

North Ayrshire Council  
15 May 2019

**IRVINE, 15 May 2019** - At a Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, 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, Shaun Macaulay, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

**In Attendance**

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

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Cllr Ferguson.

**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.

The Provost also advised of the intention of Councillor Billings to move a variation of his motion at Agenda Item 13(2) as an amendment to the report on Ardrossan Harbour Improvements (Agenda Item 11) and, thereafter, to withdraw his motion at Agenda Item 13(2).

**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 held on 27 March 2019 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 19 March - 6 May 2019.

The Provost highlighted the following elements of his written report:

- the recent Robert Burns World Federation national competition for Schools held in Irvine Royal Academy;
- attendance at various events arranged by the Council's Music Service, including North Ayrshire Schools' Flagship Concert in Dalry Primary School and the Schools' Cabaret Concert held in Ardrossan Civic Centre;
- the HMS Dasher Memorial Service held in tribute to those who lost their lives on HMS Dasher in 1943;
- the planting of a legacy tree and time capsule to mark the 2018 Year of Young People; and
- events held on 2 May, which is now recognised as "John Galt Day" marking the life of one of Scotland's 'forgotten' literary figures.

Noted.

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

Submitted report by the Leader for the period from 19 March - 6 May 2019.

Noted.

### **7. Council Minute Volume**

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 14 February 2019 - 8 May 2019.

Noted.

## **8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meeting held on 28 March 2019**

Submitted report by the Chief Executive on the Minute of the last meeting of the CPP Board held on 28 March 2019.

Noted.

## **9. Congratulatory Motion**

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

“Barrmill Jolly Beggars Burns Club was formed in the village from which it takes its name in 1944 as a welcome home organisation for local men returning from military service. It has been going strong ever since and has held an annual Burns Supper and St Andrew's Dinner every year without a break since its formation. On 25th January 2019 it celebrated its 75th Annual Burns Supper and will celebrate its 75th Annual St Andrew's Dinner on 29 November 2019. The club has worked with local schools and supported them financially with prizes and certificates over the years to encourage verse speaking in Scots and a love of the poems and songs of Scotland's Bard, Robert Burns. The club had a special accolade in 1947 when it was visited by a reporter and photographer from the American Life Magazine and subsequently a three-page article with photographs of the club appeared in that magazine which has a world-wide circulation. The club comprises heavily of retired members (65-94 years) and organises an interesting programme of activities to suit members and ensure that they have contact with other members to combat social isolation and loneliness and keep them involved in positive activities such as regular meetings with speakers on a range of subjects, visits, bus trips and theatre outings to enhance their journey into age. North Ayrshire Council acknowledges the 75th anniversary of Barrmill Jolly Beggars Burns Club; notes the progress the club has made over the years to combat loneliness and social isolation, encouraging mutual support for older members; congratulates all the members on their support for local schools in the area; and wishes the club well in the future.”

There being no dissent, the motion was declared carried.

## **10. Appointments Committee**

The Chief Executive advised of a number of non-Elected Member appointments by the Ayrshire Regional Economic Joint Committee to serve on the Joint Committee and Ayrshire Regional Economic Partnership Sub-Committee.

The Council agreed to note:

- (i) the appointment of Steve Dunlop (Scottish Enterprise), Katie Hutton (Skills Development Scotland) and Simon Foster of Spirit Aerospace (Business Sector representative) to the Ayrshire Regional Economic Joint Committee;

- (ii) the appointment of Carol Turnbull (Ayrshire College), Craig Mahoney (University of the West of Scotland)(and substitutes Ehsan Mesbahi/Marcus Ross), Alan McGregor (University of Glasgow) (and substitute Des McNulty), Alastair Dobson of Taste of Arran, Simon Foster of Spirit Aerospace and Craig Hume of Utopia Computers (Business Sector representatives), Val Russell (Ayrshire Chamber of Commerce), Hasashi Kuboyama (Federation of Small Businesses), Allison Irvine (Transport Scotland), Malcolm Roughead (VisitScotland), Mark Newlands (Scottish Enterprise), Jennifer Nicoll (Highlands and Islands Enterprise), Katie Hutton (Skills Development Scotland) and Ian Welsh (Third Sector Co-optee) to the Ayrshire Regional Economic Partnership Sub-Committee; and
- (iii) that appointments would be made in due course in terms of the outstanding vacancies for an Education representative on the Ayrshire Regional Economic Joint Committee and a University of Strathclyde representative on the Ayrshire Regional Economic Partnership Sub-Committee.

