

North Ayrshire Council
Wednesday, 28 February 2018

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim (from Agenda Item 2), Marie Burns (from Agenda Item 8(b)), Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill (from Agenda Item 8(b)), Christina Larsen, Shaun Macaulay, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan (from Agenda Item 8(b)), Jimmy Miller, Jim Montgomerie, Ian Murdoch (from Agenda Item 8(c)), 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); J. Butcher, Executive Director (Education and Youth Employment); S. Brown, Interim Director (Health and Social Care Partnership); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), M. Gilmour, Senior Communications Officer (Media and Internal Communications); D. McCaw, H. Clancy and E. Gray, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

Councillor Marshall.

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 intimated that the meeting would stand adjourned until 10.30 a.m. to allow a small number of Elected Members who had been delayed by the adverse weather conditions an opportunity to attend the meeting.

The meeting reconvened at 10.30 a.m. with the same Members and Officers present and in attendance. Councillor Brahim also joined the meeting at this point.

2 Apologies

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

The Provost, on behalf of the Council, extended his best wishes to Councillor Marshall for a speedy recovery.

3 Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct, Councillor McNicol, in light of his participation in the film in question and his position as the initial complainer to Police Scotland, declared an interest in the Motion at Agenda Item 9(b). Councillor McNicol did not consider that the nature of this interest required him to leave the meeting during consideration of this Motion, which was seconded by him.

There were no declarations of the Party Whip.

4 Previous Minutes

The accuracy of the Minutes of the Ordinary and Special Meetings of the Council held on 20 December 2017, 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 21 December 2017 to 27 February 2018.

Noted.

6 Leader's Report

The Leader of the Council reported for the period from 5 October 2017 to 13 December 2017.

Noted.

7 North Ayrshire Council Minute Volume (issued under separate cover)

Submitted for noting and approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 12 December 2019 to 19 February 2018.

8 Appointments to Outside Bodies

The Chief Executive advised of an invitation for the Council to be represented on the SEEMIS Board for South West Scotland.

The Council agreed (a) to appoint the Cabinet Member for Education as its Elected Member representative on the SEEMIS Board; and (b) to note the appointment of the Executive Director (Education and Youth Employment) as the Council's Officer representative.

9 Questions

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

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

"The Road systems in North Ayrshire including those which are the responsibility of Scotland Transerv have been badly affected by the rain, snow and long period of ice which prevailed between November 2017 and January 2018. I would invite the Cabinet member for Place to comment on:

(1) What plans NAC Roads have to bring our Roads generally in North Ayrshire back up to an acceptable standard with any specific comments on Roads within the Garnock Valley area which has suffered disproportionately because the Valley suffered with longer periods of snow and ice during November 2017 - January 2018?

(2) What is the likely cost of these repairs?

(3) Is NAC considering asking the Scottish Government to provide additional funding to be spent exclusively on assisting in bringing our crumbling roads network back to an acceptable stand and if not, why not?"

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

"(1) In line with best practice the Council has adopted an Asset Management approach to road maintenance and undertakes an annual programme commensurate with the allocated budget. The prolonged spell of poor weather during the current winter has caused significant damage to the road network. To support our roads team additional contractors have been engaged to assist in repairing potholes that have developed over the on-going cold spell.

With specific reference to the Garnock Valley, in addition to on-going pot-hole repairs wider resurfacing work is being arranged for Auldlea Road, Laigh Road and Beech Drive in Beith and Milton Road in Kilbirnie and the rural road known locally as the Coldstream Road.

The road maintenance programme which is being developed for 2018/19 has taken cognisance of a number of roads across the area, that have deteriorated more quickly than expected as a result of the continued poor weather. The details

of projects being included in the programme will be presented to Cabinet for approval on the 20 March 2018 following agreement of the Council's budget.

(2) The Council's Roads Asset Management Plan agreed in January 2017 estimated, at that time, a maintenance backlog figure of £30.9m. The above average deterioration attributable to the prolonged cold spell over the current winter will have increased this figure.

The specific works currently being arranged within the Garnock Valley at Auldlea Road, Laigh Road and Beech Drive in Beith and Milton Road in Kilbirnie along with the rural road known locally as the Coldstream Road are estimated at £115,000. In addition to this, the additional cost of employing contractors to assist in repairing potholes in the Garnock Valley is approximately £30,000.

(3) The Leader of the Council has written to the Finance Minister on several occasions regarding the budget settlement and the requirement to provide additional funding to enable the Council to invest in its services."

