

North Ayrshire Council  
9 May 2018

**IRVINE, 9 May 2018** - 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, Todd Ferguson, 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 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); C. Amos, Head of Service (Inclusion) (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); H. Clancy and A. Little, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Angela Stephen.

**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 Ordinary and Special Meetings of the Council held on 28 February 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.

Councillor McNicol, made reference to Item 10(b) of the Minute of the Ordinary Meeting of the Council held on 28 February 2018 and to the amendment moved by Councillor Cullinane, seconded by Councillor Bell. Councillor McNicol indicated that the terms of the amendment, as recorded in the Minute, did not reflect the words spoken by Councillor Cullinane, recorded as part of the webcast of the meeting.

The Provost agreed, in terms of Standing Order 5.7, to adjourn the meeting at 2.10 p.m. for a short recess, to allow Officers to review the matter raised by Councillor McNicol. The meeting reconvened at 2.30 p.m., with the same Members and Officers present and in attendance.

The Chief Executive advised that the Minute reflected the wording of the amendment which had been submitted by Councillor Cullinane by email in advance of the meeting and, it was understood, circulated in writing at the meeting. It was proposed, and the Council agreed, that the Minute be amended to include the following transcript of the words spoken by Councillor Cullinane at the meeting:-

“I heard from the Chief Executive that we’ve got an offer from Police Scotland to come and meet with us.

I think, given the feedback the Chief Executive has had with her discussions with Police Scotland, a letter writing process is just extending the period before we can get that meeting and I think that Council today should take up the offer from Police Scotland to get their Economic Crime unit down and any Members who do have questions or concerns arising from the documentary can then raise that with those officers at that moment in time.”

#### **5. Provost's Report**

Submitted report by the Provost for the period from 1 March to 2 May 2018.

The Provost highlighted a number of elements of his written report, including:-

- a reception to celebrate the Year of Young People 2018 at the Scottish Parliament on 7 March 2018;
- the International Women’s Day Lunchtime Gathering which took place in Cunninghame House on 8 March 2018;
- the Ayrshire Chamber Annual Dinner held on 8 March 2018;
- the 12 March 2018 Fly a Flag for the Commonwealth initiative;

- the Convention of the Highlands and Islands which took place on 12 March 2018;
- a St Patrick's Day Reception hosted by the Consul General of Ireland on 15 March 2018;
- the Provost's Civic Pride Awards which took place at the Portal in Irvine on 16 March 2018;
- a Citizenship ceremony held in Saltcoats Town Hall on 21 March 2018;
- the formal opening of Poppyscotland Ayrshire on 21 March 2018;
- Corsehill Primary School's production of "Oliver" on 22 March 2018;
- the opening of the Horticultural Skills Schools project on 23 March 2018, an initiative supported by the Princes Trust and Developing the Young Workforce;
- the Remembrance events held between 24 and 27 March 2018 to mark the 75<sup>th</sup> anniversary of the sinking of HMS Dasher;
- the Developing the Young Workforce Ayrshire Conference, which took place on 27 March 2018;
- the Faslane Patrol Boat Squadron Dinner which was held on 29 March 2018;
- the RYA National Youth sailing event and Sailing Youth National Championships held on 1 and 5 April 2018, respectively;
- the Prince's Trust and Cornerstone Get into Care awards ceremony held on 6 April 2018;
- a service arranged by the Irvine branch of the British Legion on 8 April 2018, to celebrate the centenary of the Royal Air Force;
- a visit to the Council Chambers by members of the Woodlands Debating Group on 10 April 2018;
- the 2018 Yom HaShoah (Holocaust Remembrance Day) event hosted by the Glasgow Jewish Representative Council on 11 April 2018;
- a visit to the Ayrshire Samaritans in Kilmarnock on 12 April 2018;
- a visit by delegates from more than twenty countries to the 5<sup>th</sup> Pan European Duck Symposium on 17 April 2018;
- a tour, on 17 April 2018, of facilities at the Lady Margaret Hospital;
- a visit to Cumbrae Primary School on 17 April 2018;
- the Boys' Brigade National Badminton Finals held on 21 April 2018 at the SportScotland National Centre in Largs;
- a concert with young people who took part in the Ayrshire Music Festival on 25 April 2018;
- the Young Enterprise Scotland Awards which took place on 25 April 2018;
- a visit to the Ayrshire Armed Forces Veterans Breakfast Club on 30 April 2018;
- the celebration of Girdle Toll couple Mr and Mrs Pioli's Diamond Wedding anniversary on 30 April 2018;
- attendance at the Irvine Takeda Karate Club on 30 April 2018; and
- a wreath laying ceremony held on 2 May 2018 to mark the birth of John Galt in 1779.