## **11. North Ayrshire Ventures Trust**

Submitted report by the Chief Executive on the proposed appointment a new Director to serve on North Ayrshire Ventures Trust Limited following the resignation of Maggie Broadley.

The Council agreed to approve the appointment of Zoe Nix as a Director of North Ayrshire Ventures Trust Limited.

## **12. Ardrossan Harbour Improvements**

Submitted report by the Executive Director (Economy and Communities) on harbour works at Ardrossan to improve service reliability and long-term port resilience and allow Ardrossan to remain the mainland harbour for the Arran and Campbeltown ferries as set out in the Council-approved prospectus to Transport Scotland. Appendix 1 to the report provided a summary of the design solution for the Ardrossan Harbour upgrade.

Members discussed the following:

- reported delays in the construction of the new MV Glen Sannox and the capacity of the Ferguson yard to deliver on the project;
- whether the new agreed design solution would be capable of accommodating all vessel types in the Caledonian MacBrayne fleet;
- Fairlie's past role as the main winter port for the Arran ferry;
- the anticipated overall cost of the planned improvements; and
- the need to ensure that future public engagement arrangements take into account not only representatives of the Arran community, but also those of Ardrossan.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the officer's report.

As an amendment, Councillor Billings, seconded by Councillor Gallacher, moved that, in addition to the recommendations set out in the officer's report, the Council agree that:

- (1) there is no commitment to start harbour construction work until the final design of a new ferry is agreed;
- (2) the Council's representatives on the Harbour Task Force must ensure that construction work does not cause a deterioration in the frequency or reliability of the current ferry service;
- (3) there is full consultation with ferry users on the design of the terminal facilities at Ardrossan, and account taken of concerns relating to the design of the Brodick ferry terminal; and
- (4) the Chief Executive write to the Minister for Energy, Connectivity and the Islands, making him aware of the harm that the delays to both the daily lives of Arran's residents and Arran's businesses, and to seek assurance that the Minister will make the completion of the Glen Sannox ferry a priority.

Following debate and summing up, and on a division, there voted for the amendment 7 and for the motion 23 and the motion was declared carried.

Accordingly, the Council agreed to note the update provided including (i) the approval of a design solution for Ardrossan Harbour by the Minister for Energy, Connectivity and the Islands, chair of the Ardrossan Taskforce and (ii) the arrangements in place to facilitate the next steps in the harbour regeneration plans at Ardrossan.

### **13. Questions**

In terms of Standing Order No. 12 submit:

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

"How many over 65-year-olds are on a pending list to receive funding, formal assessment or a place in a North Ayrshire Care Home."

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

"As at 9 May 2019 there are currently 62 individuals over 65 who are on the pending list for care home funding. 39 of those individuals (63%) are currently within a care home setting and have been placed there on an Emergency Respite basis; 12 of those individuals (19%) self-admitted to a care home; 11 of those individuals (18%) remain within their communities.

Partnership staff assess needs and, as such, there is no list of individuals awaiting an assessment for a Care Home. There are currently, however, six individuals awaiting assessment of their capacity who are likely to require a care home place upon conclusion of that assessment.”

As a supplementary question, Cllr Marshall made reference to correspondence he had received from Director of the Health and Social Care Partnership which referred to a waiting list for funding for residential nursing care and asked whether the Cabinet Member was concerned that individuals were not getting access to funding to which they were legally entitled.

Councillor Foster referred to the recent closure of two care homes and the work being done to clear the backlog arising as a result of the additional pressure on the system. He assured the Member that staff within the Health and Social Care Partnership were working tirelessly to ensure a smooth transition for affected residents.

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

“At the recent SNP conference a resolution was passed that asked that “the Scottish Government work closely with stakeholders to develop a set of best-practice, guiding principles for employers which take account of menopausal-related health issues. This will enable employers to ensure that necessary adjustments are in place to support those experiencing menopause”. What guidance do our managers follow to help support menopausal women?”

