

North Ayrshire Council  
13 February 2019

**IRVINE, 13 February 2019** - At a Meeting of North Ayrshire Council at 1.00 p.m.

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Scott Gallacher, Alex Gallagher, John Glover, Tony Gurney (from Agenda Item 10), Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

**In Attendance**

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); K. Yeomans, Executive Director and A. Sutton, Head of Service (Connected Communities) (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); A. McClelland, Head of Service (Learning, Teaching and Curriculum)(Education and Youth Employment); R. McCutcheon, Head of Service (Commercial) (Place); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), M. McColm, Senior Communications Officer (Media and Internal Communications); H. Clancy and E. Gray, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Margaret George.

**1. Provost's Remarks**

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

On behalf of the Council, the Provost also welcomed Councillor Glover to the meeting, following his recent absence due to ill health. Councillor Glover took the opportunity to thank his fellow Members and Council staff, in particular those in Member Services, for their kind remarks and support during his illness.

**2. Apologies**

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

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

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

There were no declarations of the Party Whip.

### **4. Previous Minutes**

The accuracy of the Minutes of the Meeting of the Council held on 19 December 2018, 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 10 December 2018 – 4 February 2019.

The Provost highlighted the following elements of his written report:-

- attendance at a number of school Christmas shows in the run-up to the holiday period;
- a reception held in December 2018 to mark the 75<sup>th</sup> Anniversary of the St John and Red Cross Defence Medical Welfare Service and visits, together with the Scottish Veterans Minister, to the Veterans Breakfast Cub in Saltcoats, the Poppy Scotland Welfare Centre in Kilmarnock and Veterans 1<sup>st</sup> Point in Irvine;
- attendance at a number of Burns events, including the Eglinton Burns Club Annual Dinner, the Irvine Burns Club Annual Celebration and Elderbank Primary School's Burns Support, as well as a wreath laying ceremony at the Burns Statue on Irvine Moor;
- the launch of the Rural Skills Project and the Digital Defenders launch at Largs Campus and Auchenharvie Academy Stevenston; and
- the forthcoming Civic Pride Awards.

Noted.

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

Submitted report by the Leader for the period from 10 December 2018 – 4 February 2019.

The Leader highlighted the references within his report to positive developments in terms of the Ayrshire Growth Deal.

Noted.

## **7. Council Minute Volume**

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 11 December 2018 – 30 January 2019.

Noted.

## **8. Congratulatory Motion**

In terms of Standing Order 13.1, submitted the undernoted motion, duly proposed and seconded, which sought to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:-

### **8.1 Concert Band Successes**

"Council congratulates the North Ayrshire Music Service on the success of the 3 entrant bands at the National Concert Band Festival Regional Final held at Garnock Community Campus on Sunday 20 January.

- The Garnock Campus Concert Band achieved a Gold Award
- The North Ayrshire Junior Concert Band achieved a Platinum Award
- The North Ayrshire Schools Senior Concert Band achieved a Platinum Award

This is a fantastic level of success for the pupils in the bands, the leaders of the bands, the Music Service and the families who support them.

Attaining Gold and Platinum awards means that all 3 bands are now invited to attend the UK finals in Manchester in April. Council wishes them good luck on that occasion."

There being no amendment, the motion was declared carried.

## **9. Meeting of the Council held on 19 December 2018: Motion (1)**

The Chief Executive reported that, in accordance with the decision of the last meeting of the Council held on 19 December 2019 in respect of Motion (1), he had written to the Leader of the Conservative and Unionist Group to request that the latter make a statement to the next Council meeting in relation to the original source of an April 2016 donation of £100,000 received by the North Ayrshire and Arran Conservative and Unionist Association from the Irvine Unionist.

The Chief Executive further reported that the Leader of the Conservative and Unionist Group had advised that, having previously verbally responded to this matter at the last Council meeting, he had nothing further to add.

Noted.

## **10. Audit Scotland Report: Local Government in Scotland: Financial Overview 2017/18**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the recent Audit Scotland report. Appendix 2 to the report highlighted the key messages identified within the Audit Scotland report and the current position of North Ayrshire Council in relation to these. The actions emerging from the 2017/18 Audit were set out at Appendix 2.

Members asked questions, and were provided with clarification on, the presentation of the report and its appendices, and on any mechanisms in place to track whether Central Government funding had been utilised for its intended purpose.

The Council agreed (a) to note (i) the findings of the recent Audit Scotland report and (ii) the current position in North Ayrshire; and (b) that the report findings be considered as part of the budget deliberations.

Councillor Gallacher left the meeting at this point.

## **11. North Ayrshire Charitable Trusts**

Submitted report by the Executive Director (Economy and Communities) to (a) seek the Council's approval for expenditure from Kilwinning Town Charitable Trust by Kilwinning Locality Partnership; (b) update the Council on the current balances of the dormant and low value charitable trusts; and (c) seek the Council's permission to allow Locality Partnerships to continue to spend balances from the dormant and low value charitable trusts, which may result in the winding up of trusts, subject to approval by the Office of the Scottish Charity Regulator (OSCR).

Members asked a question on a reference which had been made at a Locality Partnership meeting to a 'Dalry and Gateside Trust'. The Head of Service (Connected Communities) undertook to look into this matter and update Members.

The Council agreed as follows:-

- (a) to approve the requested expenditure of up to £40,000 from Kilwinning Town Charitable Trust, as set out in Section 2.9 of the report;
- (b) to note the current balances of the dormant and low value charitable trusts; and
- (c) to grant permission to allow Locality Partnerships to continue to spend balances from the dormant and low value charitable trusts, which may result in the winding up of trusts, subject to OSCR approval.

Councillor Gurney joined the meeting during consideration of this item.

## **12. Questions**

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

"Can the portfolio holder for Economic Development please update the Elected Members on the work being undertaken at Lochshore, and in particular the contribution and agreement with Scottish Enterprise?"

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

"The 'Go Garnock' charette in 2016 and the Locality Partnership both identified the development of Lochshore as being important to the local community. Since then funding was secured to employ a dedicated regeneration officer and master planning for the site got underway. This has identified a vision to develop the site as a 'Parkland Destination.' A concept layout of the site has been produced which outlines potential uses and is being consulted on.

In addition, a number of projects are already progressing. These include consultation on the design of four active travel routes which would connect the site to the local communities of Kilbirnie, Glengarnock and Beith. The Council has also been working with the local rugby club and this has informed an application from the Regeneration Capital Grant Fund to develop a Community and Tourism Hub. This would provide new facilities for the Garnock Rugby Club, community space and a visitor centre. The application is through to second stage and we expect to hear this month on its outcome. If successful, the hub would act as a focal point for future plans across the site.

80% of the site is in Scottish Enterprise's ownership and discussions with SE are ongoing about the long term ownership and management of the site. The Council facilitated a site visit by the SE Chief Executive, Steve Dunlop in September last year providing an opportunity for him to see and hear first-hand of the plans in progress. Site investigations are currently underway, the results of which will be available in early April 2019 and will be the subject of future discussions between SE and the Council, informing options on ownership and development requirements."