Councillor Donald L. Reid asked that his appreciation of the work done by the Roads Services be recorded.

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

"Can the Cabinet Member for Place tell this full Council meeting how many families have been evicted from NAC properties between 1.1.17 and 31.12.17 (or whatever period it's easier to get figures for)."

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

"The Council only evicts tenants as a last resort when all other avenues to support tenants have been exhausted. Unfortunately eviction is unavoidable in some instances such as where tenants continually refuse to make arrangements to pay their rent, engage in continuous or serious anti-social behaviour or seriously or continually breach tenancy agreements.

The approach taken by the Council to support tenants to pay their rent and manage their tenancy in a responsible way enables the Council to have one of the lowest eviction rates in Scotland.

In the calendar year 2017, 57 evictions took place of which 51 were for rent arrears, 6 for anti-social behaviour and 1 for breach of tenancy."

Councillor Donald L. Reid asked that his appreciation of the work done by the Housing Service in seeking to avoid evictions, be recorded.

Councillors Burns, Hill and McTiernan joined the meeting during consideration of this item.

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

“At a Special Meeting of North Ayrshire Council held on 20th December, 2017 a Resolution was passed and agreed by all Councillors to exclude the press and public on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6,8,and 9 of Part 1 of Schedule 7a of the Local Government (Scotland) Act, 1973.

Will the Leader of the Council inform members if an enquiry has been carried out to establish the identity of the Labour insider, who according to a report in the Irvine Herald, allegedly passed confidential information to the reporter regarding information disclosed at the Special meeting?”

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

“No enquiry has been carried out to establish the identity of the Labour insider quoted in the Irvine Herald. This is because he or she sought advice from the Council’s Chief Executive and Monitoring Officer in advance of providing a response to the paper. The Chief Executive and Monitoring Officer were happy the information supplied did not breach the Councillors Code of Conduct, nor release confidential information. The Insider did not confirm that such a proposal had been discussed.

The response to the Irvine Herald covered the following important points:-

I can’t confirm that the Council considered any ‘deal’.

Austerity is placing unprecedented pressure on the Council’s budget. However, that has not dented the Labour Administration’s ambition to deliver real change for our communities. What it means is that we need to be even more innovative in seeking opportunities that match our ambition.

We believe it is vital to the future of our area that we are bold and radical enough to consider issues of ownership of local assets or other commercial opportunities to bring in new revenue streams to the Council in order to fight austerity.

It would never be about owning a shopping centre but about the regeneration opportunities that it offered.

Purchasing a centre would not have placed new pressures on the Council’s reducing budget but rather it would pay for itself and provide an annual income to the Council. This is because the Council is able to borrow at a low rate through

the Public Works Loan Board, so any income stream from the purchased asset will pay the loan back and deliver additional funds for investment.

By owning a centre the profits that it generated would no longer go to a private corporation but would instead come to the Council and allow us to invest that money in the local area. Ownership of a centre could open many doors for the local area.

The profits that any centre/asset generates would enable the Council to deliver millions of pounds of investment in the local area over the next decade and beyond.

My Administration would want to see a number of investments across North Ayrshire communities and any surplus funds from a good proposal could be used to:

- build a new multi-screen cinema, probably in Irvine because of the footfall
- aligned to the cinema a new food court could be developed, which could address the current recognised shortage of enough places to eat around the centre of Irvine
- invest in tired and run-down facilities like Ruby Tuesday's, or to upgrade and modernise the Forum (neither of which is possible because we don't own them and don't have the funding to support a compulsory purchase order)
- further enhance and develop Saltcoats Town Centre
- take forward proposals emerging for Lochshore in Kilbirnie
- create a Town Centre Regeneration Fund

With the right proposal these are all possible, not least as the Council has an excellent track record of using such funding to leverage additional external funding to maximise regeneration investment. The potential to leverage tens of millions of pounds of investment for these areas can be very high with the right 'deal'.

Also, once any loan is paid off then the asset is owned by the Council. At that stage it could be sold to generate tens of millions of capital investment or ALL of the income then becomes available for investment in North Ayrshire communities and town centres.

Again, I cannot confirm that there was a 'deal' discussed, however, as you can see from my answer above if there was a 'deal' the potential to do so much more across North Ayrshire communities is huge.

It is hard to think, if such a proposal was in front of the Council, why anyone would vote against it.

