

North Ayrshire Council
21 December 2016

IRVINE, 21 December 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, John Hunter, Grace McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Louise McPhater, Tom Marshall, Jim Montgomerie, Alan Munro, Irene Oldfather, David O'Neill, Donald Reid, Robert Steel and Joan Sturgeon.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); Iona Colvin, Director (Health and Social Care Partnership); A. McClelland, Interim Head of Service (Education and Youth Employment); and A. Fraser, Head of Democratic Support, C. Andrew, Senior Manager (Legal Services), B. Tudhope, Strategic Support and Elections Manager, M. Sugden, Communications Officer (Media and Internal Communications) and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies for Absence

Alan Hill and Elizabeth McLardy.

1. Apologies

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

2. 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.

3. Previous Minutes

The accuracy of the Minutes of the Meeting of the Council held on 9 November 2016, was 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

The Provost reported on the following matters:-

- attendance at the local Royal British Legion Remembrance Day Services in November 2016;
- the presentation by the Council's Heritage Centre, in partnership with Irvine Burns Club, of the film 'The Battle of the Somme' to mark the 100th anniversary of the battle;
- the presentation on 10 December 2016 of the British Empire Medal to Alastair Chisholm, organist and lay chaplain at the Cathedral of the Isles, Millport;
- participation in the 'Reclaim the Night' walk on 8 December 2016, together with several Elected Members, Chief Executive, Council employees, staff from a wide range of partner bodies and members of the public, as part of the 16 Days of Action campaign;
- attendance at the premiere of the anti-bigotry film 'Are Ye Wise', compiled by Father Willie Boyd and the Reverend Neil Urquhart;
- recent attendance at two concerts by young people, the first in Dalry Primary School where the North Ayrshire Training, Junior and Senior Orchestras and Garnock Outreach Orchestras came together to perform Disney classics, and the second in St Peter's Church, Ardrossan, for a Christmas by Candlelight event featuring the North Ayrshire Schools' Senior Concert Band and Senior Orchestra and a choir comprising pupils from four local primary schools;
- the outcome of the Provost's Christmas Card competition, which saw winning designs from pupils at Glebe, St Luke's, West Kilbride and Dalry Primary Schools;
- a recent visit to the Royal Mail delivery office in Irvine to meet staff and get an insight into their work at this busy time of year;
- a visit to Haysholm School for the launch of a piece of interactive equipment called the Magic Carpet;
- the Provost's thanks to Depute Provost Barr for his attendance at events during the year; and
- an invitation by the Provost for Members to join him following the meeting for some festive refreshments, and his best wishes for the festive season and year ahead.

5. The Leader's Report

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

- attendance at the Economic Development and Regeneration Strategy refresh event at Saltcoats Town Hall on 10 November 2016;
- the 200th birthday celebrations of Kilwinning Abbey Tower on 12 November 2016 and the announcement of Council funding to carry out upgrading and stabilisation work;
- a tour of the new Garnock Campus on 15 November 2016;
- an Ardeer Peninsula/Irvine Harbourside press event in the 'Big Idea' on 17 November 2016;

- the St Winning's Primary School National Storytelling Week event which took place in November 2016;
- a visit to the Shetland Islands with Councillor Gallagher on 28-29 November 2016 to look at that Council's role in the decommissioning sector and in providing alternative employment opportunities, as part of work to help North Ayrshire Council plan for the future following the anticipated decommissioning of Hunterston in 2023;
- a meeting between the three Ayrshire Leaders and Chief Executives and Keith Brown MSP to discuss the Ayrshire Growth Deal;
- a visit to the ASTRA base at Ardrossan Academy on 6 December 2016 to see the work being done to support young people with autism in a mainstream school;
- a tour of the new Portal and Townhouse facilities which took place on 8 December 2016;
- a visit to the Throughcare Service in Saltcoats on 9 December 2016;
- the official opening, by Depute First Minister John Swinney MSP, of the Professional Learning Academy on 12 December 2016;
- the special meeting of COSLA Leaders on 13 December 2016, which included consideration of the Local Government Settlement for 2017/18;
- recent Ardrossan and Arran Save Our Ferry campaign activity, including public meetings, over 2,500 emails sent to the Minister in support of the campaign, and meetings with the Transport Minister, Peelports, elected representatives, the Arran Ferry Committee and representatives from Ardrossan businesses and community groups; and
- the Leader's thanks to Council staff for the work they do for communities and his best wishes to all for a Merry Christmas and peaceful 2017.

6. 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 29 October to 7 December 2016.

Noted.

7. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 1 December 2016

Submitted report by the Chief Executive on the Minutes of the meeting of the North Ayrshire Community Planning Partnership (CPP) Board held on 1 December 2016.