The Provost also reported verbally on the following:-

- funds raised by Members and Council staff on Superhero Day on 4 May 2018, in support of Cash for Kids; and

- an event on 9 May 2018 to mark the first anniversary of Ayrshire and Arran Veterans First Point at Bridgegate.

Noted.

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

The Leader of the Council reported for the period from 20 February to 2 May 2018.

The Leader highlighted the reference within his report to an inspirational meeting he had had with a local care experienced young person, who had explained the challenges she has faced as a care leaver and the positive impact on her life of the exemption from paying Council Tax.

Noted.

## **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 16 February to 25 April 2018.

Noted.

## **8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 22 March 2018**

Submitted report by the Chief Executive on the Minutes of the meeting of the Community Planning Partnership Board held on 22 March 2018. The Minutes were attached as an appendix to the report.

The undernoted elements of the Minute were highlighted:-

- the decision by the CPP Board to endorse the establishment of a Pan-Ayrshire Collaborative Forum on Adverse Childhood Experiences and Trauma and to assist with the distribution of invitations for the viewing of the documentary “Resilience – the biology of stress and the science of hope”;
- updates which had been given on the work of the North Coast and Cumbraes and the Irvine Locality Partnerships in identifying local priorities and linking in with the wider community;
- the outcome of the Challenge Poverty Conference; and
- the decision to extend the list of invitees for the next CPP Board meeting to a wider range of statutory partners, in recognition of the engagement requirements of the Community Employment (Scotland) Act 2016.

Noted.

## **9. Appointments to Committees**

In terms of Standing Order 7.2, the Council was invited to note resignations from Committees and subsequent appointments made by the relevant political Groups.

The Council agreed, in respect of the Police and Fire and Rescue Committee, to note (i) the resignation of Councillor McPhater and (ii) the appointment of Councillor Miller.

## **10. Appointment to Outside Bodies**

The Chief Executive referred to a vacancy on the Haylie House Board of Trustees, following the resignation of Councillor Gallagher as the Council's representative, and also advised that nominations were sought for a Ward 6 and a Ward 8 representative to serve on a Hunterston Marine Yard Liaison Group.

Nominations, proposed and seconded, were received in respect of (i) Councillor Marshall to serve as the Council's representative on the Haylie House Board of Trustees, (ii) Councillors Barr and Ferguson to serve as the Council's Ward 6 representative on the Hunterston Marine Yard Liaison Group and (iii) Councillor Murdoch to serve as the Council's Ward 8 representative on the Hunterston Marine Yard Liaison Group.

Councillor Ferguson intimated the withdrawal of his nomination to serve on the Hunterston Marine Yard Liaison Group.

The Council agreed to (a) note the resignation of Councillor Gallagher as the Council's representative on the Haylie House Board of Trustees; and (b) appoint (i) Councillor Marshall as the Council's representative on the Haylie House Board of Trustees and (ii) Councillors Barr and Murdoch as the Council's Ward 6 and 8 representatives, respectively, on the Hunterston Marine Yard Liaison Group.

## **11. Questions**

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

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

"Members will be aware that teachers, like other public sector employees, have endured a pay freeze for several years. Can the Leader outline his intentions, through his involvement in COSLA and other ways, to ensure teachers achieve an equitable result in their pay negotiation, bearing in mind the current budgetary constraints on this and other councils across Scotland."

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

“In 2017/18 Teachers received a pay settlement of 2% (1% effective from 1 April 2017 and a further 1% from 1 January 2018). This settlement exceeds the 1% agreed for all other local government employees, removing equity across the workforce.

Through participation at the COSLA Council Leaders meetings I will lobby to ensure that an equitable pay settlement is achieved for all local government employees including teachers.”

Councillor Easdale joined the meeting at this point.

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

“Can you confirm and perhaps give any practical examples of the great work of our Care at Home Team during the period of heavy snow, ice and overall difficult condition - 28 February to 3 March - and confirm that these professional and dedicated workers have been appropriately acknowledged by senior management for their dedication to duty, and (2) advise Members of the approximate number of staff who were involved in delivering services during this period of extreme weather in Skelmorlie, Largs and Garnock Valley; and (3) confirm if any lessons have been learned from this situation which can be applied in future to ensure staff safety whilst maintaining the vital delivery of service to home care clients.”