My Administration will continue to challenge Council Officers to bring forward bold and innovative proposals with the potential to allow for greater investment in our

communities and town centres. I hope that when we do that the whole Council will back them.”

Councillor McNicol sought and received confirmation the Council’s Monitoring Officer that the business of the Special Council meeting held on 20 December 2018 remained confidential.

As a supplementary question, Councillor McNicol asked the Leader to inform Members of all the costs associated with the proposal to acquire a centre as discussed at the Special Meeting, including the preparation of due diligence reporting costs, legal fees, survey costs and any other associated costs. Councillor McNicol also asked that the Leader advise from which budgets the payments had been made and who authorised those payments. He requested that this information be provided before 2.00 p.m.

The Chief Executive advised Councillor McNicol that his question was in breach of the Councillors’ Code of Conduct, but indicated that the information he had requested could be shared confidentially with Members.

Councillor Murdoch joined the meeting during consideration of this item.

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

““Neatebox” is a system worked through an app that helps blind people, and the less mobile, like wheelchair users, to locate, and operate pedestrian crossings and the like, by using their phone. The app enables them to request to cross, without having to find, or attempt to reach the button on the crossing that the rest of us would press. The software link for this gets built into the existing road crossing boxes retrospectively.

There are already a few local authorities who have taken up this service, and I am led to believe that there are more in the pipeline who are almost at the rolling out stage. Given that Irvine High Street is in the process of being done up, would the Cabinet Member for Place please have a serious look into this service, in order to make the day to day lives of our sightless and mobile impaired residents just that bit easier, in particular, when it comes to crossing roads.”

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

“The Council’s pedestrian crossings meet all appropriate regulations regarding accessibility. However it is recognised that there are many developing technologies that may increase the ease with which they can be used by our communities.

Indicative prices of £200,000 have been received from one supplier to purchase the hardware required to retrofit the 274 push button crossings within the area. Any on-going maintenance requirements would need to be added to this figure.

Officers will work with the North Ayrshire Access Panel to identify appropriate technology and funding implications for consideration within the public realm improvements within Irvine.”

As a supplementary question, Councillor Gallacher made reference to the matter having been raised by a constituent who had in mind eleven particular town centre crossings.

Councillor Montgomerie responded by indicating that he would be happy to meet to discuss the matter further.

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

“Can the Council Leader assure me that he will not be recommending further cuts to classroom assistant posts in his budget proposals later today?”

Councillor Cullinane thanked the Member for his question and responded by advising that the Labour Administration’s policy of reversing the SNP Administration’s trend of increasing the unearmarked reserves and instead maintaining them at 2% of the revenue budget, meant that £2.3m could be used to mitigate cuts, which in turns meant that for the second year in a row he could confirm that he would propose an allocated budget of £1,705,311 for classroom assistants, the same as it was in 2016/17 under the SNP Administration.

As a supplementary question, Councillor Davidson asked the Leader for confirmation that no further cuts were proposed.

Councillor Cullinane responded by confirming that the he would propose the same budget as last year, and there were no proposals to cut the budget.

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

“Can the Portfolio holder for Finance provide me with answers to the following questions:-

- 1) What was the public response level to the budget consultation?
- 2) How much did it cost?
- 3) Do you think it was the best method of engaging with the public?”

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

“1) 207 people responded to the survey

2) Total cost £11,208.

3) Engagement with residents on the budget reflects the wider commitment of the Council to work in partnership with our communities. Increasingly councils are using tools like “The Budget Challenge” to engage with communities on options to bridge funding gaps.”

As a supplementary question, Councillor Davidson asked whether other methods of consultation would be considered in the future in order to engage with the wider public, for details of the numbers who completed at libraries compared to on-line, and if the Leader felt that his public tweets to a Scottish Government Minister could be considered professional.

Councillor Cullinane responded by expressing the view that his own social media performance was more professional than that of the Member, and by confirming his willingness to receive feedback on future public engagement on budget matters.

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

“Can the Portfolio Holder for Place confirm when the upgrade of the B714 will take place?”

Councillor Montgomerie responded in the following terms:-

“The Ayrshire Transport Summit on the 8th February 2018 identified the B714 as a project for consideration in determining the key priorities for transport infrastructure proposals as part of the on-going development of the Ayrshire Growth Deal. The projects will now be considered as part of a Regional Transport Appraisal.”

Councillor Brahim thanked the Cabinet Member for his response and asked the Council to note that the date of the summit was 9 February and not 8 February, as had been stated.