As a supplementary question, Councillor Dickson referred to the short timescales associated with the funding for the regeneration officer post, asked what reassurance the Cabinet Member could provide that it would be possible to finalise a proposal to help to develop a real sense of place for sport and recreation within the available funding timescale and given the new demands on officers' time due to the Ayrshire Growth Deal.

Councillor Gallagher responded by provided an assurance that, if there were any specific project eligible for funding, then it would be looked upon with favour. The Cabinet Member for the Economy then referenced a number of the projects which had already attracted funding within the Garnock Valley.

Councillor Gallacher re-joined the meeting during consideration of this item.

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

"What is the current policy for student mobile phone usage within primary and secondary schools in North Ayrshire?"

Councillor Bell responded in the following terms:-

"Education and Youth Employment has a Standard Circular which offers guidance to schools on pupil use of mobile phones and similar equipment in schools.

There may be circumstances where pupils could have a legitimate reason for bringing a mobile phone to school. They might, for example, have to contact their parents to make arrangements at the end of the school day. A universal prohibition of mobile phones in school would not, therefore, be desirable.

However, there is no necessity for pupils to have access to mobile phones during the school day and particularly during class time. Schools will have details of emergency contact information for parents or guardians, normally through the school office. Pupils and parents should be made aware of these arrangements. The use of mobile phones should, therefore, be prohibited during class time and discouraged during the school day.

The Scottish Qualifications Authority has issued specific guidance prohibiting the possession of mobile phones during examinations. The General Teaching Council for Scotland has advised teachers that contact with pupils through texting is inappropriate.

In the Standard Circular, schools are advised to devise their own policy taking account of the following:

- Any use of mobile phones in class time is unacceptable
- Possession of a mobile phone during a prelim or other examination is prohibited
- The use of mobile phones at intervals and lunch times should be discouraged. Use within the school building should be prohibited at these times
- Taking photographs of staff or pupils without consent should be prohibited
- All emergency contact between home and school should be through the school office rather than by mobile phone
- Pupils may be asked to hand in their phones to the office at the start of the school day and collect them at dismissal. Head Teachers, if selecting this option, should consider carefully the administrative demands of such a system and should ensure that appropriate arrangements are in place for identifying and returning the correct phone
- As with all valuable items of equipment, parents should be made aware that no liability can be accepted for loss of or damage to mobile phones which are brought to school
- The school policy should be drafted in consultation with parents, pupils, staff and the Parent Council
- Head Teachers may wish to include specific reference to mobile phone use in school handbooks
- Head Teachers should use staff handbooks to remind all staff of GTC Scotland guidance that staff should not use texting, at any time, to communicate with individual pupils."

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

"Can the Portfolio Holder for Place provide an update on progress of the realignment of the B714 between Dalry and Saltcoats?"

Councillor Gallagher responded as Cabinet Member for the Economy, thanking the Member for her question and advising as follows:-

"Discussions have been held with the Scottish Government and Transport Scotland to seek support for improvements and potential trunking designation for the B714. An appraisal in accordance with Scottish Transport Appraisal Guidance (STAG) has commenced in line with Transport Scotland requirements. The Pre-Appraisal and Part 1 Appraisal phases of this are now complete. This has identified the upgrade of B714 as an option to be taken forward for consideration at further stages of the STAG process. This will be taken forward for further consideration through an Ayrshire Regional Transport Appraisal as part of the Ayrshire Growth Deal.

The commitment to funding the Ayrshire Growth Deal was made on the 30 January 2019 and Heads of Terms are expected to be completed in March. It is anticipated that the commitment to undertake the Regional Transport Appraisal will be included in the Heads of Terms.”

As a supplementary question, Councillor Brahim asked whether the Cabinet Member agreed with her that realignment of the B714 would benefit North Ayrshire residents and the local economy and that the Council should be keen to see it progress as quickly as possible.

Councillor Gallagher so agreed.

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

“The Fraser of Allander Institute recently produced the latest socio-economic briefing for North Ayrshire Council. I understand that, as well as providing an overview on a range of economic and social statistics for our area, the Fraser of Allander scrutinised the analysis used by the Government to determine the main operational locations for the new Social Security Agency. Can the Cabinet Member for Economy tell the Council what the Fraser of Allander's report states in relation to that decision?”

Councillor McPhater undertook to ensure that the Fraser of Allander report would be circulated for Members' information if this had not already been done.

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

“The Fraser of Allander Economic Briefing for North Ayrshire includes analysis of the Scottish Government's decision regarding the location of the new Social Security Agency. The analysis in this report has been conducted independently by the Fraser of Allander Institute at the University of Strathclyde.

The independent report outlines the methodology used by the Scottish Government to determine the two locations to base the headquarters of the new Agency. Two phases determined where the headquarters were to be based. Phase 1 shortlisted 15 authorities which had access to a large labour force, either directly or within commuting. This list included North Ayrshire. Phase 2 aimed to further narrow this list by considering 'detailed quantitative evidence against an expanded set of criteria' and led to a shortlist of 4 Local Authorities – Glasgow City, North Lanarkshire, South Lanarkshire and Dundee City. Dundee was chosen as the eventual site for the headquarters and Glasgow was chosen as a secondary office.



The report states that out of the 43 indicators used for Phase 2 of the process, North Ayrshire was preferential to Dundee in 34. The 43 indicators were split into four categories: Ability to Recruit; Inclusive Growth; Regeneration; and Proximity to Claimants. The Fraser of Allander aggregated the weighted scores of each category to show that this places North Ayrshire third and Dundee seventh. The report highlights that local authorities which ranked low in the 'Ability to Recruit' category were then excluded. This included North Ayrshire – even though it came out top for 'Inclusive Growth' category.

North Ayrshire was allocated a score low in 'Ability to Recruit' category due to scores in factors such as population, working-age economically active population and population density – indicators in which cities will perform well. The Fraser of Allander illustrate that, without this subgroup, the top three rankings would go to Glasgow, North Ayrshire and Inverclyde.

In short, the report summarises that despite North Ayrshire being identified as best choice of location for 'inclusive growth', it was passed over because it was felt that the local authority might struggle to attract people to work there, despite its close travel links to Glasgow.

It is worth noting that the report also illustrates the levels of regional inequality in Scotland and argues that tackling regional inequalities will only be achieved by 'investing significantly in Scotland's more fragile economic communities'. Additionally, the Fraser of Allander state that it is their view that 'given that the Scottish Government has made regional inclusive growth a priority, North Ayrshire should continue to press for recognition of the importance of national interventions to support economic development'".

As a supplementary question, Councillor McPhater asked whether the Cabinet Member had any confidence that Ruth Maguire MSP and Kenny Gibson MSP would lobby on behalf of North Ayrshire for Ayrshire Growth Deal funding, given that, despite their assertions that they had lobbied in favour of the new Social Security Agency being located in North Ayrshire, a Freedom of Information enquiry had revealed that only Councillors Cullinane and McPhater had so lobbied.