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

“The period 28 February to 3 March was indeed a very difficult and challenging time for our services. Our Care at Home service, in particular, delivering personal care alongside medication administration and prompts to thousands of the most vulnerable in our communities was tested to the limit.

The professionalism and dedication of the staff involved meant that throughout that time, services continued to be delivered. For some of the more remote areas, and those areas affected worst by the snow, the Health and Social Care Partnership’s Care at Home teams were ably assisted by colleagues from the Place Directorate who cleared and gritted roads to assist access. Indeed members of the Streetscene team assisted by driving some Care at Home staff to less accessible homes in 4 x 4s.

Many staff also walked significant distances by foot to turn out for shifts and throughout the period our 700 strong workforce continued to deliver care. Their dedication through the adverse weather has been acknowledged by the management team and was recognised in the Director’s Weekly email.

Of the lessons learned, we found that our scheduling and monitoring system ensured that staff whereabouts, and therefore, safety was monitored throughout. We learned, however, that further work is required around the advice and guidance required for staff during periods of red weather warnings. Whilst no red weather warning was in place in North Ayrshire, staff travelling from areas where such a warning was in place were left unsure of the best course of action. This lesson is not just specific to Care at Home and has been actioned through our Health and Safety Committees and raised at a national level.

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

“We all recognise that without more investment in our roads infrastructure there will be a significant negative affect on our economy. How will North Ayrshire Council put pressure on the Scottish Government to make more money available so that all roads within North Ayrshire can be brought up to a good standard?”

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

“The Council’s Roads Service has in place an asset management approach to road maintenance to allocate available funds to locations that will offer the most beneficial return on the investment.

The estimated carriageway maintenance backlog figure for North Ayrshire is currently £31.6 million, including an additional £700,000 of estimated damage arising from the prolonged severe weather over the recent winter. The steady state figure for maintaining our roads at their condition prior to the recent winter was estimated at £3.8 million per year.

The Council provided an additional £1 million investment in 2017 and further increased investment from £16 million to £33 million over the next 10 years through the Capital Plan agreed in February 2018. The allocated capital investment for 2018/19 supported by revenue funding is £3.8 million. This funding will deliver the approved the 2018/19 Road Maintenance programme.

Scottish Government has recently announced the provision of £10 million to be shared across all councils in recognition of additional winter maintenance expenditure and repairs arising from the severe and prolonged winter weather. North Ayrshire's share of this is £213,000 which is now being invested in accordance with our Asset Management Plan prioritisations.

The Leader of the Council has written to the Finance Minister on several occasions, and will continue to raise issues, regarding the budget settlement and the requirement to provide additional funding to enable the Council to invest in its services. Furthermore at their meeting of the 27<sup>th</sup> April COSLA Leaders resolved to request additional funding from Scottish Government beyond the £10 million allocation.”

As a supplementary question, Councillor Billings asked for an assurance from the Administration that they would develop a plan for the repair of the minor roads on Arran.

Councillor Montgomerie responded by undertaking to meet with the Councillor Billings and Officers on Arran, to hear the Member's concerns.

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

"At the Council meeting in February the SNP councillors removed £280,000 from the Health and Social Care Partnership budget, resulting in cuts to the Care at Home budget.

When I receive complaints from constituents about not being able to get access to care packages, what cold comfort can I give them on how the money removed from social care is benefiting the education of the children of North Ayrshire?"

On a point of order, Councillor Gurney asked whether a question was competent if based upon a falsehood. The Head of Democratic Services advised that Standing Orders did not prevent consideration of a question, motion or amendment which included factual inaccuracy.

Councillor Foster thanked the Member for his question and, a written copy of the undernoted having been circulated at the meeting, he responded and responded in the following terms:-

"This is a Labour administration that recognises the pressure on our Health and Social Care system.

This is a Labour administration that invested millions more funding to the HSCP through the Challenge Fund, a challenge fund that is leading change across the local sector and gaining national attention.

This is a Labour administration that proposed to invest £1m more in our HSCP than any other party in this Chamber.

I am disappointed that the SNP cut deeper than the Tories and on budget day couldn't even tell us where they wanted the axe to fall.

But the Member should also be under no illusion that austerity politics and Tory policies are forcing the poorest in our communities, the more vulnerable in our communities, into our services with barbaric policies, universal credit, bedroom tax, cuts to disability payments and the loss of vital public services.

The challenge for the HSCP and others across Scotland is continuing to deliver high quality public services in line with a reducing settlement, this is something that will remain a challenge due to rising demand pressures."

