

North Ayrshire Council
29 March 2023

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

Present (Physical Participation)

John Bell, Timothy Billings, Marie Burns, Eleanor Collier, Joe Cullinane, Scott Davidson, Anthea Dickson, Stewart Ferguson, Robert Foster, John Glover, Tony Gurney, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Davina McTiernan, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker, Angela Stephen and John Sweeney.

Present (Remote Electronic Participation)

Todd Ferguson and Amanda Kerr.

In Attendance

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

Chair

Provost Dickson in the Chair.

Apologies

Scott Gallacher, Alan Hill, Louise McPhater, Jim Montgomerie and Ian Murdoch.

1. Provost's Remarks

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

2. Apologies

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

3. Declarations of Interest

In terms of Standing Order 11 and Section of the Councillors' Code of Conduct, Councillor Cullinane, as the employee of a refugee charity, declared an interest in Agenda Item 11 (1) and advised of his intention to leave the meeting during consideration of the motion in question.

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Ordinary Meeting held on 15 February 2023 and the Special Meeting held on 1 March 2023 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 6 February – 19 March 2023.

The Provost highlighted the following elements of her written report:

- visits to several groups, schools and special events throughout North Ayrshire;
- the excellent performance of young people at the annual music competitions;
- a visit to Millport Hall to meet volunteers as renovation works neared completion;
- the official opening of the Clyde Coast and Cumbrae Men's Shed;
- the opening of Doon the Beach community café in Stevenston;
- the recent Beith Trust awards;
- the start of construction works at the Afton Court development in Stevenston;
- a visit by Tom Arthur MSP, Minister for Public Finance, Planning and Community Wealth to Lochshore Community Hub; and
- events in support of International Women's Day on 8 March 2023

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period for 6 February – 19 March 2023.

Noted.

7. Council Minute Volume

Submitted for noting the Minutes of meetings of committees of the Council held in the period 8 December 2022 – 8 March 2023.

Noted.

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held in March 2023

Submitted report by the Executive Director (Communities and Education) on the Minutes of the Community Planning Partnership Board held on 13 March 2023.

The Chief Executive highlighted the discussion which had taken place at the CPP Board on the work of the Child Poverty and Cost of Living Board and on the proposed new performance review process for the Local Outcomes Improvement Plan (LOIP).

Noted.

9. Appointments to Committee

The Council was invited to note that, as a result of his appointment as Depute Leader of the Conservative and Unionist Group, Councillor Inglis had replaced Councillor T. Ferguson on the Staffing and Recruitment Committee and Appeals Committee, effective from 22 March 2023.

Noted.

10. Appointment to Outside Body

The Council was invited to consider a nomination to appoint Councillor Donald Reid to serve on the North Ayrshire Fair Trade Zone Steering Group.

Councillor Donald Reid, having been duly proposed by Councillor Cullinane, seconded by Councillor Bell, was nominated to serve on the North Ayrshire Fair Trade Zone Steering Group. There being no other nominations, Councillor Donald Reid was duly appointed.

Accordingly, the Council agreed to appoint Councillor Donald Reid to serve on the North Ayrshire Fair Trade Zone Steering Group.

11. Questions

The Provost made reference to the period of 45 minutes allocated for consideration of questions in terms of Standing Order 14.2 and intimated her intention, in light of the relatively short Agenda, to exercise her discretion and extend this period as necessary in order to allow all questions to be considered during the meeting.

In terms of Standing Order 14, submitted:

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

“Can the Member give an update on the Council’s renewable energy strategy for home heating in North Ayrshire?”

Councillor Gurney thanked the Member for his question and, having expanded on his written answer to refer to the new Energy Efficiency Standard for Social Housing which was expected shortly, responded in the following terms:

“For our new build housing developments, officers undertake a comparative options appraisal to identify an appropriate low carbon heating solution on a project- by-project basis. In recent developments this has included individual air source heat pumps supported by solar panels.

Our approach to investment in decarbonisation of heating in existing Council housing stock is informed by the Energy Efficiency Standard for Social Housing 2 (ESSH2). A report approved by Cabinet in January last year confirmed a ‘fabric first’ hierarchy of improvements (for example additional insulation) would be followed. Through the latest Housing Revenue Account Business Plan, we will invest £4.911m specifically to improve energy efficiency in housing stock during 2023/24, alongside other planned and cyclical maintenance improvements.