Councillor Gallagher responded by asserting that it was revealing that SNP politicians would not stand up to the SNP Government and argue the case for their own area, and expressed surprise that, despite having claimed to have made representations for North Ayrshire in this instance, this did not appear to be the case. As to whether the MSPs would provide support in terms of the Ayrshire Growth Deal, the Cabinet Member for the Economy gave his view that the work had mainly been done by officers of the Council.

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

"Could I ask the Cabinet Member for Place if there are any plans for the building and land at Hazeldene in Kilwinning now that the Cabinet decision has been taken to close the Hazeldene Public Social Partnership with services to be provided at Trindlemoss in Irvine?"

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

"Following the Cabinet decision to transfer the services currently provided at Hazeldene to Trindlemoss on its completion, officers are reviewing options for the use of the vacated land and buildings. On completion of the review, a report outlining recommendations for the future use of the site will be submitted to Cabinet for members' consideration."

As a supplementary question, Councillor Davidson asked what safety precautions would be taken to protect the property from vandalism or deliberating fire-raising when not in use and whether consideration would be given to live-in guardians such as had been employed elsewhere.

Councillor Montgomerie responded by advising that no decision had been taken in this regard, but that he would liaise with officers and advise Councillor Davidson of the outcome.

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

"In relation to the closure of the swimming pool and leisure facilities at Harvies proposed by the administration, the Council Leader appears to have provided reassurances to Cllr Sweeney on social media that a public engagement exercise will be held amongst Three Towns residents in regard to the closure.

Can he confirm that is the case and, if so, that this will be extended to residents of Kilwinning and other surrounding towns to ensure that the engagement is as wide as possible, and allows as many users of Harvies facilities to have their views recorded as possible?"

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

"I have not only given Councillor Sweeney that assurance, I voluntarily attended the Stevenston Community Council last week to advise them of the process and to answer their questions on the issue.

I think it is important to be clear that this is an idea for a Campus in Ardrossan at this stage. The Schools (Consultation) (Scotland) Act 2010 requires a formal consultation on such projects and we are not at this stage yet. This is an early engagement process that will inform a project proposal which is based on a sound business case and which has been informed by a range of stakeholders through an open, transparent and valued early engagement. This will allow us to enter into the formal consultation period with a confidence that the community have been involved in informing the project and thus allow us to be in a position to obtain Scottish Government funding for the project at the earliest opportunity when the new school funding programme opens.

The Engagement Mandate proposed is extensive and in relation to Harvies includes KA Leisure members of the centre, user groups of the centre and North Ayrshire residents, including Kilwinning residents, who use the facility. I am keen to ensure the widest possible engagement on the issue and continue to discuss this further with officers. I can assure the member that the process will provide an opportunity for all interested parties to share their views.”

In addition to his written response, the Leader referred to a recent social media post by Councillor Davidson in which he had professed surprise at the proposals contained in the Cabinet papers, notwithstanding that these had already been the subject of consideration at a Policy Advisory Panel meeting attended by, if not Councillor Davidson himself, then other members of his political group.

As a supplementary question, Councillor Davidson asked whether a consultation or public engagement exercise would be undertaken on the future of Harvies in particular, or if this would be included solely in the overall consultation exercise around the new campus in Ardrossan.

Councillor Cullinane responded by advising that the proposals were at pre-engagement stage only and that there would be an opportunity for residents in the wider community to give their views. The Leader cited examples of the Administration’s record in amending proposals in response to consultation feedback.

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

“Will the Leader of the Council provide Members with:-

- 1) Details of all deposits made by North Ayrshire Council to Icelandic Banks/Financial Institutions between 2004/2008, to include name of Bank/Financial Institution, amount/term of investment, rate of interest and interest received from each investment?
- 2) The Institution that advised the Council on its Icelandic Investment Strategy?
- 3) The full and final repayment received by North Ayrshire Council in 2014 from the investments of 5 million pounds in Landsbanki and 10 million pounds in Glitnir banks?

- 4) Details of all fees/charges paid to banks, consultants, and individuals in relation to the Icelandic Bank transactions?"

Councillor Cullinane thanked the Member for his question and made reference to the following written response:-

- "1) The undernoted details all investments with Icelandic Banks between 2004 and 2008. The rates of return on investment were broadly in line with those secured from other institutions.

Icelandic Bank Deposits								
Institution	Principal Invested	Date of Investment	Date of Maturity	Term	Interest	Principal Received	Interest Received	Total Received
	£m			(Days)	%	£m	£m	£m
Singer & Friedlander	5.000	20/10/2005	19/10/2006	364	4.60	5.000	0.229	5.229
Landsbanki	10.000	26/01/2006	25/01/2007	364	4.64	10.000	0.463	10.463
Singer & Friedlander	5.000	03/05/2006	02/05/2007	364	4.90	5.000	0.244	5.244
Landsbanki	5.000	18/05/2006	17/05/2007	364	4.99	5.000	0.249	5.249
Singer & Friedlander	5.000	19/10/2006	18/10/2007	364	5.37	5.000	0.268	5.268
Glitnir	5.000	30/11/2006	28/02/2007	90	5.22	5.000	0.064	5.064
Landsbanki	10.000	25/01/2007	24/01/2008	364	5.83	10.000	0.581	10.581
Glitnir	7.500	18/05/2007	18/02/2008	276	5.80	7.500	0.329	7.829
Landsbanki	2.000	16/08/2007	14/09/2007	29	6.30	2.000	0.010	2.010
Landsbanki	5.000	24/01/2008	14/11/2008	295	6.10	4.784		4.784
Glitnir	10.000	29/01/2008	21/01/2009	358	5.27	9.745		9.745
	69.500					69.029	2.438	71.467

- 2) All investments were carried out in line with North Ayrshire Council's Treasury Management Strategy where investment were only made to banks with ratings of "A" or above for long term investments and "F1" for short term investments. The credit ratings were provided by three recognised rating agencies who assisted in ascertaining the credit quality of banks and similar institutions. Compliance with the policy was confirmed by Internal Audit and reported to The Executive of North Ayrshire Council on 28 October 2008.

No specific advice was provided by any institution on these investments.

- 3) Cabinet reports between June 2013 and March 2015 kept members fully appraised of the approach to secure the best possible return for the Council taking account of:

- Independent professional advice;
- The value, timing and currency of any distributions;
- Foreign exchange risk and Icelandic capital controls;
- Ongoing cost of legal advice.

The table above provides information on the full payments received in respect of Landsbanki and Glitnir, with 95.7% and 97.5% of the principal being recovered. The final position in respect of Landsbanki was reported to Cabinet in April 2014 and Glitnir in March 2015.

