

North Ayrshire Council
19 September 2018

IRVINE, 19 September 2018 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Joy Brahim, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Tom Marshall, Jean McClung, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

In Attendance

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

Chair

Provost Clarkson in the Chair.

Apologies

Timothy Billings, Todd Ferguson, Shaun Macaulay and Ellen McMaster.

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.

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 27 June 2018, was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the undernoted.

5. Provost's Report

Submitted report by the Provost for the period from 20 June - 10 September 2018.

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

- attendance at a number of successful festivals and events across North Ayrshire, including Picnic in the Park, the West Kilbride Scarecrow Festival, the Marymass Festival, Largs Viking Festival, the Robert Burns World Federation Conference and the Armed Forced Day Parade;
- events outwith North Ayrshire, including the US Ambassador's Reception in celebration of the 242nd Anniversary of the US Independence and the "Belt and Road" Chinese culture and art festival; and
- town twinning visits to North Ayrshire.

The Provost concluded his remarks by referring to the forthcoming retirement of Elma Murray as Chief Executive of North Ayrshire Council. The Provost paid tribute to Ms Murray's 35 years in local government and her successful tenure in North Ayrshire, culminating in the Council being named 2017 APSE Council of the Year and the Chief Executive being recognised with an OBE in the Queen's 2018 New Year's Honours List. On behalf of the Council, the Provost extended his very best wishes to the Chief Executive for the future.

Thereafter, the Provost invited the Leader of the Opposition, the Leader of the Conservative and Unionist Group and the Independent Members to address the meeting.

Councillor Burns spoke warmly of her positive working relationship with the Chief Executive over the past six years. She praised Ms Murray's dedication particularly to young people within North Ayrshire and her position as a positive role model for women. Councillor Burns thanked the Chief Executive for the support given to the SNP Group both in Administration and Opposition and, on behalf of the Group, offered her best wishes for the future.

Councillor Marshall referred to the three Chief Executives with whom he had worked as an Elected Member and to the particular challenges faced by the current Chief Executive as a result of no one political group having an overall majority on the Council. Councillor Marshall expressed his appreciation of the co-operation and assistance the Chief Executive had afforded his Group, and extended his best wishes.

Council Donald L. Reid spoke on behalf of the Independent Members, commending the Chief Executive for the inspiration, hard work and communication skills she had contributed to the Council. Referring in particular to last year's APSE award, Councillor Reid extended his thanks to the Chief Executive for her service.

Finally, the Provost noted that the Leader's own remarks would form part of his report to the Council.

6. Leader's Report

Submitted report by the Leader for the period from 20 June - 10 September 2018.

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

- the Period Poverty Launch on 17 August 2018 and North Ayrshire's position as the first local authority in the UK to offer free sanitary provision in its public buildings; and
- a number of largely positive engagements with representatives of the Scottish Government, including the attendance of the latter at the successful Youth Cabinet meeting held on Arran.

The Leader then took the opportunity to thank the Chief Executive and her leadership team for their transformation work, leading to last year's APSE award. Referring to recent performance reporting to Cabinet, Councillor Cullinane commented that, far from standing still, Ms Murray and her team, continued to show leadership to deliver ongoing change. On behalf of the Labour Group, the Leader thanked the Chief Executive and her team and offered his very best wishes for the future.

The Chief Executive responded to the valedictory remarks which had been made by describing the sense of privilege she felt at serving with the Elected Members of North Ayrshire Council and by affirming her efforts at all times to be fair to all Members. The Chief Executive warmly thanked Members for their good wishes and referred to the support of her leadership team and the inspiration afforded her by the Council's staff and by young people in North Ayrshire.

Councillors Gurney and Hill joined the meeting at this point.

7. Council Minute Volume

Submitted for noting and approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 24 May – 4 September 2018.

8. Appointments to Outside Bodies

The Chief Executive advised of the resignation of Councillor Ferguson as Vice Chair of Clyde Muirshiel Regional Park Joint Management Committee, and the nomination of Councillor Donald L. Reid, who was already a member of the committee, as Councillor Ferguson's replacement.

The Council agreed to (a) note that Councillor Ferguson had resigned as Vice Chair of Clyde Muirshiel Regional Park Joint Management Committee, but would remain as a Council representative on the committee; and (b) nominate Councillor Donald L. Reid as Vice Chair of the Committee.

9. Elected Member Attendance

Submitted report by the Chief Executive on the circumstances surrounding the non-attendance, through ill health, of an Elected Member and the relevant provisions within Standing Orders Relating to Meetings and Proceedings of the Council and its Committees.

The Council agreed (a) to note (i) the exceptional circumstances surrounding Councillor Shaun Macaulay's non-attendance at any meeting of the Council, Committee, Joint Committee, Joint Board or other body as representative of the Council since the Council meeting on 9 May 2018 and (ii) the likelihood that Councillor Macaulay's absence may extend beyond the six-month period; and (b) that (i) in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, Councillor Macaulay's failure to attend was due to a reason approved by the Council and (ii) if required, a further update would be submitted to the May 2019 meeting of the Council.

10. Representation of the Roman Catholic Church on Cabinet

Submitted report by the Chief Executive on the proposed appointment of Babs Mowat to replace Canon McManus as the representative of the Roman Catholic Church on Cabinet. Correspondence pertaining to the appointment process was set out as appendices to the report.

The Council agreed to appoint Babs Mowat as the representative of the Roman Catholic Church on Cabinet when it considers Education business.

11. Arrangements for an Ayrshire Regional Economic Partnership

Submitted report by the Chief Executive on progress in respect of arrangements to create an Ayrshire Regional Partnership for Inclusive Growth as agreed at the Council meeting on 27 June 2018.

The Chief Executive highlighted that the Regional Pathfinder had been set to deliver £80,000 of savings within the current financial year and a further £748,000 of savings in the next financial year, and that alternative savings proposals would now have to be considered.

The Council agreed to note (i) the updated proposals to take this important work forward, (ii) that further updates would be presented to Cabinet and (iii) that a further report would be submitted to put in place new Governance Arrangements to oversee the Ayrshire Growth Deal and Ayrshire Regional Economic Partnership.

12. School Road, Kilbirnie – Compulsory Purchase

Submitted report by the Chief Executive on a proposed compulsory purchase of land required to provide access/egress to/from the former site of the Garnock Academy, School Road, Kilbirnie.

