.

The meeting ended at 3.35 p.m.