A national review of the ESSH2 standard was announced last year and is expected to be completed later in 2023. Our Fabric First investment programme is continuing in the meantime and officers are evaluating a range of future options to shift away from gas fired heating to renewable technology options. This work will be the subject of a report to Cabinet later this year.”

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

“At the time of writing, the last published Minute of an Ardrossan Taskforce meeting was on the 29 November 2022 for the meeting which took place on the 28 June 2022. My understanding is there has been at least two task force meetings since then. Given that it is taking several months for the task force to publish public minutes, can the Leader of the Council, as co-chair of the said task force, advise us what has been discussed since 28 June 2022 and what progress has been made?”

Councillor Burns thanked the Member for her question and, having expanded on her written answer to express her own frustration with the pace of progress, which she had raised with Transport Scotland, responded in the following terms:

“Since 28 June 2022 there have been two Ardrossan Task force meetings on 23 January 2023 and 22 March 2023.

Minutes for the 23 January 2023 Taskforce meeting were approved by the co-chair and Minister for Transport Minister, Jenny Gilruth, on 22 March and have now been published on the Transport Scotland website. Minutes for the recent 22 March 2023 Taskforce will be produced, approved and published in due course.

The Minister for Transport, with agreement of all partners (Transport Scotland, Peel, NAC, CMAL and CalMac), asked for more frequent meetings to focus on accelerating the process of issuing the invitation to tender for the marine and landside works. Progress in accelerating programme timelines was recognised at the March Taskforce meeting as was the requirement to maintain momentum.”

The Leader concluded her written response by indicating that she anticipated Peel Ports would be in a position to make an announcement in the coming weeks and could then provide a briefing to local ward/all Elected Members

As a supplementary question, Councillor Kerr referred to the newly-appointed First Minister Humza Yousaf having been in the position of Minister for Transport when the decision to secure the ferry service at Ardrossan had been secured and asked, given that no work had been carried out in the six years since, whether the Leader had any confidence that the new First Minister would deliver on this project.

Councillor Burns responded in the affirmative.

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

“Recently the Public Finance Minister Tom Arthur welcomed the new East Coast Forth and Cromarty Green Freeports stating that the aim was for them to become “an internationally competitive cluster of excellence” and offering them various tax reliefs to boost the process.

Noting that the recent UK Government's Budget is planning to kickstart economic growth across the UK by offering secure grants and tax cuts worth £80 million for over five years to each hub to enable Scotland to set up enterprise hub, will the Cabinet Member be proactive in supporting the claim for North Ayrshire as an area of economic deprivation on the West Coast to be offered such an opportunity.”

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

“At present, the proposed arrangements for Investment Zones in Scotland are not fully known. The UK Government has stated an intention to engage with each of the Devolved Administrations in Scotland, Wales, and Northern Ireland to discuss how and where at least one new Investment Zone could be delivered in each. They have also confirmed an intention to publish further information on Investment Zones in Scotland, Wales, and Northern Ireland in due course.”

As a supplementary question, Councillor Marshall sought reassurance that, if the Government did introduce Investment Zones, the Cabinet Member would be on the ‘front foot’ and proactive in seeking to promote North Ayrshire’s involvement.

Councillor Gurney responded by asserting that the current Administration would always be on the ‘front foot’ when it came to developing the economy of North Ayrshire but advised that an appropriate legislative framework would need to be in place, in terms of areas such as green investment, workers’ rights and suitable tax arrangements for the companies involved.

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

“The Cabinet Member for Education has announced a delay in the construction of a new primary school and early years centre in Montgomerie Park via a press interview. He will be aware that new homes are currently being built at Montgomerie Park and the existing school catchment area has been dealing with capacity issues for many years, resulting in the investment in additional space at Annick Primary. Can the Cabinet Member tell us what impact the delay on a new primary school will have on existing school rolls?”

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

“In relation to Montgomerie Park Primary School, we received the final, market tested construction costs from our delivery partner, HubSW, earlier this year, and these indicated a significant budget deficit. A comprehensive review of the tender submission was then swiftly undertaken to identify savings options and reduce the budget gap without compromising the learning environment within this new facility.

At the Council meeting of Wednesday 1 March 2023, the additional required budget allocation of £6.430m was approved and the budget for the new school has now been set at £23.449m.

We are currently working towards concluding the contract award with HubSW and the contractor, Robertson Construction Group (RCG) in the context of a very volatile construction market.