The Council agreed to make the following resolution:-

"That The North Ayrshire Council resolves in exercise of the powers conferred by Section 189 of the Town & Country Planning (Scotland) Act 1997 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a Compulsory Purchase Order to be called "The North Ayrshire Council (School Road, Kilbirnie) Compulsory Purchase Order 2018" to purchase compulsorily ALL and WHOLE the area of ground extending to 504.3 square metres or thereby at School Road, Kilbirnie being ground which is required to provide a suitable access/egress to the site of the former Garnock Academy, authorise and instruct the Senior Manager, Legal Services to sign the Order and Plan on behalf of the Council; affix thereto the Common Seal of the Council, submit the Order and Plan to the Scottish Ministers for confirmation; give the appropriate notice to the owners and occupiers of the subjects; insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority; (b) have not been acquired by statutory undertakers for the purposes of the undertaking; (c) do not form part of a common or open space (d) are not held inalienably by the National Trust for Scotland; and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures".

13. Short Life Working Group on Questions and Motions

Submitted report by the Chief Executive on the findings of a short-life working group of Elected Members on Questions and Motions to Council, and to invite the Council to consider its recommendations.

Members considered the various recommendations set out within Section 3 of the report and the failure of the Working Group to achieve consensus with regard to the issue of those to whom questions may be directed at Council.

Councillor McNicol, seconded by Councillor Barr, moved that consideration of the recommendations of the report be continued to the next meeting, pending a Member seminar.

As an amendment, Councillor Cullinane, seconded by Councillor Bell, moved that the Council (i) approve the recommendations relating to questions, as set out in Section 3 of the report, (ii) continue consideration of the recommendations pertaining to voting to the next meeting, pending a Member seminar and (iii) retain the status quo with regard to the issue of those to whom questions may be directed at Council.

On a division and roll call vote, there voted for the amendment, Councillors Bell, Clarkson, Cullinane, Easdale, Foster, Gallagher, McPhater, Miller, Montgomerie, Donald Reid and Sweeney (11), and for the motion, Councillors Barr, Brahim, Burns, Davidson, Dickson, Gallacher, George, Glover, Gurney, Hill, Larsen, Marshall, McClung, McNicol, McTiernan, Murdoch, Donald L Reid and Stephen (18), and the motion was declared carried.

Accordingly, the Council agreed to continue consideration of the recommendations of the report to the next meeting, pending a Member seminar.

14. Questions

- (a) a question by Councillor Donald L. Reid to the Leader of the Council in the following terms:-

“Following a recent public meeting at NAC about Brexit issues and how EEC nationals will be impacted in the Brexit process, I would ask the Leader:

- (1) Has any formal assessment been carried out of the number of EEC nationals residing in North Ayrshire? and
- (2) Has any formal assessment been carried out of the number of EEC nationals who work for North Ayrshire Council and will the Council consider paying the £65 registration which will shortly be required of all EEC nationals who wish to remain in UK?”

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

- (1) “National Records of Scotland published data for the year ending December 2017 which showed that 2,000 EU citizens, born outside the UK, live in North Ayrshire. Taken across Ayrshire, that figure rises to 7,000 EU citizens. A proportion of these (estimated 7% based on 2011 census will be Irish Citizens) under a Common Travel Agreement are protected after the UK leaves the EU.

The rights of EU citizens resident in UK, and of UK nationals resident in the EU, is of critical importance to individuals and families and also have wider ramifications for Ayrshire’s public services, for population growth, and for our regional economy.

All of Ayrshire's Council Leaders have made clear their deep appreciation of the value of EU citizens to Ayrshire and to Scotland.

Ayrshire Councils are working together on a joint programme to circulate information and take forward lobby activity in support of our EU citizens and our UK nationals resident in the EU. Local and regional networks are being used to draw attention to material such as UK Government's 'Employer Toolkit' which gives advice on the proposed Settlement Scheme for EU citizens. It is clear from local meetings that similar national guides are needed for landlords and banks. Whilst the Scheme is not yet enshrined in law, the Prime Minister Theresa May has stated that UK Government will legislate for it, even if there is a 'No Deal Brexit'.

The Council is making use of UK and Scottish Parliamentary Inquiries to press home the need for legislative, policy and funding frameworks which support areas like Ayrshire and all our citizens. The Council will continue to work closely with CoSLA, Government, citizens, local and strategic partners on this agenda."

- (2) Nationality details are captured during the recruitment process as part of the Asylum and Immigration check.

At present the Council has 34 employees who will be required to apply for Settled Status. Of these 10 will have a minimum of 5 years continuous employment with the Council by 31 December 2020 and as such the Council will be able to provide evidence of employment history to support applications for settled status.

The Scottish Government has made a commitment in the Programme for Government 2018-19 to pay the fees of EU citizens working in devolved public sector. CoSLA is seeking clarity on the commitment, following this the Council will establish its position."

- (b) a question by Councillor Donald L. Reid to the Cabinet Member for Place in the following terms:-

"Can the Cabinet Member for Place give an update on the waste disposal arrangements currently in place in North Ayrshire Council including:-

- (1) the issue of contaminated waste from domestic sources and how the council will tackle this important issue; and
- (2) the amount of NAC waste going for recycling to Wales which is then rejected due to the waste being contaminated and give a cost to NAC of such waste rejection."

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

- "(1) The Council have very effective waste management arrangements in place realising a recycling rate in excess of 55% which is amongst the best in Scotland. However contamination, whereby the wrong material is placed in the wrong bin, continues to be an issue.

A Contamination Action Plan has been developed to support residents to recycle more of the waste they generate in an appropriate manner. The Action Plan includes a communications campaign to engage with service users (this includes a recent social media campaign Aug-Sept 2018), how we intervene at collection route level for residents, where Waste Aware Officers carry out door knocking and provide guidance and how commercial waste producers are advised on how to put the Right Stuff in the Right Bin. The Action Plan also includes the important role that our front line collection crews perform through our notification and bin tagging protocols - where we inform our residents that they have not placed the Right Stuff in the Right Bin, how we use feedback from our collection crews and analyse it and link it to information and feedback from our contractor. The service works collaboratively with the contractor on a regular basis to try and identify and reduce sources of contamination through targeted education and promotion.