On a point of order, Councillor Burns asked for confirmation that Standing Orders would have required the SNP Group, in proposing a budget change, to indicate the source of the money in question. The Chief Executive confirmed this was the case.

On a further point of order, Councillor Gurney requested advice on whether falsehoods in the answer to a question were permitted in terms of Standing Orders. The Head of Democratic Services advised that there was no requirement in Standing Orders for questions, motions, amendments or responses to be factually accurate, given the difficulty in drawing a line between what was inaccurate and that which was merely disputed. He further advised that statements which were defamatory were not permitted, albeit the issue of qualified privilege may apply. The Head of Service undertook to provide further information to Members on request.

As a supplementary question, Councillor Billings asked how the Administration proposed to demonstrate that the money moved from Health and Social Care to the Education budget had resulted in improved educational achievement and whether there was an intention to bring an education impact assessment on the matter back to the Cabinet.

Councillor Foster responded by expressing the view that it was too early to judge the impact of the change to the Education budget but confirmed the changes would be impact assessed in terms of normal practice and that this information should be available to Members in due course.

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

- “1. Between PFI/PPP/NPD/LOBO and PWLB, how much debt is the Council currently carrying?
2. For each type of debt that is applicable, what was the purpose of the debt/loan, and what is the repayment regime?
3. Who had the authority to incur the debt(s) and when were Elected Members consulted in each case?”

Councillor Cullinane thanked the Member for his question and referred to the following table which had been circulated at the meeting:-

Loan Type	Loan Principal at 31 March 2018 £m	Description	Actual Date / Date From	Date To	Term	Repayment Terms	Approved by	Date of (Latest) Approval
PPP	£66.990	PPP schools	29/10/2007		30 Years	Annuity	Council	13/12/2005
NPD	£46.628	Largs Campus	05/03/2018		25 Years	Annuity	Council	09/12/2014
LOBO	£53.100	General borrowing in support of the Council's approved General Services and HRA Capital	18/02/1985	29/01/2008	25 - 70 years	Maturity	Council - Scheme of Delegation authorises the Executive Director (Finance and Corporate Support) to make all borrowing arrangements for the Council.	01/03/2017
PWLB	£154.379	Investment Programmes,	24/01/1990	11/03/2016	10 - 60 years	Maturity	Treasury Management and Investment Strategy	
Other	£41.569	including cash flow management.	01/03/2016	26/03/2018	1 - 60 Months	Maturity	approved annually.	
<b>Total</b>	<b>£362.666</b>							

As a supplementary question, Councillor McNicol asked the purpose of the following LOBO loans secured by the then Labour Administration Council between 3 April 1986 and 29 January 2008, who advised Council to enter the LOBOs and who signed them on behalf of the Council:-

- £10m borrowed on 29 January 2008 at an interest rate of 3.89% p.a., redeemable on 31 January 2078;
- £1.150m borrowed on 22 January 2008 at an interest rate of 11.125% p.a., redeemable on 3 April 2026;
- £10m borrowed on 18 December 2006 at an interest rate of 4.75% p.a., redeemable on 18 December 2065;
- £4m borrowed on 29 September 2006 at an interest rate of 4.99% p.a., redeemable on 29 November 2066;
- £10m borrowed on 19 May 2006 at an interest rate of 4.45% p.a., redeemable on 19 May 2066;
- £5m borrowed on 15 May 2006 at an interest rate of 4.75% p.a., redeemable on 15 May 2066;
- £2m borrowed on 31 March 2006 at an interest rate of 4.99% p.a., redeemable on 31 March 2066;
- £5.6m borrowed on 16 May 2005 at an interest rate of 4.75% p.a., redeemable on 17 May 2055;
- £2m borrowed on 31 December 1990 at an interest rate of 11% p.a., redeemed on 31 December 2015;
- £1m borrowed on 31 December 1990 at an interest rate of 11% p.a., redeemed on 31 December 2015;
- £2m borrowed on 28 December 1990 at an interest rate of 11% p.a., redeemed on 28 December 2015;
- £1m borrowed on 21 December 1990 at an interest rate of 11% p.a., redeemed on 21 December 2015;
- £2m borrowed on 7 December 1990 at an interest rate of 11 3/8% p.a., redeemable on 7 December 2050;
- £2m borrowed on 30 November 1990 at an interest rate of 11 1/8% p.a., redeemed on 30 November 2015; and
- £350,000 borrowed on 3 April 1986 at an interest rate of 11 1/8% p.a., redeemable on 7 April 2026.