The Education Service works closely with Planning to monitor housing completions and has carefully considered the present and potential numbers of children in the local area. Annick Primary School and Lawthorn Primary School will be able to accommodate existing and projected rolls in line with these predictions until the new Montgomerie Park Primary School is open.”

Councillor Macaulay undertook to share further information with local Members and the community when it became available and reiterated his assurance that both of the existing primary schools would be able to accommodate current and projected school rolls until the new Montgomerie Park school was opened.

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

“To ask the Cabinet Member for Education for an update on the shocking news that toilets are being locked in Greenwood Academy and St Matthew’s Academy restricting pupils from using the toilet?”

Councillor Macaulay, having thanked the Member for his question and offered congratulations on Councillor Inglis’ new position (as Depute Leader of the Conservative and Unionist Group), responded in the following terms:

“It is important to note that in all schools in North Ayrshire, including Greenwood and St Matthew’s, pupils have access to toilet facilities and sanitary products at all times of the day. This has been checked and re-affirmed by all head teachers, and pupils have been reminded of the location of toilet facilities during class time.

In addition to reiterating these arrangements, we are keen to work directly with young people to further enhance their sense of community and collective responsibility in terms of taking pride in their school environment, seeking suggestions for improvements and using facilities responsibly. To facilitate this discussion across all school communities, this will be taken forward at the next joint Cabinet meeting.”

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

“At the Council’s budget meeting on 1 March, the SNP proposed no additional funding for road maintenance, the Tories proposed an additional £1m subject to the 2022-23 year-end financial position and Labour proposed an additional £2m. Can the Cabinet Member for Finance confirm what parties’ proposal she incorporated after the recess at the budget meeting on 1 March?”

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

“The proposal of additional funding for roads maintenance was part of both the Conservative and Labour amendments, so, subject to the year-end position, we agreed to the allocation of a further £1m of funding for roads maintenance. This was supported by all three political groups and the Independent Members, so it was clear that everyone across the Chamber was in agreement that this was a good idea.”

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

“Given the completion date for the Glen Sannox as the Arran replacement ferry is now five years late and still indeterminate, the failure to agree on economic package to adapt the berthing arrangements at Ardrossan to allow for the new ferry to dock, the plan by CalMac to move the mainland port to Troon, what will be the economic impact on Ardrossan and the wider North Ayrshire economy by such a change of port and what plans do the Administration have to mitigate such?”

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

“CalMac has indicated that they currently expect to take possession of the Glen Sannox in Autumn 2023. There will then be an extensive period of sea trials and testing before it can go into service. It is currently estimated it will be early into 2024 before the new ferry is operational. Works at Troon are underway and are programmed for completion before the Glen Sannox is in service. It is understood that Ardrossan will remain the ferry port until the Glen Sannox is in service.

There will be an economic impact from the temporary relocation of the ferry to Troon. This has not been quantified; however, the extent of the economic impact will depend on the duration of the re-location to Troon. It is important to ensure the impact is reduced as far as possible by ensuring the temporary relocation is for the minimal time possible. Officers will continue to work with the Ardrossan Harbour partners, Transport Scotland, CalMac, CMAL and Peel Ports Group, to ensure this is the case.

The reduced footfall in Ardrossan arising from the temporary relocation to Troon will impact on local businesses. The Council’s Business Support and Development Team will engage with affected businesses to offer support during the relocation and also to assist them realise potential opportunities arising from the return of the ferry to Ardrossan, which will see an increased footfall due to greater passenger numbers.

The ability of people to commute effectively will also have an economic impact. To mitigate these impacts locally, officers are advised that appropriate measures to facilitate travel to and from the temporary Troon port from Ardrossan will be put in place. This will see the provision of a shuttlebus service to and from the Troon port from Ardrossan. CalMac are engaging with local bus companies to discuss the available options to support ferry users. This will be particularly important for local residents employed directly through the ferry services and commuters accessing employment via the ferry.”

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

“Your recent budget paper included a £4m jobs cut fund under the guise of workforce planning, how many employees are you planning on leaving due to this decision within the next financial year?”

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

“To help address the significant financial challenges faced by the Council, we continue to review what we do and how we do it and our workforce planning programme supports this. The 2023/24 budget included financial provision to support this programme.

As a reminder the Council has a no compulsory redundancy policy.”