- 4) North Ayrshire Council was one of eight Scottish local authorities and a significant number of English local authorities affected by the collapse of the Icelandic Banks. A coordinated approach, led by the Local Government Association, was taken to secure return of funds and minimise the cost of doing so. The principal legal advisor was Bevan Brittan. Over the period 2009 to 2016 this costs the Council totalled £177,382.”

As a supplementary question, Councillor McNicol asked the Leader of the Council to comment on a £10m LOBO loan secured by the then Labour Administration from Dexia Credit Local at an interest rate of 3.89% p.a. redeemable on 31 January 2078 and the investment of that sum on the same day in Glitnir Bank Iceland for 358 days which, due to the banking crisis, had resulted in the Council losing 6 years of interest on the investment and payment of interest to Dexia, a loss of £648,382.

Councillor Cullinane responded by advising that he was not part of the Council at that time and that he lived in the present, not the past, and urged the 33 Members of the Council to do the same. The Leader then provided examples of areas of current concern in terms of austerity, including the rise in the use of foodbanks, the number of children living in poverty and disconnected communities by a lack of public transport.

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

"Does the Leader of the Council still cling to the belief that the purchase of a Shopping Mall by the Council, with an asking price of £55 million, was a wise and commercially prudent move, in the light of a shopping centre in Fife put up for auction with a reserve price of only £1, being sold for £310,000?"

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

“Can I thank Councillor McNicol for his question, but I have to say I do despair at the nature of it.

Not only is the figure quoted in the question incorrect - he appears to be referring to the figure leaked to the press by someone in the Council - but he has failed to grasp the advice all Elected Members of this Council were given in advance of the vote.

It was stated several times that the value of a retail centre is driven by the value of its leases. In that regard there was no “asking price” as claimed by Councillor McNicol, there was a valuation calculated on the value of leases.

Secondly, the comparison with the centre in Kirkcaldy is ludicrous. If the value of a retail centre is derived from the value of the leases then let’s look at the Postings Centre in Kirkcaldy.

It was a 21 unit centre, 13 of which were empty.

It had been a distressed centre for a number of years after losing its core tenants.

Last Wednesday's Herald, which reported on its sale, stated that the centre had an annual income of £152,000.

In fact, the Herald article included an assessment from a "property expert" that the site had a "negative value" and suggested the real value of the centre for any buyer may be in demolishing it and redeveloping the site.

So, there is no case that can be made for comparing the Rivergate centre and the one in Kirkcaldy.

Of course, Councillor McNicol has been very selective in his choice of comparator. As the Chamber knows there are many examples of Councils actually purchasing centres, particularly ones in their own area where it is not only a financial asset to the Council but a key asset to the local economy.

He could have chosen Shropshire Council for example who, just a month after our vote, purchased three local centres based on a business case that ownership would derive an annual income of £2.7million for the Council.

Or, Ashford Council, whose, it has to be said, very aggressive property investment strategy is expected to see the Council become financially self-sufficient in the next few years and who have seen annual returns of up to 12.6% on some of their local investments.

And the idea of municipal governments owning such assets is not new across the globe. Take Boston for example, where Faneuil Hall was redeveloped in the 1970s but rather than being privatised it was retained in public ownership and, through a leased arrangement, continues to return millions of dollars each year to the municipal government. The Rivergate Centre was built in the 1970s – imagine if Irvine Development Corporation had the foresight to retain the centre in public ownership!

Provost, the level of due diligence and detail in the business case that was developed by Council officers over the Rivergate was very high. Every 'i' had been dotted and every 't' crossed. We presented a business case that would have funded millions of pounds of investment in regenerating towns in North Ayrshire deriving from the income.

We accept we lost the vote and have moved on but it seems others haven't.

That said, it remains my opinion that it is really sad that some Elected Members simply want to manage austerity and declining investment in our communities.

That is not what this Labour Administration is happy to settle for.

We will continue to look at ideas that stop the extraction of wealth from our local economy – and that includes the issue of absentee private ownership which sees the returns on local assets extracted from our communities.

We use the term “Inclusive Growth” as a Council and indeed it’s used across Scotland these days but the danger for me is that “Inclusive Growth” becomes just another empty term used by politicians and policy wonks - in my opinion a real commitment to “Inclusive Growth” requires us to think about the distribution of economic returns.

Municipal ownership of local assets, and their returns, would see those returns distributed locally, helping create a multiplier effect, where money is re-circulated within the local economy which would help create an inclusive, sustainable economy for the many, not the few.”

As a supplementary question, Councillor McNicol asked how the Administration planned to fund the acquisition had the Council agreed to purchase the Rivergate Centre, and whether he intended to play Russian Roulette with the hard-earned money of the people of North Ayrshire?

Councillor Cullinane responded by referring Members to the notion of ‘invest to save’ and by asserting that the Council sometimes looks into projects that are self-financing, giving as an example investment in energy efficiency measures. The Leader noted that, due to commercial sensitivity around the proposed acquisition, it was not possible to respond to social media concerns and explain in detail how the project would be funded.

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

“A question to the portfolio holder for Health and Social Care.

Please list for each of the last five financial years the average number, within North Ayrshire, of

- a. Care home placements - both the total available and the number funded by the Council
- b. Nursing home placements - both the total available and the number funded by the Council
- c. Care at home packages funded by the council and the waiting list at the end of each year.”

Councillor Foster thanked the Member for his question and referenced the following written response:-

“(a) and (b)

### **North Ayrshire Older People's Care Homes**

**Capacity at January each year:**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
DUAL	631	664	631	631	571
Nursing	312	248	249	249	249
Residential	154	160	160	160	157
Grand Total	1,097	1,072	1,040	1,040	977

5 year % reduction 10.9%

Total registered care home capacity available across North Ayrshire, would include capacity also used by other Council areas and private clients, as client choice determines care home placement.

### **Average Funded North Ayrshire Placements (resident in NA care home):**

	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 Year Average</b>
Nursing	542	534	473	490	461	500
Residential	223	225	219	222	224	223
TOTAL	765	759	692	712	685	723

Only includes those care home residents who are accessing financial support including FPC from the Council, any residents not requesting financial support would not be included



**Additional information:**

**Average Funded NA Placements (including placed out-with area)**

	2014-15	2015-16	2016-17	2017-18	2018-19	5 Year Average
Nursing	646	644	638	602	578	622
Residential	252	258	258	259	256	257
TOTAL	898	902	896	861	834	878
% resident NA	85.2%	84.1%	77.2%	82.7%	82.1%	82.3%

**Total admissions/discharges in-year (demonstrating movement within homes):**

	2014-15	2015-16	2016-17	2017-18	2018-19
Admissions	400	385	379	348	255
Discharges	372	363	368	324	234

Includes all residents supported by NA, including those out-with area. 2018-19 is not a complete year, only to January 2019

(c)

**Care at Home**

Year	Number of service users receiving care at home service	Number of service users on the waiting list for a care at home service from hospital and community
31/03/2015	1,737	36
31/03/2016	1,689	33
31/03/2017	1,791	76
31/03/2018	1,789	52
As at 8/2/19	2,091	53

As a supplementary question, Councillor Marshall asked for an assurance that the Council would endeavour to fund older people's care home placements in the future.