Noted.

8. Questions

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

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

"Noting that the 2015 Programme for International Student Assessment (PISA) recorded the worst ever performance by Scottish Pupils, can he reassure parents and employers that this performance is not replicated locally and if not does he agree that the failure of Curriculum for Excellence is partly responsible?"

Councillor Bell responded in the following terms:-

"The PISA results for Scottish Education are disappointing however the data is not available on a local authority basis. This assessment measured the progress of young people in S4 and was conducted in 2015. Staff are confident that educational outcomes continued to rise in North Ayrshire in 2015 and subsequently in 2016. Indeed, in the reports submitted to Cabinet on 27 October 2015 and 25 October 2016, we outlined the positive levels of achievement in terms of SQA qualifications, particularly in S4.

In literacy, our performance in North Ayrshire has continued to improve consistently over the last three years and has remained above our virtual comparator authority and the national figures.

In numeracy, the trend in our performances has also been positive over the last three years. At Level 5, the 2016 figure represents our best performance to date and it is above both the virtual comparator and the national figures. These outcomes are clearly not indicative of a deterioration in North Ayrshire since the PISA assessment in 2012. Staff regard them as a very positive platform on which to build. As a result, achieving further improvements in performances in numeracy is a major focus on the Directorate Plan and is a focus for every School Improvement Plan for 2016-17.

While the implementation of a Curriculum for Excellence and its assessment, may have an impact on the comparative drop in standards for Scottish schools, a more likely cause is the continued reduction in funding to local authorities over the past 10 years. The best way to improve standards is to have good teachers teaching, cuts to numbers of classroom assistants and other support staff reduce teaching time."

As a supplementary question, Councillor Marshall asked why, given that the average expenditure per pupil in England is £6,000 per year compared with £6,800 in Scotland, results should be worse in Scotland.

The Cabinet Member responded that it was difficult to make a financial comparison and that geographical remoteness and school size no doubt came into the equation. He reiterated his view that the best way to improve standards was to invest in good teachers to teach and appropriate support staff to assist them.

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

"Will the Leader of the Council inform members of the costs since its inception in 2012, in the publication, distribution and staff preparation time of the magazine "Staff Talk"?

The Leader thanked the Member for his question and responded in the following terms:-

"The total cost for design and print of Staff Talk magazine is £750 per edition. This equates to just over £3,000 per annum, or £12,710 in total since it was introduced in 2012.

There are no costs for distribution and staff costs are not recorded for the preparation of Staff Talk as internal communications is an integral part of the Communications Team's duties.

Staff Talk was introduced in 2012 at the request of employees. It ensures that every member of our workforce has a clear understanding of the bigger picture and the Council's ambitious transformation programme. Between 2011 and 2014, the percentage of staff agreeing with the following survey question "I am kept aware of what is happening across the Council" doubled from 32% to 64%."

Councillor McNicol indicated that he had no supplementary question, but thanked the Leader for his answer and expressed his gratitude to all staff for their assistance over the last year.

(c) question by Councillor Reid to the Leader of the Council in the following terms:-

"Can the Cabinet Member for Finance and Corporate Support confirm if the Scottish Government will receive a cash increase in 2017/18 and can you tell me whether that is reflected within the council's settlement in percentage terms?"

The Leader thanked the Member for his question and responded in the following terms:-

"In 2017/18 the Scottish Government received £415m revenue consequential from the UK budget.

The Scottish Parliament Information Centre (SPICe) briefing on the Draft Budget 2017/18 notes a cash cut of £424m, 4.4%, for the Local Government revenue budget when compared with the 2016/17 Budget.

A comparison of the Council's settlement between 2016/17 and 2017/18 highlights a £9.224m cut in the revenue budget.

There is additional funding for specific initiatives including:-

- £120m of ring fenced resource grant for the Pupil Equity Fund;
- £107m from the Health Budget to support social care services within Health and Social Care Partnerships; and
- Around £30m of revenue funds from the Education and Skills portfolio to commence the expansion of early learning and child care.

These resources are effectively ring-fenced and provide no flexibility within the council's budget settlement. £9.224million is, therefore, the revenue cut faced by North Ayrshire Council for 2017/18 before service pressures."

Councillor Gurney requested clarification on Councillor Cullinane's role in responding to the question, and received clarification that the Leader's remit included the Finance and Corporate Support portfolio.

As a supplementary question, Councillor Reid asked whether Members could have any certainty that the Council would receive monies from proposed increases to high rate Council taxes (Bands E-H).