- (2) The comingled dry recyclable waste that is collected in the blue bin is processed at UPM Kymmene's Materials Recovery Facility in Shotton in Wales. There is no additional charge for the contaminated material that is received and subsequently extracted in the facility. However, the contract rates are reviewed on a monthly basis based on the actual contamination levels determined through sampling and compositional analysis conducted on the materials received during that month. The base contract price is set to reflect a contamination level greater than 15%, our level in July was 15.11%. If the contamination level falls below 15% the contract price reduces on an incremental basis. For example if the level fell to between 12.5% and 15% the cost extrapolated across a full year would reduce by approximately £100,000.

It should be noted that rejected materials are disposed of at an Energy from Waste plant."

- (c) a question by Councillor Donald L. Reid to the Cabinet Member for Place in the following terms:-

"Can the Cabinet Member for Place give an indication of the preparedness of North Ayrshire Council to effectively tackle the winter months in terms of road gritting."

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

"A review of the Council's Winter and Weather Emergencies Service was undertaken over the summer months. A 2018/19 Winter Preparation Action Plan was developed to ensure adequate preparations and effective arrangements are in place for winter 2018/19. All actions are either complete or on target for the coming winter.

The Roads Winter Service and Weather Emergencies Plan has been reviewed and updated to highlight a number of key areas where change and/or improvement is ongoing or planned, ie. route prioritisation, salt supply resilience, fleet and equipment requirements, grit bins/community resilience, communications and operational controls.

The Winter Weather & Emergencies Plan 2018/19 will be submitted to the Policy Board on 4 October 2018 and thereafter to Cabinet on 13 November 2018 for approval.

A pre-winter planning meeting will be held on 18th September 2018 with managers across Council Services to ensure that all necessary steps have been taken to prepare for winter. The 'dry run' will be carried out on the mainland on 21st September to ensure that all our operational teams and vehicles are ready for winter, the 'dry run' on Arran has yet to be determined but will be held prior to the 25th October 2018. The Ayrshire Local Resilience Partnership has arranged a tabletop exercise for 26th September 2018 to test the multi-agency partners' arrangements for responding to severe weather events. Senior officers from across the Council will participate in this exercise."

(d) a question by Councillor Donald L. Reid to the Cabinet Member for Education in the following terms:-

"The Cabinet Member for Education will be aware that private travel arrangements for pupils from Garnock Campus travelling from Beith cost £50 per four week period. This is very expensive especially if two or more pupils travel from the same family. Beith, being the highest up town in North Ayrshire tends to suffer disproportionately inclement weather, especially driving snow in winter. North Ayrshire Council is a caring council with a responsibility for putting the needs of children first. In consequence of this and the fact that it takes 30 minutes minimum to walk from Manrahead to Garnock Campus I would ask (1) if an assessment has been made of:

- (i) the number of pupils likely to be walking each day from Beith to Garnock Campus;
- (ii) drying facilities to ensure that such pupils who regularly walk, are able to dry, change and store clothing at the campus; and
- (iii) absenteeism of pupils who regularly require to walk from Beith to Garnock Campus; and

(2) In view of the recent decision to allow Cumbrae pupils bus passage to Largs Campus, will the Cabinet Member, who is aware of regular very poor weather conditions in Beith in winter - usually much worse than elsewhere in North Ayrshire - consider on a week to week basis, if poor weather is anticipated, for NAC to arrange a monitoring system which would include a free bus facility for the regular walkers on this route as required."

Prefacing his formal response with a statement which reiterated concerns he had raised previously about travel issues associated with the selection of the Longbar site for the location of Garnock Community Campus, Councillor Bell thanked the Member for his question and responded in the following terms:-

"(1)

- (i) There are approximately 330 pupils attending the Garnock Community Campus (Secondary) that live in the Beith area. Of these, the Head Teacher anticipates that 50 - 60 children walk to school on a daily basis
- (ii) Drying facilities as such, are not provided for pupils, however if a pupil notifies staff that they have wet clothes, the pupil is provided with a spare uniform and their own clothes are dried.
- (iii) Whilst it is estimated that approximately 50 - 60 pupils regularly walk to school, a detailed analysis of these pupils has not been undertaken.

An analysis of the current Beith pupils (303) shows that they have an attendance record over 80%. Of these, 253 pupils have an attendance record over 92%.

(2) SPT provide school bus services on a contracted basis. These services are provided based on the numbers of pupils that are eligible for free school transport as detailed in the Council's Transport Policy.

The NAC Policy states that school transport will only be provided to those secondary aged pupils that would require to walk 3 or more miles."

(e) a question by Councillor Donald L. Reid to the Leader of the Council in the following terms:-

"In view of the ongoing restructuring of senior management at North Ayrshire Council, can the Leader advise of the likely annual savings or additional costs of salaries once this process is fully in place."

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

"The anticipated recurring annual savings of the new structure are around £250,000. The net cost incurred in 2018/19 was £69,000."

- (f) question by Councillor Hill to the Chair of the Planning Committee in the following terms:-

"In 2014 Dawn Homes were granted permission for the building of homes in Fairlie. Condition 13 of that consent obliged the Developer to construct a path linking the site to Castlepark Gardens. The Developer failed to deliver this essential part of the development.

At its meeting on 20th September 2017 the Planning Committee approved application reference N/17/00584/PPM which included a condition 6 which required the construction of this path, to be completed "no later than 12 months from the date of the planning consent". This twelve month period expires on 20th September 2018.

Can the Chair of Planning confirm that the path will be completed by the agreed date and if not, what enforcement action is proposed given the failure of the applicant to deliver this over what has now been a four year period."

Councillor Marshall responded in the following terms:-

"The applicant, Dawn Homes, has confirmed that the path will be completed within the required timescale. Any failure to do so on the part of the applicant will be reported to the Planning Committee meeting on 26th September 2018 as a possible Breach of Condition. If the Planning Committee approved the notice then it would be a referral to the Procurator Fiscal. However, we are working with the applicant to resolve this before reaching this stage."

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

"I have been contacted recently by a number of female constituents regarding what they consider to be inadequate or poor street lighting in Pennyburn, Kilwinning.

The area of particular concern is around the bus stop adjacent to Cambusdoon Place on Pennyburn Road, which is located in the area nearest the treeline, and closest to the railway tunnel.

Following these representations, I have assessed this bus stop, and all others on both sides of Pennyburn Road, during the hours of darkness, and can certainly appreciate their concerns.