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

“For the Cabinet Member – Place

What do North Ayrshire Council intend to do about the poor quality, below expectations, reduced budget prom surface, that a very large number of residents and visitors are complaining about on Largs Shore Front?"

Councillor Gallagher, in his capacity as Cabinet Member for the Economy, responded in the following terms:-

"As the procuring service the Executive Director (Economy and Communities) has written to all North Coast members regarding the works to the promenade and shelters.

The letter shows clearly that Members were consulted. The specification was accepted and acceptable, and we agreed in advance it was what we wanted. Had we had more funding, we would have used a higher quality finish, but the finish does meet the required standards."

A copy of a letter dated 6 February 2018 to Councillor Marshall (and copied to all North Coast Elected Members) was circulated at the meeting, together with the officer report appended to the original correspondence.

As a supplementary question, Councillor Murdoch made reference to views expressed by the public at a Public Realm meeting that futuristic street furniture should be rejected in favour of a good quality promenade, and asked whether the Cabinet Member was satisfied with the surface provided.

Councillor Gallagher referred to the decision to select a more basic finish than would otherwise have been possible with additional funding and advised that the surface and finish ultimately provided had been the subject of regular consultation with local Members. He expressed the view that the surface would provide a robust and long lasting promenade and that, although small areas did require attention, the overall standard met the specification and was acceptable. Councillor Gallagher also referred to similar work completed in Fairlie and advised that the appearance of Largs surface would likewise soften over time. Councillor Gallagher concluded his response by advising that promenade would be monitored over the next twelve months and remedial work undertaken as necessary.

10 Motions in Terms of Standing Order 13

(a) a motion by Councillor Davidson, seconded by Councillor Macaulay in the following terms:-

"On the 12th March 2018 Stewart McDonald MP will present 'The Unpaid TrialWork Periods (Prohibition) Bill' to the UK Parliament.

Council instructs the Chief Executive to write to the Prime Minister, and Jeremy Corbyn as leader of the opposition, to affirm that North Ayrshire Council:

- supports 'The Unpaid Trial Work Periods (Prohibition) Bill;
- believe that this bill will put a stop to exploitative unpaid trial shifts;
- is confident that this bill will ensure workers are treated with fairness, respect and ultimately a fair wage for the hours worked;
- urges both Mrs May and Mr Corbyn to give their full support to the bill.

Further, the Council will not engage people for unpaid work periods, and will encourage local businesses not to do so.”

As an amendment, Councillor Ferguson, seconded by Councillor Gallacher, moved as follows:-

“That the Council will not engage people for unpaid work periods, and will encourage local businesses not to do so.”

Members asked questions and debated the matter. The movers of the amendment and the motion then summed up.

On a division, there voted for the amendment 6 and for the motion 26 and the motion was declared carried.

The Council then adjourned at 11.25 a.m. to allow a Special Meeting of the Council to commence at 11.45 a.m.

The meeting reconvened at 3.45 p.m. with the same Members in attendance, with the exception of Councillor Glover.

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

"In light of allegations made in the MacAulay Gibson Productions' film, The Only Game in Town, which relate to the North Ayrshire Schools Public Private Partnership project, Council instructs the Chief Executive to write to Deputy Chief Constable Iain Livingstone of Police Scotland, requesting that the force carries out a new, full and thorough investigation into all aspects of the North Ayrshire PPP procurement process. Council also instructs the Chief Executive to ensure that everything is done to co-operate fully with any investigation."

The Chief Executive advised that Police Scotland's Economic Crime unit had offered to visit the Council to allow any Members who had concerns to raise them.

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

“That the Council notes that Police Scotland have reviewed the documentary and decided to take no action and agrees to accept Police Scotland’s offer to meet with any elected member who has concerns about the matter.”

Members asked questions and debated the matter. The movers of the amendment and the motion then summed up.

On a division, there voted for the amendment 11 and for the motion 18, and the motion was declared carried.

Councillor Miller left the meeting during consideration of this item.

Councillor Brahim left the meeting at this point.