As a supplementary question, Councillor Foster, having highlighted an increase in staffing levels over the previous Administration, asked whether, this time next year, the Council would employ more or fewer staff than at present.

Councillor Larsen responded by advising that rises and falls in staffing levels were normal and that nothing unusual was happening in this regard. The Cabinet Member again reminded Councillor Foster that the Council continued to have a policy of no compulsory redundancies.

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

“To ask the Cabinet Member for the number of workers currently working from home?”

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

“At the 1st Tier JCC on 2 September 2021, the Council, in conjunction with the Trade Unions, agreed four workstyles attributed to each post. These are - In Building, Mobile, Agile and Home.

4319 employees are classed as In Building and therefore they spend more than 90% of their time in the office.

1661 employees are classed as Mobile which means that they spend more than 90% of their time working across multiple locations.

1912 employees are classed as an Agile workstyle, which allows them to work from home, office or multiple locations. Those employees within this workstyle are required to work a minimum of 2 days per week within the office.

Four employees have a Home workstyle, which allows them to spend more than 90% of their time working from home with the requirement to attend Council locations as the role requires.”

As a supplementary question, Councillor Inglis asked for more detailed information on the position specifically regarding staff in Cunninghame House.

Councillor Larsen responded by undertaking to arrange for officers to provide a more detailed breakdown.

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

“To ask the Cabinet Member for Finance whether continued support for community Christmas Lights was included in the SNP budget proposals on 1 March at 2.15pm or the Conservatives’ Budget proposal which she incorporated in her revised motion at 4pm on 1 March?”

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

“This was actually taken from the Labour amendment. As we all know, the Labour Group based their budget proposals on placing the Council at significant financial risk. However, we did decide that supporting community Christmas lights was something we were happy to include in our motion.

So, can I thank Councillor Reid for highlighting and confirming that this Administration did, in fact, incorporate elements of both the Conservative and Labour amendment into our motion, even though it was conveniently forgotten directly after the meeting”.

As a supplementary question, Councillor Donald Reid asked whether the £35k was to provide a Christmas tree and lights in each town, or if it was in addition to ensure each voluntary lights community group was supported when testing and installing all community features.

Councillor Larsen responded by undertaking to have officers prepare a report for Councillor Reid, setting out the requested information.

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

“Can the Member give me an update on the tenant housing consultation for this year, with specific reference to public consultation on the allocation system?”

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

“Officers in Housing Services are currently working with our three North Ayrshire Housing Register partners - Riverside Homes; Cunninghame Housing Association; and ANCHO – on the review of the North Ayrshire Common Allocation Policy. Consultation with existing tenants, housing applicants, wider members of the public and all Elected Members is critical to the success of the review. Matters to be consulted on continue to be developed for inclusion in the consultation which is planned to take place during summer/autumn 2023. The review is expected to conclude in late 2023 with the recommendations presented to the Council’s Cabinet and RSL Boards for approval thereafter.”

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

“There have been reports of ambulances queued outside Ayr and Crosshouse hospitals over many months. I am led to believe that this was a particular issue on Monday 13 March 2023 when, at one point every ambulance serving our area was parked outside Crosshouse hospital for several hours. As the Council representative on NHS Ayrshire and Arran, what reassurances can the Council Leader provide that with such a circumstance, our health board will be able to respond to an emergency call, for example a cardiac arrest call?”

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

“The reassurance around capacity and the ability to respond by the Scottish Ambulance Service (SAS) to emergency calls is a question for the SAS not for NHS Ayrshire and Arran.”

The Leader concluded her response by advising Councillor Sweeney that she did appreciate his concerns. Councillor Burns also clarified that the practice of appointing a Elected Member to the Health Board predated the establishment of the Integration Joint Board (IJB) and suggested that the Member might wish to approach Councillor McPhater, as the Labour Group representative on the IJB, to have matters raised there.

The Leader further offered to invite the Chief Executive of the Health Board to provide a briefing for Elected Members on the matters raised by Councillor Sweeney.

As a supplementary question, Councillor Sweeney asked for clarification as to why the issue of ambulances waiting outside hospitals should be directed to the Scottish Ambulance Service, given that the reason related to the hospital itself being at capacity.

Councillor Burns responded by advising that her written response specifically addressed the Member's question given that he had asked what reassurance the Health Board could provide. The Leader reiterated her reference to Councillor McPhater's role on the IJB and repeated the offer to seek to arrange an Elected Member briefing.