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

“We welcome the increased awareness of menopause issues in the workplace.

The Council's Workwell programme held a 'Working with Menopause' event last year that was attended by 56 employees and the next menopause event is currently being planned to take place after the summer. Menopause will continue to be a regular feature in the programme of events. I also congratulate the NHS Ayrshire and Arran Unite branch for their 'Menopause Matters Too' campaign which they have taken into Crosshouse and Ayr hospitals.

Our current HR policies and guides do not specifically mention menopause however HR and our Occupational Health Service provide support to managers on a wide range of workplace issues. Occupational Health have advised that a number of employees have been referred for support in relation to menopause.

We are a progressive Council and as such we do wish to lead from the front on issues of equality. Just under 75% of the Council's staff are women of which 42.5% are age 50 or over. It is therefore our intention to work with the local trade union branches to engage with our female workforce on menopause specific guidance to ensure we offer the best possible support to female staff with menopause related health issues. As Chair of the 1st Tier JCC, which has cross party and trade union representation, I will request that this be included on the agenda of a future meeting."

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

"Noting that the SNP Government has over the last 12 years presided over declining Educational Attainment as witnessed by their decision to abandon the empirically based Programme for International Student Assessment (PISA) and the Scottish Survey of Numeracy and Literacy (SSL), does he not agree that the recently published league tables of Schools where pupils achieve 5+ Highers are now the only empirical standard for measuring school achievement?"

Councillor Bell provided a short introduction to his written response and, thereafter, responded in the following terms:

"We do not agree with this position. We are not aware of a final decision from Scottish Government regarding the future participation of Scotland in the PISA study.

The Scottish Survey of Literacy and Numeracy (SSLN) was discontinued in 2016 following the introduction of the collection of teacher judgement data on achievement levels. The SSLN gave a snapshot of a small sample of learners across the country, whereas the new data collection gives a fuller picture of achievement levels for every learner at key stages of their education. Furthermore, this achievement data is informed by a range of benchmarking information, including standardised assessment information.

We strongly disagree that the unofficial Herald league table is now the only empirical standard for measuring school achievement. This league table is not part of the range of official statistics available for education and it focuses on a narrow interpretation of successful attainment, measuring only on the percentage of pupils who achieve more than 5 Highers.

School education is about a wide range of qualifications and experiences and success should not be measured solely on one benchmark. Our leavers are now more likely to leave school with a broad range of qualifications. This is likely to include some Highers in many cases, but also a blend of new alternative qualifications at SCQF levels 4-7 which are equally valid indicators of educational success. We must ensure that the way we measure achievement reflects the full range of achievements secured by the young people of North Ayrshire.

Therefore, the national Insight benchmarking tool is considered to be a more comprehensive and effective system-wide way of measuring attainment. This was designed specifically for the purpose of benchmarking a school's achievement across the full range of qualifications against the national picture, as well as against a virtual comparator (which is made up of similar pupils across Scotland.) Insight, along with the LGBF, are the nationally accepted tools for measuring educational attainment in our schools.

Finally, we do not recognise the point made in the question about declining educational attainment. In North Ayrshire, over time we have seen consistent improvements in educational attainment across the board, and these are reflected in the annual reports to Cabinet, of which the Member will be fully aware.

Reference: Equivalents  
SCQF Level 4 = National 4  
SCQF Level 5 = National 5  
SCQF Level 6 = Higher  
SCQF Level 7 = Advanced Higher"

(4) a question by Councillor Marshall to the Chair of Audit and Scrutiny Committee in the following terms:

"The Minute of the Audit Committee of 26 March 2019 records that the Health and Social Care Partnership Operational Budget is experiencing "a backlog in assessments in Free Personal Care". Can the Chair explain the failure to timeously award support to these vulnerable elderly residents."

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

"Having clarified with the Director of Health and Social Care, I can confirm that there is no backlog of assessments for care. At the Audit and Scrutiny Committee of 26<sup>th</sup> March, there was discussion about the backlog relating to the release of funding for some care costs, including personal care. This relates to the Partnership having finite resources and having to ensure that it operates within those resources. Indeed, Councillor Marshall will recall that the Committee praised the ongoing efforts of the Partnership in improving its financial position.