(c) a motion by Councillor Dickson, seconded by Councillor Macaulay in the following terms:-

“That this Council agrees to be ‘trauma informed; to use the learning and research on Adverse Childhood Experiences (ACEs) to inform change in practice and thus better able to reduce the negative effects of ACEs on lives of all with whom we come in contact; to work with other partners across Ayrshire to have a consistent approach to working to implement trauma informed practice; commit to give officers and staff an opportunity to view the documentary ‘Resilience’ which has been the catalyst for change; and to contribute to Ayrshire becoming recognised as a Centre of Trauma Informed Excellence”

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

“Trauma Informed Practice

There is growing evidence that children who experience traumatic events (Adverse Childhood Experiences) are much more likely to become victims themselves, be violent towards other people and to be sent to prison. Trauma Informed Practice is based on practical strategies for identifying and preventing adverse childhood experiences, and treating their consequences. Ayrshire Police has recently committed to developing a Trauma Informed approach to its work, which will be strengthened by developing a co-ordinated approach across all health and social partners working within Ayrshire.

It is therefore moved that North Ayrshire Council works with its health and social partners to:

Raise awareness of Trauma Informed Practice across North Ayrshire Council and its partners, including using the documentary ‘Resilience’;

Develop an integrated approach to identifying, preventing and treating the consequences of adverse childhood experiences;

Keep the Council informed about progress on how the principles of trauma informed practice are being used to improve the outcomes for people exposed to adverse childhood experiences.”

In terms of Standing Order 14.5, Councillors Dickson and Macaulay agreed to withdraw their motion in favour of the amendment, which became the substantive motion. There being no further amendment, the substantive motion was declared carried.

(d) a motion by Councillor Macaulay, seconded by Councillor Burns, in the following terms:-

“Council welcomes the passing of the Child Poverty (Scotland) Act and positive action being taken to address child poverty and tackle the deep seated generational inequalities in our society, and supports this call to urgent action. Council applauds the setting of statutory targets which will be set out in regular delivery plans and require annual local child poverty plans, in contrast to the UK Government, which has abolished its child poverty unit and child poverty targets.

Council supports the establishment of a Poverty and Inequality Commission, and recognises that meeting these targets will require cross-government action. Council believes that North Ayrshire is well placed to do so and commits to working with the Scottish Government, other local authorities, the third sector and people with experience of living in poverty to achieve these targets and to reduce and ultimately eradicate child poverty.

Council notes that the recent report by The End Child Poverty coalition highlights the unacceptable statistic that 28.3% of children in North Ayrshire are living in poverty and that council has already set out a number of measures to address this but the scale of the task is such that it requires strong cross party leadership.

Council therefore instructs the Chief Executive to set up a cross party Child Poverty Task Force to provide strong political leadership in coordinating and implementing all the measures necessary to finally eradicate child poverty in North Ayrshire.”

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

“Council welcomes the passing of the Child Poverty (Scotland) Act and positive action being taken to address child poverty and tackle the deep seated generational inequalities in our society, and supports this call to urgent action. Council applauds the setting of statutory targets which will be set out in regular

delivery plans and require annual local child poverty plans, in contrast to the UK Government, which has abolished its child poverty unit and child poverty targets.

Council supports the establishment of a Poverty and Inequality Commission, and recognises that meeting these targets will require cross-government action. Council believes that North Ayrshire is well placed to do so and commits to working with the Scottish Government, other local authorities, the third sector and people with experience of living in poverty to achieve these targets and to reduce and ultimately eradicate child poverty.

Council notes that the recent report by The End Child Poverty coalition highlights the unacceptable statistic that 28.3% of children in North Ayrshire are living in poverty and that council has already set out a number of measures to address this but the scale of the task is such that it requires strong cross party leadership.

Council notes the Fair for All Strategy which has a focus on child poverty and agrees that a cross party group of Members join the expert panel.”

In terms of Standing Order 14.5, Councillors Macaulay and Burns agreed to withdraw their motion in favour of the amendment, which became the substantive motion. There being no further amendment, the substantive motion was declared carried.

11 Notice of Motions to Amend Standing Orders in Terms of Standing Order 22

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

“That clause 2 of the Standing Orders be amended as follows:-

The word “eighth” where it appears in line 3 of clause 2.1 shall be replaced by the word “sixth” and the word “eight” where it appears in the same line shall be replaced by the word “six”.”

In terms of Standing Order 22.1(a) the Council agreed to note that the above motion would be considered at the next Ordinary Meeting of the Council.

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

“Clause 21.1 delete “in any case of urgency as determined by the Provost”

In terms of Standing Order 22.1(a) the Council agreed to note that the above motion would be considered at the next Ordinary Meeting of the Council.

The Meeting ended at 4.30 p.m.