Councillor Cullinane responded by indicating that, of the total figure of £111m in respect of the Council tax multiplier, the Council could anticipate retaining £1.9m, and that there already appeared to be an assumption within the Scottish Government's Council Tax figures that higher rate Council Tax rates would be increased by up to the 3% allowed.

9. Appointment of New Director: North Ayrshire Ventures Trust

Submitted report by the Chief Executive on the appointment of a new Director for North Ayrshire Ventures Trust on the proposed appointment of a new co-opted Director on the Board of North Ayrshire Ventures Trust Limited.

The Board of Directors of North Ayrshire Ventures Trust agreed, as its meeting on 20 October 2016, to change its Articles of Association to allow the appointment of five co-opted Directors and, subject to Council approval, to appoint Derek McCrindle as a new co-opted Director.

The Council agreed to (a) approve the appointment of Derek McCrindle to the Board of North Ayrshire Ventures Trust Limited; and (b) authorise the Chief Executive to write to the Board of Directors confirming approval of the appointment.

10. Review of Ward Boundaries and Designation of Polling Districts and Polling Places

Submitted report by the Chief Executive which set out revisions to Polling Districts and Polling Places for the forthcoming 2017 Local Government Elections following the Boundary Commission's Fifth Review of Local Government Electoral Arrangements and sought approval of the updated Polling Scheme. Ward Boundary maps and the proposed Poling Scheme were set out at Appendices 1 and 2 to the report, respectively.

Following the Boundary Commission's Ward Boundary review, changes have been proposed to the Polling Scheme for the forthcoming Local Government Elections in May 2017. Section 2.6 of the report summarised the key changes proposed.

The Chief Executive referred to a request received from the Depute Provost for a change to the proposed Polling Scheme to allow the electors in Polling District N605 who had moved from Ward 7 Polling District N708 to continue to vote at Beith Parish Church rather than relocating to Barrmill Community Centre, and confirmed that, following discussion with the Electoral Registration Office, this change could be accommodated. The Chief Executive further advised of a request from the Provost for a change in respect of Ward 1 which she was investigating and proposed this matter be dealt with under delegated authority, as indicated in the report.

Members then asked questions and discussed the terms of the report. A further change to the Polling Scheme was requested by Councillor Gurney, namely the retention of Whitlees Community Centre as a polling place for Ward 5 electors, which the Chief Executive undertook to investigate further. A change to the Officer recommendation under (a) of the report was also proposed by Councillor Hunter, such that it read "note, with great disappointment, the imposed changes to Ward Boundaries..."

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report, subject to (i) the Council Minute recording the Council's disappointment with the Boundary Commission changes and (ii) approval of the change in respect of Polling District N605 electors which had been reported verbally.

As an amendment, Councillor Hunter, seconded by Councillor McNicol, moved the terms of the motion, subject to the Officer recommendation within the report also being amended to reflect the revised wording in (a) of the decision.

On a division, there voted for amendment 5 and the motion 19, and the motion was declared carried.

Accordingly, the Council agreed to (a) approve the updated Polling Scheme for the 2017 Local government Elections and future electoral events, as set out at Appendix 2 to the report, subject to (i) the Council Minute recording the Council's disappointment with the Boundary Commission changes and (ii) approval of the change in respect of Polling District N605 electors which had been reported verbally; and (b) authorise the Chief Executive as Returning Officer to approve such further changes to the list of proposed venues as may be necessary to meet unforeseen circumstances.

11. Safeguarding the Ardrossan to Brodick and Campbeltown Ferry Services

Submitted report by the Executive Director (Economy and Communities) on the proposed submission of a Prospectus to the Scottish Government which will set out the case for the retention of the Ardrossan to Brodick and Campbeltown ferry services. The latest version of the proposed summary Prospectus was circulated at the meeting.

The Council, at its meeting on 9 November 2016, unanimously agreed to support the case for the retention of the Arran and Campbeltown ferry routes to Ardrossan. The report summarised the background to the bid by ABP to relocate the ferry to Troon, the events which have taken place to gauge the opinion of the public, local businesses and public sector partner organisations, and the work undertaken by officers, together with the owners of Ardrossan Harbour, Peel Ports Limited, to develop a response to inform the Scottish Government's decision on the matter. A summary Prospectus setting out some of the main points contained in the full Prospectus will be submitted to the Scottish Government by 23 December 2016, with the commercial case submitted by 23 January 2017.

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

- the need to emphasise the ferry route's importance both as a lifeline for Arran and in terms of the wider economic interests for the area;
- the level of financial investment by Peel Ports Limited in the area to date;
- whether the financial case for investment in Ardrossan Harbour should be submitted to the Cabinet or a Special Meeting of the full Council and the associated timescales;
- whether provision could be made for all Members of the Council to vote on the matter at a meeting of the Cabinet; and
- the level of detail which would be available to Members in considering the commercial case at Cabinet/Council and the role of a proposed private Members' briefing on 20 January 2017 in this regard.