In addition, there was discussion at the Committee about a backlog in 'Assistance for Funding' requests. This relates to individuals in Care Homes whose finances have fallen below the threshold where they are expected to self-fund their care. The Partnership has now assumed operational management for the Finance team responsible for processing these requests and is working to develop and improve processes to address this backlog."

As a supplementary question, Councillor Marshall referred to an assertion by Scottish Finance Secretary that the additional income tax generated by the higher rate in Scotland would bring benefits in terms of the availability of funding for Free Personal Care for older people. He asked whether the Chair of Audit and Scrutiny felt that people were being deceived if they were paying extra income tax and yet not receiving Free Personal Care.

Councillor Burns responded by advising that the Cabinet Member for Health and Social Care had already addressed this issue in his response to an earlier question by the Member.

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

“Will the Leader of the Council explain the process followed by the Administration in allocating funding awarded to the Council from the Scottish Government’s Town Centre Fund?”

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

“The process, as set out in the report to Cabinet of 14 May 2019, was as follows: -

- The Scottish Government set out a range of options for projects that will align with the grant conditions, including projects that support town centre living, digital solutions for communities, land and asset acquisition, transport, greening, environmental improvements and community support. It recommended a balance of larger scale interventions, together with support for some smaller projects, recognising that splitting funds equally amongst all centres will dilute potential impact.
- Recognising the overall intent of the fund, a qualitative scoping exercise was undertaken by officers, based on town centre audits, conservation area management plans, charrettes, SIMD data, locality priorities and assets review. Consideration was also given to prioritising those towns that have not benefitted from recent investment or have other planned investments being prioritised.
- On this basis, it was recommended that the fund is dispersed through two larger projects for around £1m combined value, with the remaining £0.418m being allocated to a series of smaller projects and community-led initiatives. This seeks to maximise the impact of the fund, while supporting a range of smaller initiatives around North Ayrshire. It has been identified that Stevenston and Dalry would potentially benefit most from larger portions of the fund. An overview of the strategic case for strategic town centre regeneration projects was presented in the report to Cabinet.
- Officers have developed a provisional project list. Scoping of provisional projects has been informed by compliance with grant conditions, deliverability of projects and known strategic and community-based projects and priorities.

- Given that the grant requires to be committed (meaning it is spent or contracts are entered into) before 31 March 2020, timescales are tight if we are to claim North Ayrshire's full allocation of grant. In these circumstances' Cabinet agreed to delegate authority to the Head of Economic Growth to agree and progress projects. Following feedback from Members, Cabinet agreed that local ward members will be consulted along with the Portfolio Holder on any proposals.
- On 14 May 2019 Cabinet agreed to these recommendations."

As a supplementary question, Councillor McNicol asked how it had been possible for two members of the Labour Group to brief the press about securing funding for Stevenston before a decision on the award of funds had been taken by Cabinet. Councillor McNicol asked whether the Leader considered that the confidential nature of Policy Advisory Panel papers applied equally to all Members or if his Administration believed Labour Members were 'more equal than others'.

Councillor Cullinane responded by asserting that the press article was not connected with the Policy Advisory Panel papers and observed that, had there been a 'leak, it would have been foolish for the Members in question to allow their photographs to be printed in the press. The Leader commented that the timing of the press article had been unfortunate and the Administration would reflect on this. However, it was not uncommon for Members of political groups in the Council to issue press releases based on discussions within their group and, in this regard, Labour Members were no different.

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

"Will the portfolio holder for Place inform Members of the number of reports received by North Ayrshire Council of road defects/potholes on all adopted roads/footpaths in the year 2018/19? Will he also inform Members of the cost to repair said defects/potholes?"

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

"The Council's Roads Service has a proactive road asset management system in place which involves regular inspections by our Inspectors to identify defects and potholes requiring repair. In addition, we receive requests from members of the public for repairs to be carried out. Works instructions are issued to repair confirmed defects. It should be noted that a works instruction may contain multiple potholes and that works instructions are not necessarily issued for a single pothole.