Therefore, will the Cabinet Member review street lighting on all bus stops on both sides of Pennyburn Road to ensure we address my constituents' concerns as best we can, and further, is he prepared to meet me on-site during the hours of darkness, possibly with members of the roads & lighting department, to assess the lighting issue ourselves?"

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

"Road lighting levels are set down in the British design standard and the Council follows this criteria when determining the appropriate standard of lighting for different types of road and use.

Individual perception of the effectiveness of lighting can be variable and for this reason there is a prescribed method for assessing and confirming the appropriateness of light levels on public roads.

The Council's road lighting team will undertake specific night-time assessments that capture the positions of the bus stops on Pennyburn Road to confirm that the correct light output is being achieved.

I am more than happy to meet with Cllr Davidson on site whilst the assessments are being undertaken."

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

"Could the Cabinet Member for Place please give an update on the situation regarding the work required to be carried out to erect a permanent fence around Caledonia Primary School?"

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

"Following notification that the appointed contractor had gone into liquidation, a new tender was issued by PMI for all works required to complete the perimeter fence of the school. This tender closes on 19 September, after which the returns will be evaluated in liaison with Corporate Procurement as a matter of priority.

Temporary Heras fencing has been put in place between the playground and work area to ensure the safety of pupils while the work is being carried out. Weekly inspections of the Heras fencing are being undertaken by PMI officers."

As a supplementary question, Councillor McClung asked for information on the whereabouts of the sandstone from the original stone wall.

Councillor Montgomerie responded by undertaking to look into this matter and provide the information requested.

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

"Following the recent event hosted by North Ayrshire for EU Citizens living or working in Scotland, does the Leader of the Council support Scottish Labour's Parliamentary Business Leader Rhoda Grant MSP in her recent comments, whereby she stated we shouldn't even be speaking about EU citizens living in Scotland having the right to vote in this Country as it does little or nothing for the people of Scotland, is merely a "side issue" and that guaranteeing their right to vote is an SNP "tactic"?

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

"No, I don't."

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

"The Labour Party administration of North Ayrshire Council imposed four PPP schools on North Ayrshire; Greenwood Academy, St Matthew's Academy, Arran High School and Stanley Primary, all against the express wishes of the people of Arran, Ardrossan, Saltcoats and Irvine.

These schools now cost the residents of North Ayrshire over £1 million every month. Legally this money must be paid to the owners of the PPP contracts before this council can buy a single school book, or fill a single pot hole, or empty a single bin.

These contracts have, in fact, been extremely bad news for everyone. Except for one group, the owners of the contracts. They have made a fortune from the people of North Ayrshire.

One of the ways they do that is by short-changing their workers. The lowest paid in our society, essential workers such as cleaners and janitors, are not being paid the living wage by the huge conglomerates that own these contracts, leading to huge hardship for them and their families.

This contrasts sharply with the new schools built by the SNP administration. At the Garnock and Largs campuses not a single member of staff is paid below the living wage.

Make no mistake. The Living Wage is the least these people deserve. Without them our services, our schools, the education of our children would simply stop. They deserve our support.

This is the Labour Party's mess. It was created by a previous Labour Party administration. It has been continually supported by this current Labour Party administration. Despite disingenuous public statements it is certainly not being tackled by the Labour Party.

What, specifically, will the Labour administration of this Council do to fix this mess, implement the living wage for the workers at these Labour PPP schools and ensure justice for the labour force?"

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

"Provost, from what I can find, the last time Councillor Gurney publicly mentioned Mitie staff not being paid the Living Wage was in early 2012 when he was in Opposition. In fact, it would appear that was actually the last time Councillor Gurney made any comment on the Living Wage at all in public.

For four and a half years after that, Councillor Gurney was a member of the SNP Cabinet and failed to mention the issue once. For Councillor Gurney, this is nothing to do with the payment of the Living Wage to school cleaners and janitors employed by Mitie in North Ayrshire schools, but merely an opportunity to play party politics on the back of low paid workers.

So, let's compare that with what I have done on the Living Wage and specifically about the Mitie issue:-

- At my second ever full Council meeting in September 2012, I moved a motion in support of a Labour MSP's bill to make the Living Wage mandatory in all public contracts in Scotland.
- On 18 December 2013, I brought a further motion to the full Council which resulted in the establishment of the Living Wage Working Group.
- At that same meeting, a second motion on making the Living Wage mandatory in all public contracts was voted down by Councillor Gurney and the SNP Group.
- At the working group, I moved that inviting the PPP company and Mitie to attend to discuss their non-payment of the Living Wage in our schools be included in the group's action plan. Both subsequently refused to attend.
- As Council Leader, I secured the Living Wage accreditation for North Ayrshire Council.
- I used our accreditation as a trigger to write to hundreds of businesses in North Ayrshire urging them to pay the real Living Wage too – some of them, such as the Auchrannie on Arran in the Member's Ward, have chosen to do so.
- At the same time, I wrote to Mitie requesting a meeting to discuss the payment of the Living Wage to school cleaners and janitors – just like with the invitation to attend the working group, Mitie didn't respond.

- In November 2016, this Labour administration paid the new Living Wage rate to Council staff from the date of announcement. That was six months early, giving the lowest paid Council staff a pay boost. That was the first time North Ayrshire Council had paid the new rate early.
- In November 2017, we repeated that by paying the new rate early again.
- And we will repeat that again this year and every year that we have a Labour administration running this Council.
- In June 2018, the GMB wrote to the Chief Executive and myself to advise that the union had recently signed a recognition and bargaining agreement with Mitie. The wage claim submitted by the GMB includes the payment of the Living Wage. On receipt of the letter, I instructed the Chief Executive to enter into discussions with all relevant parties.
- Just this Monday, I met with a representative from the GMB to discuss their campaign. That was a very positive meeting with the union emphasising the leadership that this administration has shown on this issue now and in the past.
- As a result of my instruction, officers will be meeting with all relevant parties to discuss the Living Wage next month.

Provost, that's what I have done on the Living Wage and the Mitie issue, but let me just finish with this.

This is a letter from the SNP Leader of East Ayrshire Council in response to the GMB campaign. It says and I quote:

"In relation to your last paragraph, and as you will be aware, terms and conditions are protected under TUPE regulations at the point of transfer, and there is no obligation from that point for the successor employer to maintain pay rates.

Mitie is a separate and distinct company and is independent from East Ayrshire Council. Accordingly, the issue of Mitie paying the Scottish Living Wage is a commercial matter for them to consider, and we cannot impose new obligations within our existing contractual arrangements in respect of Mitie, or any other current Council contractor."