Councillor Cullinane, seconded by Councillor Gallagher, moved that the Council agree (a) to submit a Propsectus which sets out the strong case for the retention of the Arran and Campbeltown ferry services in Ardrossan; and (b) that approval of the financial case for investment in Ardrossan Harbour, which would be subject to a long-term commitment by the Scottish Government to the retention of the Ardrossan to Brodick and Campbeltown ferry services, would be the subject of consideration at a Special Meeting of the Council to be held at 4.00 p.m. on 17 January 2017. There being no amendment, the motion was declared carried.

Councillor McNamara joined the meeting during consideration of this item.

12. Motion

In terms of Standing Order 22(a), notice is hereby given of the following Motion for consideration by the Council at its next ordinary meeting:-

- (a) a motion by Councillor Cullinane, seconded by Councillor Montgomerie in the following terms :

"North Ayrshire Council's Construction Charter

As a Local Authority we either directly procure, or are the planning authority, for a multitude of construction projects. It is our intention to promote and support positive workforce practices involving **"Direct Employment"** on all construction projects which we procure. We expect all construction companies who secure contracts on these projects within our boundaries to comply fully with this charter.

Health and Safety

The health and safety of all workers is paramount. We expect all contractors to ensure that:

- Health and safety regulations and standards are rigorously implemented and adhered to;
- Welfare facilities for construction workers are appropriate for the 21st century, including reasonable standards for toilets, amenities and drying facilities in accordance with the Construction, Design and Management Regulations 2015.

The Non Profit Distributing (NPD) programme, alternatively known as HUBCOs, must include local community benefits, in particular local jobs and apprenticeships, and help local SME's develop the capacity to take on those infrastructural projects. The Scottish Government should work with relevant bodies to produce strong and clear guidelines on Community Benefit Clauses for externally awarded contracts through HUBCOs and that those contracts uphold the working practices contained herein.

Employment Standards

We require the highest standards of project delivery in order to ensure that North Ayrshire's people's aspirations are met and the projects serve our communities well in the years to come. We are also mindful of the projected skills shortage across the sector and wish the industry to train the next generation of skilled workers for the future. We therefore encourage, and will require where appropriate, all contractors to:

- Be able to demonstrate the skill level of their employees on the project by ensuring appropriate checks are carried out by contractors;
- Comply with the employment and skills requirements set out in our tender documents, promoting and encouraging full apprenticeships;
- Prioritise hard to reach and under-represented groups in employment, training and skills initiatives;
- Work with us to support initiatives aimed at promoting and improving opportunities in education and training of employers and employees engaged on all construction projects within our authority.

Pay and Benefits

This Council is a Living Wage employer and will encourage all construction companies working on its contracts to adhere to that policy. Where workers are not directly connected to industry collective agreements then the living wage is a minimum standard and we will promote and encourage that those companies are registered with the Scottish Living Wage Accreditation Initiative.

We also expect that all employees, and encourage that all workers, should have access to:

- Paid holiday,
- A sickness benefit scheme,
- A pension scheme,
- Accident compensation,
- Death in service benefits.

Employment Rights

This Council expects direct employment by contractors and sub-contractors on a PAYE Class 1 National Insurance basis. We believe that Trade Unions play an important role in creating a safe and productive worksite and developing good industrial relations. We therefore expect our contractors, within the context of the contract let, to:-

- Employ workers under recognised industry collective agreements as set out in SJIB, SNIJB, BESA, CIJC, NAECI and TICA or other EU equivalent,
- Promote the benefits of belonging to a recognised Trade Union,
- Recognise on-site Shop Stewards as having an important role to play in achieving and promoting good industrial relations,
- Ensure that the Trade Union has input into the development of Health and Safety policy (to ensure members' priorities are reflected),

- Actively promote the election of Health and Safety Representatives and support their role in helping to ensure a safe site,
- Provide equality and opportunity for all,
- Be able to certify that they have not engaged in the practice of blacklisting workers for any reason.

This Council also supports the Get Britain Building campaign which is aimed at supporting and sustaining the construction industry in Great Britain. Consequently, we seek to maximise the building materials used on Council construction projects that are covered by BES6001 Responsible Sourcing of Construction Products Certificate or equivalent.

North Ayrshire Council looks forward to working with contractors to help support the aims set out in this Charter."

Members asked questions, and received clarification, on whether adopting the Charter would have any financial implications or result in changes to the Council's current practice.

There being no amendment, the motion was declared carried.

The meeting ended at 3.20 p.m.