In addition, the cost of repairing defects on main roads is significantly higher than repairing a defect on a quiet residential street due to the complexity of traffic management that may be required. By way of setting some context to the figures I will provide shortly for year 2018/19 as requested, I can confirm the impact of the significant winter events we experienced at the end of 2017 and beginning of 2018 had an unprecedented effect on the condition of our roads. This was mirrored in a number of areas across Scotland and the wider UK.

The statistics for the year 2018/19 as requested are:

- there were 3413 works instructions created to repair road carriageway defects/potholes on the Mainland at a cost of £665,826. I can confirm 1518 of these were received from members of the public
- there were 501 works instructions created to repair footway defects/potholes on the Mainland at a cost of £35,912. I can confirm 161 of these were received from members of the public
- there were 385 works instructions created to repair carriageway defects/potholes on the Island of Arran at a cost of £230,777 (35 of which were received from members of the public)
- and there were 7 works instructions created for footway repairs on the Island of Arran at a cost of £305 (3 of which were received from members of the public)."

Councillor McNicol took the opportunity to thank staff within the Roads Service for their work. Thereafter, he referred to the Winter 2007 edition of the North Ayrshire NOW newspaper in which then Leader of the Council quantified the cost of the maintenance backlog as £20.3m. As a supplementary question, Councillor McNicol asked whether the Cabinet Member considered that North Ayrshire roads were in a better position eleven years on when the cost of the backlog had increased by £11.3m and how he intended to address the poor state of roads and pavements.

Councillor Montgomerie responded by advising that the current Administration had doubled the capital investment in roads.

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

“The question is directed to the Leader of the Council because he is a member of the Ardrossan Harbour Task Force Committee and is closely involved in the Arran to Ardrossan ferry service upgrade project.

The Leader will be very aware that this project is not going as well as intended, and at the moment one could describe it as a total shambles. Recent announcements indicate that the two new ferries, already over a year late, are nowhere near completion and there is significant doubt about when, if ever, these ferries will be finished. The Leader will also know that Scottish Government has approved the Task Force’s plans for the harbour and has just agreed to spend additional money on Ardrossan harbour. He will also be aware that the reason for this additional money is to ensure that Glen Sannox ferry can dock reliably at Ardrossan.

Whilst welcoming the continued commitment of the Scottish Government to keep Ardrossan as the mainland port for the Arran ferry service, my question to the Leader is given that the future of the part built Glen Sannox is still to be decided and that the additional agreed finance is for major harbour work to enable this specific boat to dock at Ardrossan, would it not be better to wait until there is a confirmed decision about what ferry will actually be using Ardrossan?”

Councillor Billings intimated that he wished to withdraw the above question.

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

“The Leader is aware that North Ayrshire Council will be investing a lot of money in Ardrossan harbour's terminal buildings and other passenger infrastructure.

The Leader may not be so aware that the new terminal building at Brodick, whilst it may have won industry awards, has come in for considerable criticism regarding passenger usability and infrastructure robustness.

There is a growing body of opinion on Arran that in spite of the work of the Arran Ferry Committee and Arran Community Council, the decision makers involved in the ferry development project are not really listening and don't take in to account the views and concerns of the residents of Arran. This ground-swell of opinion has led to the formation of the Arran Ferry Action Group, which intends to be a fully representative group to represent Arran's interests in ferry service improvements and future investment decisions.

My question to the Leader is that as this Council has a policy to be as inclusive as possible, will the Leader commit to including the Arran Ferry Action Group as a recognised consultation group, and take regard of the views of this group when making representations to the Scottish Government, CMAL and CalMac about the development of the Arran ferry service?”

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

“There is significant interest from both the Arran and Ardrossan communities in seeing the successful delivery of the major investment in facilities at Ardrossan, in addition to those recently completed at Brodick. Regular and open engagement and consultation for residents and users will be a key feature of this complex construction project.

Most recently consultation events were held in Brodick and Ardrossan in late October 2018 to present indicative layout options and to seek feedback.

As was the case with the delivery of the Brodick Harbour investment, engagement with the wider community will be maintained both in advance of and during the construction contract. This will include meetings and events on both Arran and at Ardrossan.