So you see, Provost, while the SNP in East Ayrshire are happy to sit on their hands and see what happens, here in North Ayrshire, our Labour administration will be proactive, support the right for pay justice for school cleaners and janitors and that's the difference that having a Labour administration here makes."

As a supplementary question, Councillor Gurney asked again what specific actions the Leader was taking to ensure these people were paid a Living Wage.

Councillor Cullinane responded by referring again to the action he had taken to have discussions with all relevant parties, including the GMB, whose campaign it was. The Leader then referred to a letter dated 10 August 2016 to the then SNP Leader of the Council from the GMB, in which concern was expressed about a potential attack on its Members' terms and conditions of employment. Councillor Cullinane suggested that the SNP administrations plans were only taken off the table with the Labour Group coming into administration.

Councillor Gurney raised a point of order about the legitimacy of the Leader's response to his supplementary question. The Provost stopped Cllr Cullinane's response and moved on to the next item of business.

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

"Almost a year ago at the meeting of North Ayrshire Council on 4th October 2017 I asked the Portfolio Holder for Place if he could provide me with an insight into the plans and timescales of the North Ayrshire Labour Manifesto commitment to providing disabled access to Irvine, Ardeer and Stevenston beaches and also a description of what the disabled access will consist of?

My supplementary question to the Cabinet Member was, simply, if he would keep me updated with any notable developments or progress on providing disabled access to our main amenity beaches, which he confirmed he would.

I have had no further update since, therefore, can Councillor Montgomerie now provide me with a full update on all progress made since that meeting, and further, confirm which beaches are regarded as main amenity beaches?"

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

"I can now confirm funding has now been secured from Heritage Lottery Fund through the Garnock Connections Landscape Partnership for the All Abilities Wheelers project. This will enable the purchase of wheeler push vehicles, as part of a pilot scheme, which will enable wheelchair users and mobility impaired users access to Irvine and Stevenston beaches and areas of Eglinton Park which were previously inaccessible using normal wheelchairs.

Consultation will shortly commence with a wide group of stakeholders, including the North Ayrshire Access Panel to develop the scheme to become operational. A visit to a similar project on the East Coast will also be arranged with local stakeholders to inform implementation.

In addition a feasibility study to examine the potential options to improve disabled and all abilities access to Irvine and Stevenston Beach, as part of a pilot scheme is nearing completion. This has been informed by a desk top study, site visits and topographical surveys. This includes considering the potential environmental impact, cost and long term maintenance requirement for each of the options.

Consultation on the options with local Elected Members and other stakeholders including the North Ayrshire Access Panel is planned in the near future. This will then be used to inform further design development and funding applications should suitable solution(s) be identified.

The following are considered to be amenity beaches:-

Irvine Beach; South Beach Ardrossan/Saltcoats; Stevenston Beach (Nature reserve site of special interest); Portencross/Seamill; Sandy Bay, Largs and Newton Beach, Cumbrae."

As a supplementary question, Councillor Davidson asked if the Cabinet Member could confirm whether the £250K funding from Garnock Connections could/would be used to provide disabled access to beaches. Councillor Davidson went on to introduce a number of further supplementary questions about Garnock Connections' support for the project, the geographical coverage of Garnock Connections' funding and the nature of the campaigning work by the Cabinet Member for Communities, referred to in a recent newspaper article.

The Provost asked for clarification on which supplementary question the Member wished to ask. No clarification was provided.

Councillor Montgomerie responded to the generality of Councillor Davidson's supplementary questions by referring the Member to the response provided to his original question.

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

"What percentage of pupils in North Ayrshire in the top SIMD Quintile achieved at least one Higher pass in each of the last 5 Academic years and what are the equivalent figures for the bottom Quintile?"

On a point of order, Councillor Marshall sought, and received, clarification, that there was no requirement within Standing Orders for either the question or the written response to be read out. Thereafter, he requested that his question and the answer be taken as read.

Councillor Bell's written response was as follows:-

In the past five years:

The **percentage** of school leavers in North Ayrshire from the most deprived areas (SIMD Quintile 1) gaining one or more Higher awards (or equivalent) has increased to over 34% of all school leavers from the same area. This is largely in line with national trends.

The **percentage** of school leavers from North Ayrshire living in the least deprived areas (SIMD Quintile 5) gaining one or more Higher award (or equivalent) has been steady around 50%. This is exceeding national performance.

The **number** of North Ayrshire school leavers gaining one or more awards at Highers (or equivalent) from most deprived areas (SIMD Quintile 1), in 2017, has been the highest in the last 5 years.

The **number** of North Ayrshire school leavers gaining one or more awards at Highers (or equivalent) from the least deprived areas (SIMD Quintile 5), in 2017, has also been the highest in the last 5 years.

It should, however, be noted that, in North Ayrshire, the number and proportion of school leavers from the least deprived areas (SIMD Quintile 5) are much smaller than the number and proportion of school leavers from the most SIMD deprived areas (Quintile 1). Nationally, these two segments of the school leavers populations are of similar size.

% of leavers attaining at least one SCQF award at level 6	Year	Quintile 1	Quintile 5
North Ayrshire	2012/13	29.3%	47.6%
National	2012/13	30.0%	44.8%
North Ayrshire	2013/14	27.5%	53.8%
National	2013/14	32.9%	46.1%
North Ayrshire	2014/15	37.1%	47.7%
National	2014/15	35.7%	46.0%
North Ayrshire	2015/16	34.9%	53.3%
National	2015/16	37.2%	46.3%
North Ayrshire	2016/17	34.5%	50.3%
National	2016/17	37.6%	45.5%

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

"What is the current total projected cost for the Irvine High Flats demolition project, including relocation of residents etc.?"

Councillor Gallacher requested that his question and the answer be taken as read.

Councillor Montgomerie's written response was as follows:-

"The total budget costs for re-housing existing residents, demolishing the five Fullarton tower blocks, and constructing 275 replacement housing units were set out in a report to Cabinet on 19 June 2018.