Councillor Cullinane responded by indicating that, having been himself born in 1986 and North Ayrshire Council not having come into being until 1996, he was unable to provide information on the bonds in question, but would work with the Executive Director (Finance and Corporate Support) to establish what information could be retrieved. At the request of Councillor McNicol, the Leader undertook to circulate this to all Members.

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

“Can the Cabinet Member for Health and Social Care confirm the budget contribution from North Ayrshire Council to the Integrated Joint Board for year 2017/18 and again for 2018/19.”

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

“The 2017/18 NAC element of the budget currently sits at £89.334m. The 2018/19 contribution is £90.498m.

Councillor Macaulay thanked the Cabinet Member for confirming the increase to the Health and Social Care budget, but expressed disappointment at the earlier lack of acknowledgement by Councillors Billings and Foster of the extra £3.5m delivered in the SNP’s budget this year and the positive impact on schools of securing frontline education staff, and asked both Members to consider visiting a school to ask staff what difference that makes to children’s lives.

Councillor Foster responded by commenting that putting a budget up by £1 each year and describing that as a record investment was not the same as providing the funds necessary to deliver high quality public services. He referred to the NHS Ayrshire and Arran having to apply for brokerage in the amount of £23m from the Scottish Government and the £25m of cuts on the table for this year alone. He suggested the Member should focus on developing a model for Health and Social Care that is properly funded and sustainable and, if he really did wish to see change, the Member should join the many voices asking the current Health Secretary to resign.

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

“What contact, if any, has there been with the UK Government following Theresa May’s public commitment to ‘talk’ about the Ayrshire Growth Deal?”

Councillor Gallagher thanked the Member for her question and officers for their work in terms of the Ayrshire Growth Deal, and responded in the following terms:-

“Following the announcement of the Prime Minister on the 29th March that the UK Government would enter into formal talks on the Ayrshire Growth Deal there was a tripartite meeting of officials from both Governments and the Chief Executives of North, East and South Ayrshire Councils on the 9th April to discuss next steps in the negotiation process on the Growth Deal. Officials are preparing a 'routemap' setting out the key milestones to deliver a final deal document and a template for the Deal's Heads of Terms document. There is a further meeting scheduled for the 15th May to further progress this. Project business cases have been refreshed and brought up to date and are being submitted to both Governments.

On the 25th April Patrick Wiggins, Bid Director, met with Jake Berry MP Parliamentary Under Secretary of State, Minister for the Northern Powerhouse and local growth (the UK Government's City and Regional Growth Deal teams report through this Department). The meeting focussed on the potential timetable for the AGD (but not in any detail, but the case was put for this to be progressed swiftly) and what the UK Government expected to see in Regional Deals including a focus on sectors, linkages to the Industrial Strategy, productivity gains and a key role for the private sector.”

As a supplementary question, Councillor Burns asked whether any meeting had taken place or was planned with the representative of the UK government in Scotland, David Mundell.

Councillor Gallagher responded by indicating that he presumed meetings would be held with as many influential people as possible.

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

“In the summer of 2014, the SNP administration, as part of the NACPP, agreed to invest in a detailed ChildrenCount Wellbeing Survey conducted by Dartington Research Unit; a study completed by our school children aged 9-16 years, asking them directly about their lives.

From that survey information, completed by 8,138 pupils (93%) from 50 primary schools and 9 secondary schools, we gathered hugely valuable information that has given direction to our Children's Services Commissioning Plan and the embedding of Nurture in our schools to support Wellbeing as well as Attainment.

After 4 years, could the Cabinet holder for Health and Social Care advise if this administration is planning to propose a follow up survey, to ensure that the support measures and service provision put in place since, do meet the current needs of our young people?”

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

“The development of the Children Services Plan - Getting it Right for You, was as highlighted, directly influenced and shaped by the views and experiences of children and young people in North Ayrshire, in addition to knowledge of the demographic, health and wellbeing profile/data.

The immense value of developing a Children Services plan in this way has been recognised not only locally but also across Scotland. We are committed to continue to work with the Dartington Research Unit and plan to engage with and undertake further research activity 2019/20.

As a supplementary question, Councillor Dickson asked whether this, the Year of Young People, would be the ideal time to carry out and bring forward further research activity on the extent to which need was now being matched with service provision, suggesting that information on this would be advantageous to the Council, the IJB and wider CPP.