Councillor Foster responded that he could not envisage a position where funding for care home beds would end, but acknowledged the challenges around risk when care home places are provided private providers.

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

"Question to the portfolio holder for Education.

What is the Council's policy in relation to pupils who

- a. are caught in school in possession of drugs with intent to supply or
- b. are charged/convicted of being in possession of drugs with intent to supply outwith the school premises?"

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

"All of our schools operate within the context of the Scottish Government guidance Included, Engaged and Involved, Part 2: A Positive Approach to Preventing and Managing School Exclusion.

Each child or young person and each individual case or incident will be dealt with on an individual basis, given the school's knowledge of the child or young person and his or her context and circumstances. This is particularly relevant if a child/ young person is care experienced or has additional support needs.

In general when a child or young person is caught in school in possession of drugs with intent to supply both the police and parents/ carers will be informed. A school may decide to exclude the pupil. Responsibility for decisions of this nature is delegated to Head Teachers. Schools are asked to be proportionate in their response and exclusions should provide an opportunity for reflection for the child or young person. Also, all children and young people have a right to education; and education authorities have a duty to provide this education. Arrangements to allow the child/ young person to continue his/ her education must be made timeously.

If a child or young person is charged or convicted of being in possession of drugs with intent to supply outwith the premises then the right to education remains the same. The school may be informed of a charge by the police or the child/ young person, or the parent/ carer, however at the stage of a charge there is no compulsion in any of the parties to share information. If the school is informed of a charge, then a decision would be made to assess risk and plan accordingly.

If a young person is found guilty in court of a charge of being in possession of drugs with intent to supply then a decision on the best means to provide education would be made by the education authority after careful consideration of all of the facts and through discussion with the Head Teacher. Again a young person has a right to education and education authorities have a duty to provide this education."

As a supplementary question, Councillor Marshall referred to the previous practice of transferring such pupils to other educational establishment and asked whether the Cabinet Member agreed that would be a useful measure in serious cases.

Councillor Bell responded by asserting that every case must be judged on its own merits and that every attempt must be made to include children and young people and provide them with a good education.

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

"While I welcome the proposal for a new Ardrossan Academy, can the Cabinet Member for Education give an assurance that issues raised by my constituents will genuinely be taken into account during what I have been assured is simply an initial period of public engagement?"

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

"Yes

All communications received in respect of the current pre-engagement process will be noted and taken into account when officers report back to Cabinet in June 2019."

As a supplementary question, Councillor McClung asked whether communications around the consultation process would be published and available for all Members to scrutinise and not just with Members of the Cabinet.

Councillor Bell responded by advising that the brief answer to this was 'yes', although it would depend how the communications were gathered and processed.

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

"A multi million pound contract to build a new ASN school has been awarded by the Labour Administration to Morrison Construction, a company named in the Scottish Affairs Select Committee Report as having used the Consulting Association blacklist to identify, deny employment to or terminate the jobs of trade union members.

The contract was awarded by Hub West Scotland.

However, as it is a North Ayrshire Council led project, can the Portfolio Holder advise me what representations, if any, they have made to Hub West Scotland about Morrison Construction winning the contract and how does the award of the contract conform with this Council's previous commitment that companies exposed as having blacklisted workers should be excluded from Council contracts?"

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

“Following representation to the Scottish Government in January 2016, officers reviewed the Council's engagement with Hub South West and their supply chain and were given assurance that the Hub Programme Office Guidance Note (01/14) "Exclusion from Public Contracts of Companies which Engage in Blacklisting" provides contracts conditions which ensure companies which engage in blacklisting are excluded from these contracts.

In addition, following my instruction, officers sought evidence from Morrison Construction and their parent company, Galliford Try that they do not engage in blacklisting. We received the following statement:

“To the best of our knowledge, Galliford Try and the subsidiaries it manages have never been involved in blacklisting.

We condemn the use of any blacklisting or discriminatory employment practices within our industry and continue to pursue a positive industrial relations policy with our workforce and supply chain.

Following the high profile of the issue in 2013/2014, investigations have been held but we have found no evidence of any involvement by any company managed by Galliford Try.

Galliford Try is not and has not faced any legal action from claimants alleging that they were blacklisted.”

Officers have also spoken directly with the Chief Executive of Hub South West regarding this matter, as a result of which it has been agreed that contractors will be asked specifically about blacklisting in tendering exercises.

Given our policy on backlisters not receiving public contracts I also personally made contact with trade unions to ascertain whether they had evidence of Morrison blacklisting workers – I was advised there were no contemporary cases.”

As a supplementary question, Councillor Gurney asked whether Members of the present Administration, after 18 months in office, would pledge to stop campaigning and start governing.

On a point of order, the Provost declined to allow the supplementary question as, in terms of Standing Order 12.2, it did not relate to the answer to the original question. Notwithstanding this, the Leader made a statement in response to Councillor Gurney's supplementary question.

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

“Recipients of Universal Credit can have a single deduction taken from their benefit to be allocated equally between the recovery of an overpaid Tax Credit, Universal Credit or Housing Benefit. There is a legal maximum set for this but over and above this maximum, NAC is contacting customers to ask them to repay more. Can the Leader confirm how many people are currently repaying on this basis and provide a breakdown of the income it has brought into the council since the introduction of Universal Credit?”

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

**“Council receiving Direct Deduction**

If the resident is repaying Housing Benefit debt by direct deductions from Universal Credit or other DWP benefits, they are not asked to pay additional monies towards this. The debt will continue to be collected in this manner until such time as it is repaid or the Council is advised by DWP it can no longer be collected. On this basis no additional income has been collected from residents where direct deduction from Universal Credit or other DWP benefits applies.

**Council not receiving Direct Deduction**

It is only when the Housing Benefit debt is not being repaid by direct deductions that the Council will contact the resident and endeavour to secure further information on their financial position and where appropriate enter into an arrangement to collect the Housing Benefit debt. Affordability plus the resident’s circumstances are always taken into consideration to ensure hardship is not caused to that person or their dependants. If the resident cannot or will not enter into a payment arrangement, the debt will follow the regular corporate recovery procedure. No specific information is available on these arrangements as this aligns with the Council’s regular debt recovery process.”

As a supplementary question, Councillor Burns referred to confusion between the answer provided and the information contained in a report to the Audit and Scrutiny Committee and asked if residents already subject to the maximum deduction by the DWP were being asked to pay more.

Councillor Cullinane responded by indicating that the issue was between residents who were subject to direct deductions collected at source by the DWP, which the Council did not pursue for additional monies, and those who were subject to non-direct deductions, where the Council had to contact residents in order to recover Housing Benefit debt in accordance with the normal recovery procedure. The Leader undertook to look into whether any contrary information had been provided to Members.

At the Provost’s discretion, Councillor Burns was permitted to respond, undertaking to discuss the matter directly with Finance Officers.