The total investment is projected to be £47.602m. This includes:

- Construction costs for the replacement units (£39.545m)
- Demolition costs (£5.000m)
- Home loss payments to tenants (£0.300m)
- Disturbance payments to tenants (£0.360m)
- Lifecycle replacements costs for the new build units (25 year period) (£2.397m)

The draft Strategic Housing Investment Plan 2019-24, which will be submitted to Cabinet for approval on 2 October 2018, incorporates plans for the replacement of the five Irvine tower blocks with 275 low rise units and associated Scottish Government grant subsidy of £16.225m. The demolition of the blocks will also lead to capital savings arising from the avoidance of future planned investment work to the tower blocks, as well as annual revenue savings. These savings total £16.941m.

This reduces the projected total net cost of the project to £14.436m."

On a point of order, Councillor Burns asked for clarification as to whether the question and response required to be read out in full, given her recollection that contrary advice had been given in the past. The Head of Democratic Services confirmed that, provided the question was raised, there was no requirement for it to be read out. It was further confirmed that the questions and responses were now available to members of the public on the Council's website during the meeting.

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

"Will the Portfolio Holder for Place inform Members of all meetings held and correspondence received between himself and NAC officers pertaining to the demolition of the sandstone wall at Caledonia Primary School, Saltcoats prior to the decision being agreed to demolish the said wall?"

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

"Issues such as alterations to boundary structures to schools or other Council premises are considered operational. I can, therefore, advise that no meetings were held or correspondence received prior to the demolition of the wall."

As a supplementary question, Councillor McNicol asked why, in his capacity as the Portfolio holder, Councillor Montgomerie did not know about the controversial plan to replace the wall with a fence, when this appeared to be known by the owner of a neighbouring property in May. Councillor McNicol also asked whether a structural engineer's report had been carried out and why, if the wall was unsafe, children were allowed to continue to play there.

Councillor Montgomerie responded by referring to his original response and to the operational nature of the works.

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

"In an article published in the Ardrossan and Saltcoats Herald issue dated 22nd August the Leader of the Council is quoted as stating the following:-

"I will continue to support GMB's campaign (The company Mitie to pay the Living Wage for Janitors and Cleaners in the 4 North Ayrshire Council's PPP Schools) and hope they will support my efforts to get the Scottish Government to help the Council buy out the PPP contracts, something that they have refused to do when I have asked."

Will the Leader of the Council update Members on what efforts he has taken to get the Scottish Government to help the Council buy out the PPP contracts. Who has he met with from the Government and who has he sought Finance from?"

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

"I've written several times to the Cabinet Secretary for Finance, Derek Mackay MSP, regarding the buy-out of the PPP contracts. Many of those have been as part of our communications around budget settlements and my suggestions on how the Scottish Government could support the Council in fighting against austerity. Earlier this year, following the Council's decision to explore options to buy out the PPP contracts, I wrote to Mr Mackay specifically about the matter. In this letter, I emphasised the need for a joint approach to buy out the contracts, not least because the Scottish Government would have to give a financial commitment to continue providing additional revenue grant to the Council to support the costs. Currently, the Scottish Government fund around 50% of the unitary charge, with £5.857m in revenue grant specifically related to the PPP unitary charges. The Government would also have to approve any buy-out.

As I've said on previous occasions, I've always opposed private finance initiatives as a means of funding infrastructure projects, whether they be the Tories' PFI deals, Labour's PPP contracts or, indeed, the SNP's NPD scheme.

I firmly believe by working together on this project, the Council and Scottish Government could deliver a refinanced model that would not only deliver better value for tax payers' money on these contracts but also deliver valuable learning for securing better deals on all PFI, PPP and NPD contracts across the country.

Unfortunately, the Cabinet Secretary to date has not been receptive to talks and has suggested that central government should support me by withdrawing if the contract is terminated early, citing that the financial support would need to shift from a revenue to capital position.

In his response of 24 May 2018, the Cabinet Secretary suggested the Council instead pursue savings from existing PPP contracts and that is something that the Member knows the administration have been exploring since we took over.

I still believe, with continued financial support from the Scottish Government, a better deal for tax payers could be negotiated. And there are one or two examples of PPP/PFI contracts being brought back in-house in England, mainly in the Health Service.

I, therefore, remain very willing to hold discussions with the Scottish Government should they be willing to reconsider their current position."

As a supplementary question, Councillor McNicol referred to a statement made in the Scottish Parliament on 1 March 2005 by Alan Wilson, the then Labour Elected Member for Cunninghame North, that PPP in North Ayrshire was probably one of the best things that ever happened to the area. Councillor McNicol asked whether the Leader agreed with the statement and where he intended to secure the 275,587,000 million pounds to buy out the PPP contracts.

Councillor Cullinane responded by indicating that most of the supplementary question was covered in his original response. The Leader reiterated that he had always opposed PFI schemes so did not support Alan Wilson's statement. He again made reference to the Council decision to explore options to buy out the PPP contracts and said that a coalition of people considered the contracts could be renegotiated and could be of better value to the taxpayer.

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

"This year the ferry service to Arran has been hit by significant numbers of delays and cancellations due to technical issues. These are symptoms of an ageing fleet and the lack of a coherent vision for what a modern ferry service should look like. One has to acknowledge that money from the Scottish Government is being thrown at the ferry services, but it is clear that without a clear strategy costs are getting out of control, we are not getting value for the money spent, and the people and businesses who rely on the services are suffering.

Will the Leader undertake to take forward to the Scottish Minister for Transport the following message:

There needs to be a complete overhaul of how the management structure of the ferry services works. There needs to be a coordinated strategy for Scottish ferry services that includes 1 - a timetable for building replacement vessels to standardised designs that are able to work across the network, and 2: plans to refurbish and renew ports to be able to accommodate ferries from across the network."

Councillor Marshall asked the above question in the absence of Councillor Billings.

Councillor Cullinane thanked Councillor Marshall for Councillor Billings' question and responded in the following terms:-

"Ferries provide a crucial link between our mainland and island communities. North Ayrshire Council has played a pivotal role in securing investment into Brodick and Ardrossan Harbours and continues to work in partnership with the national agencies, Transport Scotland and the private sector to ensure our harbour infrastructure is fit for purpose, has long term resilience and is a focal point for our economic regeneration plans.

The Rural Economy and Connectivity Commission (RECC) is currently considering the future funding for Clyde and Hebrides ferry services as part of its scrutiny of the Scottish Government's budget. The consultation process which ended on 7 September aimed to provide stakeholders with the opportunity to express their opinions on the level of investment that should be made to support these ferry services in future years.