The main point of contact for representatives from Arran to discuss ferry matters with the national agencies and Scottish Government is the Arran Ferry Committee, with North Ayrshire Council represented on the Committee by an Elected Ward Member (Councillor McMaster). This was agreed by Council at 17 May 2017 meeting. It is understood that the Arran Ferry Committee and the Arran Ferry Action Group are in discussion as to how they will work together going forward. An avenue for residents of the Island to express their views therefore already exists, with the minutes of meetings published to allow transparency.

The recent appointment of a dedicated officer resource within the Council to oversee the wider regeneration programme at Ardrossan will support and facilitate more and regular consultation and engagement.”

As a supplementary question, Councillor Billings asserted that the Arran Ferry Action Group had the support of many residents on Arran and asked for the Leader to justify not including the group in future consultation.

Councillor Cullinane responded by confirming that the public engagement exercise would not exclude the Arran Ferry Action Group from involvement and it would be for the group to discuss with the Arran Ferry Committee how best to represent Arran during this process.

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

“At the Council meeting held on 7th November 2018 I asked the following question: NAC collected the BID levy on behalf of Largs Matters Ltd from local businesses in Largs under Rates Legislation.

Now that the five-year BID has come to an end, will NAC be involved in returning the balance of funds to the businesses or as the statute states, given to an organisation with a similar aim?

What has been done to return the remaining BID funds to the businesses in Largs since the meeting on 7th November 2018, where are the assets of Largs Matters Ltd and what are the assets?"

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

"The BID company Largs Matters is in the final stages of winding up and will be preparing a final set of audited accounts. Once accounts are approved and subject to a surplus of funds remaining, arrangements will be made by the Council to issue a refund of due amounts to levy payers."

Councillor Murdoch considered that elements of his question, in terms of the BID company's asserts, had not been addressed in the Cabinet Member's response. Thereafter, as a supplementary question, Councillor Murdoch asked whether previous Directors of the BID company and levy payers would be advised in advance of the distribution of funds; how much would be allocated to the General Account; and whether an administration fee would be applied to the process.

Councillor Gallagher responded by advising that the BID company was in the process of being wound up and that further information on its assets would be known in due course. He advised that around 400 levy payers would be entitled to a refund from the residual monies, but that the amount in question was not yet known. Councillor Gallagher referred the Member to an earlier briefing note which had been circulated to all four Ward Members, including Councillor Murdoch.

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

"In the letter from the Enviro Centre to North Ayrshire Council Planning dated 10th January 2018 the first paragraph states "As you are aware we submitted an Environmental Review with our screening request of 20 February 2017. This Environmental Review discussed the potential environmental effects of the development as a whole as agreed in our site meeting of January 2017. Subsequently, as fully discussed with North Ayrshire Council (McInally Associates/NAC) it was considered that the most appropriate approach to making the necessary changes to the Hunterston Marine Construction Yard was through three separate planning applications (and a Marine Licence from Marine Scotland)."

Who attended that site meeting, was it minuted and who proposed lodging the application in three parts?"

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

“The meeting of the 23rd January 2017 was a meeting between Planning Officers and SNH prior to the submission of an Environmental Impact Assessment (EIA) Screening Request by Peel Ports, in respect of the proposal to allow decommissioning of large marine structures at the Hunterston Construction Yard. Meetings with agencies such as SNH to discuss anticipated significant developments as part of early stage preparations are not unusual and they are not required to be minuted.

The applicant chose to submit three separate applications and the Council is required to consider these as valid applications. All three were subject to the EIA and considered by the Planning Committee at the same meeting.”

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

“During the Full Council Meeting held on Wednesday 27th March while answering one of my questions, the Chair of Planning referred to a letter dated 19th February 2019 from the Scottish Government. This letter was also referred to during a Public Meeting held in Largs Campus on 21st February 2019. Is the Chair of Planning and NAC still “quite happy with the written comment from the Scottish Government”?”

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

“Yes. I endorsed the statement in the letter dated 19 February 2019 that “Ministers are content that the process undertaken by the Council and Marine Scotland has been sufficiently robust to allow them to reach their opinions and that due process has been followed with regards to the seeking and obtaining of a Screening Option for the project. The Scottish Government therefore declines to issue a screening direction on this case.”