(14) a question by Councillor Gallagher to the Leader of the Opposition in the following terms:-

“Local SNP MSP, Kenneth Gibson claims North Ayrshire Council have received a 9.5% funding uplift for 2019/20. Does the Leader of the Opposition agree with me that there is a deep dishonesty in the way that the MSP has presented those figures to his constituents with the result being the public being misled on the financial reality faced by this Council?”

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

“No, I don’t agree with him. I’d also like to say that I think his earlier attack on Kenneth Gibson in relation to the Ayrshire Growth Deal was disgraceful. The Ayrshire Growth Deal has been delivered partly because we have been working on a cross party basis and we’ve kept politics out of it, and Councillor Gallagher just can’t help himself.”

As a supplementary question, Councillor Gallagher asked whether it was time for the SNP in North Ayrshire to forget about its obsession with Independence and start standing up for those they were elected to represent.

On a point of order, the Provost declined to allow the supplementary question as it did not relate to the answer to the original question (in terms of Standing Order 12.2). A request by the Leader of the Opposition to make a statement in response to the supplementary question, was refused.

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

"What dialogue have NAC had regarding the Liaison Committee for the Oil Rig Decommissioning Site at Hunterston since the last Full Council meeting in December?"

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

“Planning Permission, subject to conditions, was granted by the Planning Committee in April to vary Condition 1 of Planning Permission (ref 16/00268/PP) to allow use of the site for decommissioning of large marine structures. Condition No. 8 states:

‘That within 3 months of the date of the consent, a draft Code of Practice for the operation of the construction, repair and decommissioning of Marine Structures, hereby approved, shall be submitted for the approval in writing by North Ayrshire Council as Planning Authority. The draft Code of Practice shall include the formation of a liaison committee, which shall comprise of local councillors, local community group members, the site operator and other interested parties; and should include the timescales for the meetings of the liaison committee. The development shall thereafter be undertaken in accordance with any Code of Practice as approved by North Ayrshire Council as Planning Authority.’

In November 2018, the applicant, Clydeport Operations Ltd., submitted by letter, the proposed Hunterston Marine Yard Liaison Committee – Draft Terms of Reference. The applicant proposed that ‘the meetings of the Liaison Committee are expected to only take place once the Hunterston Marine Yard is fully consented and there is an operator secured by Peel Ports on a contractual basis and business has been secured for the facility enabling the facility to become operational.’

In response at that time, Officers advised that an early meeting of the Liaison Committee should be held and not await the Hunterston Marine Yard being fully consented and an operator secured by Peel Ports on a contractual basis and business has been secured for the facility enabling the facility to become operational.

At the meeting of the Council’s Planning Committee on 5 December 2018, the Senior Manager (Planning) noted and circulated the terms of reference for the Hunterston Marine Yard Liaison Committee as set out in Condition 8 of planning permission (ref. 17/01273/PP) which had been submitted by the applicant. The Committee questioned the reason for the delay in the set-up of the Hunterston Marine Yard Liaison Committee. However, the Members raised no objections to the Draft Terms of Reference

Officers subsequently discussed the matter with the applicant, Clydeport Operations Ltd., on 17 January 2019 to again encourage early dialogue with the respective partners on the Liaison Committee. It is understood that the applicant is progressing with the necessary arrangements and the first meeting is scheduled for 18 March 2019.”

As a supplementary question, Councillor Murdoch asked why, if there was no operator for the site, the Scottish Enterprise had allocated £10m to the project and what conditions were attached to the funding. Councillor Murdoch further asked about the identity of the company Sescon Decom and why the company had produced a video illustrating what it intended to do with the site.

Councillor Marshall responded by advising that he understood the £10m of funding had been earmarked to Peel Ports Limited, who would not spend that money until they had a company on board. Various companies had expressed an interest, but no monies would be expended on preparations until a company was in place to undertake the decommissioning.

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

“Why are Largs and Skelmorlie Community Councils not included in the Liaison Committee for the Oil Rig Decommissioning Site at Hunterston?”

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

“In the submission in November 2018 on the proposed Hunterston Marine Yard Liaison Committee – Draft Terms of Reference, the applicant, Clydeport Operations Ltd., the membership of the Liaison Committee was proposed by Clydeport Operations Ltd.

At the meeting of the Council’s Planning Committee on 5 December, the Senior Manager (Planning) noted and circulated the terms of reference for the Hunterston Marine Yard Liaison Committee as set out in Condition 8 of planning permission (ref. 17/01273/PP) which had been submitted by the applicant.

The members of the Liaison Committee are proposed to be:

- North Ayrshire Council – 2 named Local Councillors and their nominated deputies when they are unable to attend in person;
- Cumbrae Community Council – a named representative and their nominated deputy when they are unable to attend in person;
- Fairlie Community Council – a named representative and their nominated deputy when they are unable to attend in person;
- West Kilbride Community Council – a named representative and their nominated deputy when they are unable to attend in person;
- Peel Ports/Operator – up to 3 representatives between the landowner and the site operator. Attendees flexible subject to matters to be discussed;
- Chairperson – the appointment of a named independent chairperson;
- Secretariat – Peel Ports to act as secretariat.

It has been agreed with Peel Ports that invitations are also extended to Largs and Skelmorlie Community Councils.”

As Cabinet Member for the Economy, Councillor Gallagher was able to confirm the proposed date of the initial meeting of the liaison committee and that community groups would be invited to attend.

As a supplementary question, Councillor Murdoch asked about the Council's expectations of the liaison committee and why Largs and Skelmorlie Community Councils had now been included.

The Chair of the Planning Committee responded by advising that Largs Community Council had requested to join the liaison committee and that Skelmorlie had also been included as the adjacent community council. Councillor Marshall further advised that the role of the liaison committee would be liaison.



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

“Will the promotion and operation of tourism be affected by the Oil Rig Decommissioning Site at Hunterston and the operation of industry within Hunterston Park?”

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

“Hunterston is a strategic industrial investment site being promoted for development by the Peel Group. The site has been an industrial location for over 60 years and is of national importance as an energy hub and deep water port and as such, has a critical role in the diversification of the economy.

Our approach to developing a more resilient and vibrant North Ayrshire economy is to build upon the area’s strategic assets and ensure that our local residents are equipped to take advantage of good quality local jobs. Tourism is a key component of this strategy and initiatives such as the Coig and the Ayrshire Growth Deal proposals to develop Irvine Harbourside/Ardeer Peninsula as a major waterfront destination and to strengthen our marine tourism offer should attract more visitors. Moreover, investment and job creation in our strategic locations at Hunterston and I3 play a vital part in developing a year round economy, which in turn supports the growth of the hospitality, food and drink sectors.”

Councillor Murdoch then asked a number of supplementary questions. When directed by the Provost to select only one, Councillor Murdoch asked whether the Council was concerned about headlines in the Times Newspaper dated 21 April 2018 about the adverse impact on tourism of oil rig decommissioning in Cromarty.