The Cabinet approved a response to the consultation on 4 September which has been submitted to the RECC. However, there is an opportunity as part of a consultation to request that the RECC consider a review the management structure of the ferry services, review of the Ferries Plan (2013-2020), and review of the Vessel Replacement and Deployment Plan (2018)."

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

"I would like to ask the Leader of the Council for an update on the replacement of Ardrossan Academy."

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

"A positive meeting was held between the Council and the Scottish Government's Cabinet Secretary for Education, John Swinney, last month to discuss investment in the replacement for Ardrossan Academy.

At its budget meeting in February, Council unanimously approved a funding allocation of £31.5million for the project with a start date of 2024/25 to be completed by 2027-28.

It has always been made clear that the project would be accelerated in the capital plan if the Scottish Government announced funding through the next phase of the Schools for the Future programme. Following our discussions with the Scottish Government we anticipate the next phase of the funding to be available around 2021.

The Scottish Government have acknowledged the huge investment this Council has made in our school estate in recent years with the new Garnock Campus and Largs Campus' and the millions of pounds of investment in Kilwinning, Auchenharvie and Irvine Royal Academies. A further £80million of investment is included in the current 10 year capital plan including the Ardrossan Academy replacement, a new ASN school, a replacement for Moorpark Primary School and a new Primary school in Irvine at Montgomerie Park. This investment by the Council has left our school estate, with the exception of Ardrossan Academy, in a better condition than most other local authorities.

Officers continue to work on the development of an Ardrossan Campus and further discussions between Council and Scottish Government officials are planned in hope of securing funds to deliver this exciting project at the earliest opportunity.”

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

"Why are there no Independent or Conservative Members on the Recruitment Committee?"

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

"Since the resignation of Conservative and Independent Members following the Staffing and Recruitment Committee of 21 July 2014, Council has on three occasions considered the composition of that Committee. On 5 November 2014, 17 May 2017 and at the last Council meeting on 27 June 2018 Council unanimously agreed the current composition of the Staffing and Recruitment Committee. Accordingly there are no Independent or Conservative Members on the Staffing and Recruitment Committee because Conservative and Independent Members unanimously agreed to this- on three successive occasions, including the last Council meeting.”

As a supplementary question, Councillor Murdoch asked why the fact that Conservative and Unionist and Independent Members had previously resigned from the Staffing and Recruitment Committee had never been highlighted to new Members following the 2017 elections, and why the post of Chief Executive had not been advertised nationally.

Councillor Cullinane responded by reiterating that the Scheme of Administration had been to the current Council twice and makes clear the composition of the committee, albeit new Members may not have been aware of the background. The Leader then asserted that the Staffing and Recruitment Committee acknowledged that the Council had a number of first class officers already employed by this Council, something which was recognised across the country. Councillor Cullinane considered it a positive move, therefore, that the committee was prepared to give the space for the talent within the leadership team to apply for the position of Chief Executive.

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

"An Environmental Impact Assessment was not considered necessary for the creation of the Caisson Gate and other work to the Hunterston Basin as each individual oil rig would require both a decommissioning statement and an EIA.

Does this mean that work to the basin for which planning permission has now been granted, cannot commence until the first oil rig has been through this process and an EIA produced for the entire process?"

Councillor Gallagher thanked the Member for his question and paraphrased the following written response:-

"No. The approved works and use at Hunterston, includes the decommissioning of oil rigs, platforms, and similar structures that have served the oil and gas industry and offshore renewable industry.

It was judged that an Environmental Impact Assessment was not required for these works.

Marine Scotland, Scottish Natural Heritage and SEPA were all consulted as part of the planning process and raised no objections to the application other than technical matters that can be addressed by conditions that will continue to protect the local environment.

There is no requirement in terms of the Planning Acts for each rig which is to be decommissioned at the site to be subject to a decommissioning statement or an EIA, although they may be subject to the EIA procedure through the Petroleum Act.

The responsibility for compliance with the terms of the Petroleum Act rests with the Offshore Petroleum Regulator for Environment and Decommissioning.

We are aware of the concerns raised by some members of the local community about the prospect of an oil rig decommissioning site at this location and its potential impact on the environment, wildlife and tourism.

There is no infringement of the SSSI.

We also recognise that the Hunterston peninsula and deep water port has the capability of bringing national and international levels of investment to Ayrshire and Scotland and as such has the potential to transform the economic prospects of this area."

On a point of order, Councillor Murdoch queried why Councillor Gallagher had not read out his written answer in full and it was confirmed that there was no requirement for him to do so.

As a supplementary question, Councillor Murdoch asked whether the Cabinet Member had no concerns over the lack of an EIA and if he was confident that the due process had been followed in the correct manner.

Councillor Gallagher responded by expressing surprise at the question, given a briefing on these planning matters that very morning had been given to Ward Members which confirmed that the Council's planning processes and procedures were extremely robust and followed to the letter. The Cabinet Member referred to the documentation which had been presented to all four Ward Members in support of this. Councillor Gallagher also confirmed that the Council would continue to cooperate with all relevant agencies to ensure the best outcome.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 4.10 p.m. for a short comfort break, reconvening at 4.25 p.m. with the same Members and officers present and in attendance, with the exception of Councillor George.

14.1 Motions

In terms of Standing Order 13, submitted:-

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

"That the Council supports Poppyscotland's 'Count Them In' campaign which aims to see the inclusion of an Armed Forces question in the next Census in 2021. Notes that there is currently very limited information about where our veterans now live and what support they may need. Believes that gathering this information through the Census will allow for an improved understanding of this unique community and ensure that the Council, alongside others, can ensure we are fully meeting the needs of our serving personnel, veterans and their families. Instructs the Chief Executive to write to Poppyscotland, the local constituency and regional MSPs within the local authority area to inform them of Council's support".

There being no amendment, the Motion was declared carried.

- (b) a motion by Councillor Hill, seconded by Councillor Dickson, in the following terms:-

"That Council instructs Officers to establish a short term Member/Officer working group to investigate the support provided to community groups, clubs and societies organising events across North Ayrshire and the challenges that they face.

The working group to report back to a future Council meeting outlining positive proposals surrounding the support, funding, licensing, permissions and other issues affecting local people and groups organising events and festivals across our communities."

As an amendment, Councillor Gallagher, seconded by Councillor Foster, moved that the Council instruct officers to make arrangements for a Member seminar to investigate the support and information provided to organisers of events and the challenges that they face.