(13) a question by Councillor McLean to the Leader of the Labour Group in the following terms:

"The Labour group has made a public stand against what it has described as 're-mortgaging' of school PFI deals undertaken by the Council's Finance Department and confirmed in the budget for 23-24. Can the Leader of the Labour Group please tell me how much they believe the value of this re-mortgage loan to be, the associated interest rate and financial risk to the authority?"

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

"Service Concessions have been discussed in some way at three Council meetings and an Elected Member briefing was held. So, by now, I am sure all of us – even those who do not fully understand the ins and outs of it – know it is an accounting procedure that has been applied retrospectively to the PFI assets, generating a short-term financial gain in return for extending the payments into the late 2050s. It is, however, certainly not a term I would expect members of the public to understand and that is why the Labour Group, throughout all the discussions on the Service Concessions, has used the mortgaging analogy, because in effect Council is reconfiguring debts on assets to deliver up-front cash now.

From Councillor McLean's question, I am guessing that he disagrees with our choice of framing on that and, if so, then that is fine. That is politics. There was a lot I disagreed with in Councillor McLean's framing on issues when he stood against me in Kilwinning in 2017, not for the Conservatives, but for UKIP. That included at the time several comments by Councillor McLean about Council debt and what he claimed was Council waste. And as the Conservative candidate last year, he spoke about wanting to open up the books, making things more transparent and removing unnecessary expenditure. So it was to my shock that Councillor McLean abstained on the £20m+ PPP Service Concession because, after all the rhetoric on debt, he did not even express an opinion on such a large financial decision made by the Council. He just decided to sit it out.

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

“In 2019, Councillor Gurney opposed the Council introducing advertising on Council-owned assets, such as roundabouts. Earlier this month he said “The high demand and participation of local businesses in local advertising and sponsorship opportunities has been clearly demonstrated across North Ayrshire. We will always aim to provide affordable opportunities that will be of benefit to our local businesses and residents.” Can the now Cabinet Member for Place explain his U-turn?”

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

“Provost, it is my belief that there are two approaches to administration: the evidence-based approach and administration by proclamation. You know the kind of thing: “make America great again”, “get Brexit done”. It is an approach designed to allow people to make meaningless speeches or write meaningless articles and get them publicised as far as possible. For example, also in 2019, Provost, you will recall this Council declared a climate emergency. There were numerous articles, a plethora of speeches, all sorts of publicity, all talking about how seriously the previous Administration took climate change. The evidence for climate change is that cars are a key contributor, but of course when the time came to do something about that and make the polluter pay, the evidence-based approach was disregarded and, again, publicity was preferred to policy: slogans over evidence.

Which brings me to this particular question. In 2019, the option was put forward to have advertising on roundabouts and no thought was given as to whether it was safe. We just did not know. There was no evidence and it seemed to me that we should err on the side of safety. The Administration disagreed. They saw no need for evidence.

Provost, I have to say, my fears were unfounded and no-one is happier about that than me. We have had this scheme in place for four years and there have been no safety issues. Which is to say, we now have that evidence and that is why I was happy to bring forward a paper to extend advertising because the evidence was there to support it and, Provost, I will always seek to use evidence to guide my thinking. Never, ever meaningless slogans.”

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

“To ask the Cabinet Member for Finance what impact in her opinion will balancing the Council budget with £970k from HSCP debt repayment have on HSCP services in 23/24?”

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

“This will not have any impact on Health and Social Care Partnership (HSCP) services in 2023-24”

As a supplementary question, Councillor Foster, having referred to assertions made by members of the Administration that using the HSCP Debt Repayment fund would lead to fewer HSCP staff and care workers and even that it represented an attack on the sick, the poor and the disabled, asked the Cabinet Member why it was considered an attack on the sick in February, but not in March when the same Fund was used to balance the budget.

Councillor Larsen responded by indicating that she did not know what was said by whom, but that Councillor Foster had asked for her opinion and she had given it.

On a point of order in terms of Standing Order 14.11, Councillor Billings challenged the factual accuracy of the response given by Councillor Cullinane to Question 13, where it was asserted that Councillor Stewart Ferguson was the only member of the Conservative Group to vote on the matter of Service Concessions at the 15 February 2023 Council meeting, when in fact Councillor Billings had voted in support of the motion. The Provost agreed that this correction be minuted.

Councillor Cullinane, having declared an interest in the following item of business, left the meeting at this point.