Councillor Gallagher responded by advising that he was unaware of the press article in question and so could not comment on it, but was able to reassure the Member that, in this case, no oil rigs would be moored offshore, but rather, the rigs would be dismantled in situ and the component parts removed. The Chair of the Planning Committee referenced a similar facility on Orkney which a number of Members had visited.

On a point of order, Councillor Murdoch requested clarification as to why he had, at a previous Council meeting, been permitted to submit a six-part written question, but had not been allowed to ask a multi-part supplementary question on this occasion.

The Head of Democratic Services referred to Standing Order 12.2, advising that the decision to allow a supplementary question was a matter for the Provost’s discretion.

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

“What has been done to implement the decriminalisation of parking and what measures have been taken to create new parking in Largs since the Full Council Meeting held on 9 May 2018?”

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

“A Project Steering Group, has been established to develop the introduction of Decriminalised Parking Enforcement (DPE) and car parking charges. The Steering Group comprises officers from Roads, Economy & Communities, Legal Services, Communications and Customers and Digital Services. Initial preparations have included officers meeting with Transport Scotland. A project plan has also been developed which identifies the key activities and milestones to introduce DPE and car parking charges. Key actions that are being progressed include:- review of the Car Parking Strategy, review and consolidation of Traffic Regulation Orders, audit of car parks, assessment of options for enforcement ( in-house delivery, shared service , third party), infrastructure and payment options, including the use of digital technology and cashless payment options. A business case for the introduction of DPE and car parking charges is being prepared and will identify a number of charging options for consideration.

It is proposed to take a paper on proposals to the Policy Advisory Panel on 2 May and following this to take recommendations for approval to the Cabinet meeting on 11 June.

If approved at Cabinet an application will be submitted to the Scottish Government for DPE powers to be introduced in the North Ayrshire Council area. This is a statutory process and it is anticipated that following the application being submitted it will take a year for powers to be granted by Scottish Government. It is therefore anticipated that the introduction of DPE and car parking charges could be introduced on 1st October 2020 depending on the outcome of the statutory process.

With respect to additional parking spaces in Largs I can advise that the shore front car park has been re-marked providing an additional 10 parking spaces within the car park. There are no additional measures currently proposed however as part of the DPE project the Roads Service are currently reviewing existing parking restrictions in all towns with the aim of consolidating our parking restrictions Traffic Regulation Order and maximising parking spaces within our towns. In addition, Officers continue to work with all Largs Elected Members to identify potential sites which could be utilised for additional parking.”

As a supplementary question, Councillor Murdoch asked whether the Council would, as a matter of urgency, consider investing in much needed car parking spaces in Largs.

Councillor Montgomerie responded by confirming that he would look into this matter.

(19) a question by Councillor Murdoch to Councillor Marshall (as a Council representative on an outside body) in the following terms:-

"Why did Councillor Marshall raise the following motion to the Hunterston Site Stakeholder Group at the meeting held on Thursday 6 December?

That Hunterston Site Stakeholder Group issues a press statement saying "Hunterston Site Stakeholder Group has every confidence in EDF and ONR and their staff in the safe and continuing operation of Hunterston B Station."

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

"Cllr Murdoch was actually in attendance at the meeting in question and would have heard the debate. I would have thought that rather than asking me this and other previously asked Questions on the Agenda he would have sought in person an explanation from a fellow Ward Member rather than repeated grandstanding

However, to answer the Question. I moved the Motion for the following reasons.

The Motion supported a statement made by Mr Stuart McGhie, Vice Chair and Trade Union representative on the Hunterston Stakeholder Group (SSG) and was subsequently agreed by all the Council appointees to the SSG who are also voting Members and the majority of the other voting Members of the SSG.

Ms Rita Holmes, Chair of the SSG was reported in BBC Online News on 21 November 2018, in local media and in Ferret as stating that "she did not believe that Reactor 3 should be brought into operation." (Reactor 3 is currently shut down awaiting clearance to restart from the Office of Nuclear Regulation)

Mr McGhie, vice Chair and Union Rep, reminded Mrs Holmes that being the chairperson did not give her "dictatorial rights" to make statements on behalf of a democratic organisation. He called upon her to retract her statements as many of the 500 workers were angry at her position. This she refused to do.

North Ayrshire Depute Provost Robert Barr told Mrs Holmes that she should be impartial stating, "I don't think you are because you are antinuclear." Mrs Holmes who attends meetings of a Nuclear Free Zone Committee replied, "I am not totally pro Nuclear"

I was of the belief that Mrs Holmes alleged statements did not reflect the views of the SSG and as a Senior Councillor believed that the workforce should be supported and so moved the Motion which was subsequently agreed almost unanimously.

Mrs Holmes subsequently stated in the Press that she was speaking in a "personal capacity."

As a supplementary question, Councillor Murdoch asked whether Councillor Marshall had proposed the motion at the SSG as an individual or on behalf of North Ayrshire Council.

Councillor Marshall responded by advising that those who served on the SSG did so as representatives of North Ayrshire Council, but also represented their constituents. Appointees had agreed almost unanimously that workers were being wrongly attacked and made to feel uncomfortable about the future of their jobs and so had felt it important to reset the balance and truly reflect the views of the SSG.

### **13. Motions**

In terms of Standing Order 13, submitted:-

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

"Safe Leave for Staff

New Zealand's world leading Victims' Protection Bill requires employers to give victims of domestic violence up to 10 days leave from work, separate from annual leave and sick leave entitlements. A similar policy in North Ayrshire Council, would assist victims to leave their partners, find new homes and help protect themselves and any dependent children. Council is asked to request officers to consider the introduction of up to 10 days 'safe leave' and bring forward a paper outlining the proposals to Cabinet."

There being no amendment, the motion was declared carried.

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

"That North Ayrshire Council

- a. supports the comments made by Glasgow Labour Leader Frank McAveety and Glasgow Airport Managing Director Mark Johnston in their campaign to ensure that Glasgow Airport has a direct rail-link to the city centre, Glasgow being the only airport of its size in Europe dependent on road access.
- b. acknowledges that the airport contributes £1.44bn to the economy and supports 30,000 jobs ,both of which contribute to the economy of North Ayrshire, and more so if the Airport capacity is increased.
- c. agrees to write to Michael Matheson, Transport Secretary and to Susan Aitken ,Glasgow City Council Leader expressing support for the provision of a rail link as envisaged in the 2014 Glasgow City Deal."

As an amendment, Councillor Barr moved the direct negative. There being no seconder, the amendment fell.