Following questions, debate and summing up, on a division, there voted for the amendment 10 and for the motion 16, and the motion was declared carried.

- (c) a motion by Councillor Gurney, seconded by Councillor McClung, in the following terms:-

"Given the Scottish Government's continued investment in educational infrastructure, Council instructs the Administration to prioritise a new Ardrossan academy during its consideration of the capital budget and to explore all funding opportunities available to realise this long overdue project."

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

"Council welcomes the administration's proactive action to hold early discussions between North Ayrshire Council and the Scottish Government over funding for the replacement of Ardrossan Academy. Council notes that those discussions have been positive and further meetings are planned between Council and Government officials. Council expects the Scottish Government to announce the next phase of the Schools for the Future Programme later this year with funding available from 2021 onwards. Council therefore reiterates its ambition to secure funds from the Schools for the Future Programme as early as possible in order to replace Ardrossan Academy at the earliest opportunity."

On a point of order, the Leader sought, and received, confirmation as to the competency of the motion, given that it did not provide a fully costed proposal. The Head of Democratic Services confirmed that the motion was competent given that it did not seek a Council decision which required funding.

In terms of Standing Order 14.5, the mover and seconder of the motion then agreed to withdraw their motion in favour of the amendment, subject to the latter being altered to delete the words “administration’s proactive” in the first line and substitute of the word “replace” in the penultimate line with the phrase “prioritise the replacement of”.

The mover and seconder of the amendment agreed to alter their amendment as requested. The amendment then became the substantive motion.

There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:-

“Council welcomes the action to hold early discussions between North Ayrshire Council and the Scottish Government over funding for the replacement of Ardrossan Academy. Council notes that those discussions have been positive and further meetings are planned between Council and Government officials. Council expects the Scottish Government to announce the next phase of the Schools for the Future Programme later this year with funding available from 2021 onwards. Council therefore reiterates its ambition to secure funds from the Schools for the Future Programme as early as possible in order to prioritise the replacement of Ardrossan Academy at the earliest opportunity.”

(d) a motion by Councillor Marshall, seconded by Councillor McNicol, in the following terms:-

“Council expresses regret at the failure of the Administration to allow the Conservative and Unionist Group and Independent Members representation on the Staffing and Recruitment Committee that will appoint the new Chief Executive.”

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

“Council welcomes the Conservative Group and Independents interest in re-joining the Staffing and Recruitment Committee as there has been no Conservative or Independent representation on the Committee since members resigned following the Committee meeting of 21 July 2014.

Council acknowledges that the composition of the Committee has been considered on three occasions since then, including at the last meeting of the Council in June 2018, and the current composition has been unanimously agreed on each occasion. Council therefore resolves to note that the process to amend the Scheme of Administration to change the Committee's membership requires the amendment to standing orders to be tabled for consideration at the next meeting of the full council.”

At this point, the Council resolved, in terms of in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public on the grounds that discussion could involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

The Provost instructed that the webcast cease for the period in which the press and public were so excluded.

Members asked questions and debated the motion and amendment.

Thereafter, the press and public were readmitted to the meeting and the webcast recommenced.

On a division and following a roll call vote, there voted for the amendment Councillors Bell, Brahim, Burns, Clarkson, Cullinane, Davidson, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, McClung, McPhater, McTiernan, Miller, Montgomerie, Donald Reid, Donald L. Reid and Sweeney (21) and for the motion Councillors Barr, Gallacher, Glover, Marshall, McNicol, Murdoch and Stephen (7), and the amendment was declared carried.

- (e) a motion by Councillor Brahim, seconded by Councillor Larsen, in the following terms:-

"Council values the EU citizens who made Scotland their home and recognises the positive contribution EU citizens make to the economy, communities and public services in North Ayrshire, Scotland and the UK. Council regrets that, more than two years after the Brexit vote, approximately 235,000 EU citizens – including 36,500 children – still face insecurity about their right to continue to live and work here once the UK leaves the EU on 29 March 2019.

Council condemns the UK Government's decision to subject EU citizens who have already lived in and contributed to North Ayrshire, Scotland and the UK often for many years, to a mandatory application process test and to force them to pay a charge to retain the right to live and work here through so-called "settled status".

Council therefore supports the Scottish Government's continued efforts to press the UK Government to change their policy on this matter and to meet any settled status fees for EU citizens working in our devolved public services."

On a point of order, Councillors Brahim and Larsen sought, and received, advice as to whether it would be appropriate for either Member to declare an interest in this matter in light of their status as EU citizens working in the public sector. It was noted that no declaration of interest was required in this instance.

There being no amendment, the Motion was declared carried.

- (f) a motion by Councillor Hill, seconded by Councillor Larsen, in the following terms:-

"North Ayrshire Council congratulates Renfrewshire Council on its commitment to ensuring that all secondary school pupils receive CPR training during their time in education.

The Council instructs our Education Department to bring forward plans to ensure that both CPR and defibrillator training are offered to every pupil across our secondary schools."

The Leader of the Council, in making reference to an amendment he had intended to submit, instead took the opportunity to confirm to Members that he had already instructed officers to undertake the work referred to within the motion and that this work was already underway.

There being no amendment, the motion was declared carried.

14.2 Motions

In terms of Standing Order 22, submitted:-

- (a) a motion by Councillor McNicol, seconded by Councillor Barr, in the following terms:-

"That the Council amend Section 13 of the Scheme of Administration to read:-

"Staffing and Recruitment Committee

Constitution

Six members of the Council, namely the Leader of the Council, a member of the Administration, the Leader and a member of the Opposition, a member of the Conservative and Unionist Group and a member of the Independents. shall constitute the membership of the Committee. The Cabinet Member holding the relevant service portfolio relating to that particular Chief Officer appointment shall also be a member of the Committee for business relating to that appointment only. Each member will have a named substitute who may attend meetings in their place when necessary."

Council is requested to suspend Standing Orders in order to consider this motion at the meeting of 19 September 2018."

The Council was invited to consider resolving, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of the motion.

On a division, there voted to suspend Standing Order 23, 6. Accordingly, having failed to find the support of the required two thirds of Members present and voting, the Council agreed not to suspend Standing Order 23, to allow consideration of the motion. The motion was, therefore, not considered.

It was noted that the matter would, instead, be referred to the next meeting of the Council, in terms of Standing Order 22 and motion 14.1(d).

The Meeting ended at 5.50 p.m.