12. Motions

In terms of Standing Order 15, submitted:

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

"Council expresses its disgust at the UK Government's 'Illegal Migration Bill' which is effectively a ban on the victims of war, torture and modern slavery from claiming asylum in the UK due to the lack of safe and legal routes to claim asylum here.

Council notes:

1. the Bill may not be compatible with the UN Refugee Convention as it will remove the right to claim asylum in the UK; and
2. that the UK Government's previous hard-line policies such as the Nationality and Borders Act and the Rwanda policy have not acted as a deterrent, with the number of refugees crossing in small boats reaching a record high since the Rwanda policy was announced.

Council is proud to have welcomed hundreds of Ukrainians to North Ayrshire since the Russian invasion of Ukraine. Council understands that no Ukrainian has had to pay a people smuggler to cross the channel in a small boat with the UK Government offering them Safe Passage.

Council believes that offering Safe Passage to refugees in Calais is the kinder, compassionate and more effective alternative to the UK Government's hard-line anti-refugee policies.

Council resolves that the Chief Executive write to the Home Secretary outlining our opposition to the Illegal Migration Bill and calling for the UK Government to adopt a policy of Safe Passage for refugees as the means to end small boats, put people smugglers out of business and save lives."

In presenting the motion, Councillor McDonald referred to abuse which he and Councillor Kerr had received on social media and asserted that neither had been affected by this.

As an amendment, Councillor Marshall, seconded by Councillor McLean, moved as follows:

"Council supports the actions of the UK Government through the Illegal Migration Bill to prevent and deter unlawful migration and, in particular, migration by unsafe and illegal routes, by requiring the removal from the United Kingdom of certain persons who enter or arrive in the United Kingdom in breach of immigration control and agrees to write to the Home Secretary requesting that the Government improves the legal route for migration particularly for those who are genuinely seeking asylum or are displaced or persecuted."

There followed debate.

On a point of order by Councillor Billings in terms of Standing Order 12.2, the Provost asked that Councillor Robertson moderate her language with regard to remarks about the potential source of recent abuse of social media.

Thereafter, movers of the motion and amendment summed up.

On a division and roll call vote, there voted for the amendment, Councillors Billings, S. Ferguson, T. Ferguson, Glover, Inglis, Marshall, McLean, Stalker and Stephen (9), and for the motion, Councillors Bell, Burns Collier, Davidson, Dickson, Foster, Gurney, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, Donald Reid, Robertson and Sweeney (17), Councillor Donald L. Reid abstaining, and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to express its disgust at the UK Government's Illegal Migration Bill, which was effectively a ban on the victims of war, torture and modern slavery from claiming asylum in the UK due to the lack of safe and legal routes to claim asylum;
- (b) to note that (i) the Bill may not be compatible with the UN Refugee Convention as it would remove the right to claim asylum in the UK and (ii) that the UK Government's previous hard-line policies, such as the Nationality and Borders Act and the Rwanda policy, had not acted as a deterrent, with the number of refugees crossing in small boats reaching a record high since the Rwanda policy was announced;
- (c) that it was proud to have welcomed hundreds of Ukrainians to North Ayrshire since the Russian invasion of Ukraine and understood that no Ukrainian had had to pay a people smuggler to cross the channel in a small boat with the UK Government offering them Safe Passage;
- (d) that offering Safe Passage to refugees in Calais was the kinder, compassionate and more effective alternative to the UK Government's hard-line anti-refugee policies; and
- (e) that the Chief Executive write to the Home Secretary outlining its opposition to the Illegal Migration Bill and calling for the UK Government to adopt a policy of Safe Passage for refugees as the means to end small boats, put people smugglers out of business and save lives.

Councillor Cullinane re-joined the meeting at this point.

- (2) a motion by Councillor Collier, seconded by Councillor Robertson, in the following terms:

"That North Ayrshire Council:

1. acknowledges the increasing impact of the sale of single use Nicotine Vaping Products (NVPs) on the health of children and young people and the environment, and
2. agrees to instruct the Chief Executive to write to the Scottish and Westminster Governments expressing North Ayrshire Council's support for a proposed ban on single use vapes, and to support measures to ban their sale, or to the extent that is not legally possible to effectively reduce their harmful impacts."

As an amendment, Councillor Billings, seconded by Councillor McLean, moved as follows:

“To replace the motion with the following:

North Ayrshire Council acknowledges that:

- there is concern about the increasing use of Nicotine Vaping Products (NVPs) by people under 18 years of age;
- the use of single use Nicotine Vaping Products is having a detrimental environmental effect.