As an amendment, Councillor Cullinane, seconded by Councillor Gallagher, moved as follows:-

“That North Ayrshire Council

- a. supports the comments made by Glasgow Labour Leader Frank McAveety and Glasgow Airport Managing Director Mark Johnston in their campaign to ensure that Glasgow Airport has a direct rail link to the city centre, Glasgow being the only airport of its size in Europe dependent on road access.
- b. acknowledges that the airport contributes £1.44bn to the economy and supports 30,000 jobs, both of which contribute to the economy of North Ayrshire, and more so if the airport capacity is increased.
- c. emphasises that the airport rail link cannot be to the detriment of the Ayrshire line in general, believes that solutions are possible to any capacity issue at Glasgow Central and would welcome North Ayrshire Council and the two other Ayrshire authorities being involved in discussions around the project.
- d. agrees to write to Michael Matheson, Transport Secretary and to Susan Aitken, Glasgow City Council Leader, expressing support for the provision of a rail link as envisaged in the 2014 Glasgow City Deal.”

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

“That North Ayrshire Council instructs the Chief Executive to write to Michael Matheson, Transport Secretary, congratulating him on preserving our precious rail links to Glasgow and beyond and encourages him to examine what else can be done to further enable efficient transport links to and from North Ayrshire.”

In terms of Standing Order 14.5, Councillors Gurney and McMaster subsequently agreed to amend the terms of their amendment to read as follows:-

“That North Ayrshire Council instructs the Chief Executive to write to Michael Matheson, Transport Secretary, encouraging him to preserve our precious rail links to Glasgow and beyond and to examine what else can be done to further enable efficient transport links to and from North Ayrshire.”

Following questions and debate, and in the course of summing up, Councillor Marshall, with the agreement of his seconder, advised that he wished to withdraw his motion in favour of Councillor Cullinane’s amendment.

In terms of Standing Order 14.5, the proposed withdrawal of the motion required the consent of the Council. On a division, there voted in favour of allowing the motion to be withdrawn, 17, and against, 11. Accordingly, the motion was withdrawn and the amendment by Councillor Cullinane, seconded by Councillor Gallagher, became the substantive motion.

On a point of order, Councillor Gurney asked whether there was a requirement for a 2/3 majority to agree to suspend Standing Orders in order to allow the motion to be withdrawn. The Head of Democratic Services clarified that the suspension of Standing Orders was not required and, in terms of Standing Order 14.5, a motion or amendment could be withdrawn prior to debate or, subject the consent of the Council, following debate.

On a further point of order, Councillor Gurney requested, and received, clarification on the competency of the substantive motion and amendment following withdrawal of the original motion.

The Head of Democratic Services suggested that, should the Council so wish, the current provisions within Standing Orders could be included within the next review of governance documents.

Thereafter, there voted for the amendment, 11 and for the substantive motion, 17, and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:-

“That North Ayrshire Council

- a. supports the comments made by Glasgow Labour Leader Frank McAveety and Glasgow Airport Managing Director Mark Johnston in their campaign to ensure that Glasgow Airport has a direct rail link to the city centre, Glasgow being the only airport of its size in Europe dependent on road access.
- b. acknowledges that the airport contributes £1.44bn to the economy and supports 30,000 jobs, both of which contribute to the economy of North Ayrshire, and more so if the airport capacity is increased.
- c. emphasises that the airport rail link cannot be to the detriment of the Ayrshire line in general, believes that solutions are possible to any capacity issue at Glasgow Central and would welcome North Ayrshire Council and the two other Ayrshire authorities being involved in discussions around the project.
- d. agrees to write to Michael Matheson, Transport Secretary and to Susan Aitken, Glasgow City Council Leader, expressing support for the provision of a rail link as envisaged in the 2014 Glasgow City Deal.”

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

“Austerity in Scotland continues to fall disproportionately on Scottish Local Government, with the cuts experienced by Scotland's Councils in recent years being several times greater than the cut to the Scottish block grant from Westminster.

MSPs in the Scottish Parliament have failed to use the powers of that Parliament to offer an alternative to austerity, continuing to cut taxes for business whilst making timid variances to Income Tax bands designed not to offer protection for vital public services but rather designed to fit on a leaflet.

Serious reform of local taxation, that is more progressive and enables local services to be protected, has failed to materialise due to a lack of political vision. The latest budget deal between the SNP and Scottish Greens kicks any prospect of real reform on local taxation into the long grass.

What has been presented as "fiscal empowerment" for Local Government is a Tourist Tax and a Workplace Parking Levy.

North Ayrshire Council has called for the power to introduce a Tourist Tax to be given to Scottish Councils and therefore welcomes any move towards this. However, we acknowledge that whilst a Tourist Tax will raise millions of pounds per year for City Councils it will raise considerably less for the rest and this is therefore not an adequate solution in itself. North Ayrshire Council believes this must be taken into consideration prior to the introduction of the power.

However, North Ayrshire Council believes the idea that "fiscal empowerment" of Local Government should be achieved through means such as a Workplace Parking Levy is a damning indictment of the failure of the Scottish Government to adequately fund Local Government and to devolve real fiscal powers to Councils to end austerity. Having made the political decision not to prioritise and protect Local Government funding, having failed to use its fiscal powers to raise the revenue to protect local services the SNP Government and Scottish Greens are now asking Councils to decide whether to cut vital jobs and services or introduce a car parking tax on workers. A tax that could apply to local government workers from every service we provide including janitors, support staff and teachers in our schools - this could lead to proposing a pay offer in one hand and handing out a bill for several hundred pounds to park at work with the other.

North Ayrshire Council opposes the idea of a Workplace Parking Levy and therefore signals our intention not to introduce one if the power is created. Furthermore, the Council resolves to write to the Scottish Government outlining our position on the Levy.

The Council also wishes to raise, whilst stating our support for the power to be devolved to councils, the disparity between what a Tourist Tax will raise in City areas in comparison to other local authority areas and therefore to emphasise the need for "fiscal empowerment" of Local Government to offer equitable benefits for all local authority areas.

North Ayrshire Council wishes to state, in no uncertain terms, the urgent need to end austerity, to protect local services and jobs and outline to the Scottish Government our opposition to the proposed cuts to be imposed on North Ayrshire Council through the Scottish Budget."

As an amendment, Councillor Macaulay, seconded by Councillor Burns, moved that the Council agree to reject the motion.

On a point of order, the Head of Democratic Services confirmed that the amendment was procedurally equivalent to the direct negative.

Following questions, debate and summing up, there voted for the amendment 11 and for the motion 11 and, on the casting vote of the Provost, the motion was declared carried.

- (4) a motion by Councillor Miller, seconded by Councillor Foster, in the following terms:-

"North Ayrshire Council opposes any changes to the free television licence for over 75's and resolves that the Chief Executive write to the Secretary of State for Digital, Culture, Media and Sport and the Director-General of the BBC to outline our opposition."

There being no amendment, the motion was declared carried.

#### **14. Notice**

Submitted a notice of motion to amend Standing Orders in terms of Standing Order 22:-

"Insert a new Standing Order 12.9 as follows:-

"In relation to both a Question submitted in advance of a meeting and a question relating to an item on the agenda, the person answering must ensure there is a reasonable factual basis for any statement of fact made in their response.""

The Council noted that the motion would be considered at the next ordinary meeting of the Council, in terms of Standing Order 22.

The meeting ended at 4.20 p.m.