I do appreciate that in a subsequent Parliamentary Question by the Greens to a Government Minister it was indicated that this decision may be reviewed. Who knows?

Given the SNP’s penchant for u-turns (e.g. the Air Departure Tax which was a manifesto commitment), I would not be surprised if the decision of 19 February got a similar treatment and suggest that Cllr Murdoch writes and asks Nicola.”

Councillor Burns requested, and received, clarification from the Head of Democratic Services, that the final sentence of the response was not relevant to the question.

Thereafter, as a supplementary question, Councillor Murdoch asked for the Chair of the Planning Committee’s response to the fact that a constituent had written to the Scottish Government to ask for details of this meeting and had been advised that “there was no meeting” and “there were no discussions”.

Councillor Marshall responded by outlining the Scottish Government's overall responsibility for planning matters. He advised that the Planning Service was satisfied that an Environmental Impact Assessment was not required at this stage, noting that this position may change in future if there were changes to Peel Ports' proposals.

#### **14. Motions**

In terms of Standing Order 13, submitted:

- (1) a motion by Councillor Donald L. Reid, seconded by Councillor Dickson in the following terms:

"In view of the potentially high levels of traffic which the welcome improvements to Dalry Bypass and the Den Realignment will bring, this council is keen, for road safety reasons, to have the excellent plans for the realigned Beith bypass actioned in early course. To this end North Ayrshire Council request that the Chief Executive writes to the Scottish Transport Minister urging him to prioritise work to begin on the realigned Beith bypass as soon as practicable."

There being no amendment, the motion was declared carried.

- (2) a motion by Councillor Billings, seconded by Councillor Gallacher, in the following terms:

"The Isle of Arran is one of North Ayrshire's most buoyant and developing communities, and attracts over 400,000 visitors every year. North Ayrshire Council is aware of Arran's importance and is working with local communities to further develop the island through new housing and business support. The residents of Arran were, therefore, delighted when it was announced that public money would be spent to upgrade and improve all aspects of the ferry link to Arran.

Back in April 2017, the then Secretary for Economy, Jobs and Fair Work, Keith Brown said "The Scottish Government is committed to supporting our lifeline ferry links and ensuring that the Arran ferry service is fit for purpose, whilst also getting the best value for the public purse."

Here we are, 3 years later, with a complete shambles of a project that is over spent, running years late, poorly designed and has reliability issues not seen with the previous service. Over £100 million has been committed to this project which is being squandered, and the ongoing delays are having adverse effects on the economy of the communities that rely on the ferries.

As representatives of our local communities it is our duty as Councillors to hold to account those who make decisions on our behalf, in this case the SNP Scottish Government. On behalf of the people we were elected to represent, we demand to know why this project is so far off track and is not delivering the benefits it promised.

I therefore move that Council instructs the Chief Executive to write to the Minister for Energy, Connectivity and the Islands (a) to express in the strongest terms the Council's disappointment and concern about the current uncertainty that surrounds the upgrade to the Arran and Ardrossan ferry service, highlighting the damage that the unreliability of the current service is having on the economy of Arran, (b) to ask why Ministers have had such poor control over the spending of public money, and (b) for an explanation as to how the SNP Scottish Government intends to make good the Minister's commitment that this project will provide an Arran ferry service that is fit for purpose and will offer best value for money."

The Council noted that, in terms of Standing Order 14.5, Councillor Billings, with the consent of his seconder, had withdrawn the above motion.

## **15. Urgent Item**

The Provost agreed, due to the timing of the event, to allow the undernoted verbal update to be given.

### **15.1 Office for Nuclear Regulation (ONR) Briefing**

The Chief Executive referred to a forthcoming Elected Member briefing by the Office for Nuclear Regulation (ONR) which had been arranged as a result of a motion at the last meeting of the Council in respect of the incidence of cracking in the graphite core of Reactor 3 and Reactor 4 at Hunterston Nuclear Power Station.

The Chief Executive asked that, in advance of the briefing on 3 June 2019, Members make his office aware of any questions or points which they would wish raised.

Noted.

The meeting ended at 3.40 p.m.