And

The Council asks Council Officers to create a briefing or report for Members in order to properly explain and explore what mechanisms and powers council currently has to control the sale of illegal vaping products and the sale of vaping products to people under 18 years of age,

And

the Council agrees to write to both the Scottish and UK Governments to highlight the Council's concerns regarding these two issues and to urge them to:

- Review legislation to ensure that there are effective means for enforcement officers to
 - Prevent the sale of NVPs to people under the age of 18;
 - Control the sale of illegal NVPs within the UK and Scotland

And to

- Reduce the attractiveness of NVPs as a lifestyle choice;
- Ban the promotion of all NVPs to people under 18 years of age;
- Establish effective recycling programmes for single use NVPs”

Members asked a question of clarification of the mover of the amendment on whether a quote from ASH related to ASH Scotland or ASH England and Wales.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment, Councillors Billings, S. Ferguson, T. Ferguson, Glover, Inglis, Marshall, McLean, Stalker and Stephen (9), and for the motion, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, Donald Reid, Robertson and Sweeney (18), Councillor Donald L. Reid abstaining, and the motion declared carried.

Accordingly, the Council agreed as follows:

- (a) to acknowledge the increasing impact of the sale of single use Nicotine Vaping Products (NVPs) on the health of children and young people and the environment, and
 - (b) to instruct the Chief Executive to write to the Scottish and Westminster Governments expressing North Ayrshire Council's support for a proposed ban on single use vapes, and to support measures to ban their sale, or to the extent that is not legally possible to effectively reduce their harmful impacts.
- (3) a motion by Councillor Macaulay, seconded by Councillor Johnson, in the following terms:

"In recognition of the Council's commitment to the Promise and our responsibility as corporate parent to take positive action to improve the lives of care experienced children and create communities where all children have the right to grow up loved, safe and respected, Council agrees:

- 1. to support adding "Care Experienced" to be treated as a protected characteristic in North Ayrshire's Equality impact assessments to ensure all decisions made by Council give specific focus on how we can improve the lives of care experienced young people; and
- 2. to request that a report is brought to Cabinet to outline the next steps, including the Equalities Impact Assessments required, to implement this policy."

In terms of Standing Order 16.5, Councillor Macaulay, with the agreement of his seconder, intimated a willingness to alter his motion to require a report to be brought to the full Council, rather than to the Cabinet.

As an amendment, Councillor McLean, seconded by Councillor S. Ferguson, moved as follows:

"Council notes the motion by Cllr Macaulay but agrees:

- 1. to delay the decision on this motion until a report can be brought to the next full Council explaining what the practical effect this change would have, with reference to care experienced young people's outcomes and
- 2. if Council subsequently agrees that "Care Experienced" be treated as a protected characteristic in North Ayrshire Council's Equality Impact Assessments, for the associated report outlining the next steps, including the Equalities Impact Assessments required, to implement this policy to be brought to full Council, not Cabinet, for ratification."

A Member asked questions and received clarification from the mover of the motion, on whether the motion presented any issues in terms of the Council's corporate parenting responsibilities and if there was any potential risk of litigation. With regard to the latter, the Monitoring Officer confirmed that the motion asked the Council to treat 'care experienced' as a protected characteristic, as distinct from it being a protected characteristic, and that details of any issues affecting the Council would form part of the officer report prior to adoption of any policy.

Clarification was sought and received that, in terms of Standing Order 16.5, Councillor Macaulay, with the agreement of his seconder, did wish to alter his motion to require a report to be brought to the full Council, rather than to the Cabinet.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment, Councillors Billings, S. Ferguson, T. Ferguson, Glover, Inglis, Marshall, McLean, Stalker and Stephen (9), and for the motion, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, Donald Reid, Donald L. Reid, Robertson and Sweeney (19), and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to support adding "Care Experienced" to be treated as a protected characteristic in North Ayrshire's Equality impact assessments to ensure all decisions made by Council gave specific focus on how the Council could improve the lives of care experienced young people; and
- (b) to request that a report be brought to the Council to outline the next steps, including the Equalities Impact Assessments required, to implement this policy.

13. Urgent Items

There were no urgent items.

14. Provost's Closing Remarks

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

The Meeting ended at 4.10 p.m.