Councillor Foster responded by extending an invitation for the Member to meet with the relevant Officer and himself to discuss issues around running the Dartington research again, including budget implications.

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

“Now that North Ayrshire Council have passed a budget that included funding the process to decriminalise parking enforcement, what is the program and timescale for the Council to begin enforcement?”

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

“Following the budget decision Officers met with representatives from Transport Scotland's Road Policy Team to progress the implementation of DPE. It is anticipated that the timescale to introduce Decriminalised Parking Enforcement (DPE) will take between 18 months and 2 years. However objections at any stage of the process may result in a longer timescale.

The process is extensive and requires a range of actions including the preparation of a detailed business case, review of existing parking controls, consultation at various stages, submission of applications at draft and final stages to Transport Scotland, preparation and development of Statutory Instruments and Ministerial and Parliamentary approval.

A cross-service project board has been established consisting of officers from Place, Economy and Communities, Legal Services and Finance and Corporate Support. Progress and reports will be submitted to the Cabinet as appropriate.”

As a supplementary question, Councillor Murdoch asked that the Council introduce a full strategic traffic and parking management plan, particularly in Largs, before enforcement begins and look sympathetically on all North Ayrshire town centres to keep them thriving in a declining market.

Councillor Montgomerie responded by advising that a recommendation would come to Cabinet in due course.

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

"Does North Ayrshire Council have any plans to follow South and East Ayrshire Councils' example and implement a Trusted Traders Initiative?"

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

"In 2014/15 North Ayrshire Council's Protective Services Team considered the costs, benefits and risks of joining an all Ayrshire, jointly administered, Trusted Trader scheme. At that time a decision was taken not to enter into the agreement and instead develop our own service which would better fit North Ayrshire's engagement model with residents, businesses and partner organisations. As Trusted Trader schemes are traditionally focused on builders and home improvement companies the 'Find a Builder' page was added to the Trading Standards web site in September 2015. This gives guidance and advice on budgets, quotes and contracts as well as listing companies that are affiliated to the professional body that represents them and who carry out the appropriate professional checks and audits relevant to their area of work. This service compliments the other year round work that Trading Standards do to promote legitimate businesses and protect vulnerable individuals from bogus callers, doorstep crime and scams. North Ayrshire Council at present therefore do not have any plans to implement a Trusted Traders Initiative."

As a supplementary question, Councillor Murdoch asked the Council to consider implementing such a scheme, as it appeared to be successful in South and Each Ayrshire and could potentially cover all trades.

Councillor Gallagher responded by confirming that no option was 'off the table', but questioned the success of the scheme elsewhere, given the low take-up. He also referred to a number of alternative trade bodies offering registration and advised of the need to avoid duplication of effort.

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

“Will the Cabinet Member for Place join me in congratulating the Scottish Government's continued support of council house building, welcome the latest £35 million increase to council house building allocations in Scotland for a total of £568 million this year, £591 million next and £630 million in financial year 2020/21, and confirm an expanded building programme for North Ayrshire underpinned by Scottish government funding during the current term of this Council.”

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

“Under Labour, 30,000 housing association houses were constructed. The Council's house building programme was introduced in 2011 under a Labour Administration and proposed a build programme of 500 new Council homes. Since the SNP resigned in August 2016, the current Labour Administration have twice expanded that build programme, making our SHIP, including new homes being delivered by the Council and through our registered social landlord partners amongst the largest if not the largest per head of population in Scotland. This is before any additional investment in social housing is delivered through the high rise flats proposal at Fullarton.

I welcome any investment in social housing and, as I have said in my previous response to the Member, grant funding from the Scottish Government equates to around 40% of the overall planned investment. With that in mind, and the fact that we have welcomed the Scottish Government funding, I am sure the Member will want to take this opportunity to thank the previous Labour Administration for kick-starting council house building in North Ayrshire again in 2011 and welcome the fact that this Labour Administration are delivering the biggest social house building programme in a generation and one of the largest per head of population in this country.”

## 12. Motions

In terms of Standing Order 13, submitted:-

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

"North Ayrshire Council condemns the decision of commercial operators, Europe and Jersey to close the car park in New Street Stevenston, built to serve their commercial development. The closure impacts on their tenants, their customers and public alike. We note that closure appears to be designed to put pressure on the Council to relieve the owners from their responsibilities. As a matter of principle Council will not be held to ransom. Nor should public funds be used to benefit private companies that have such disregard for community interests. The closure has a significant impact on Stevenston. Accordingly Council agrees to instruct officers to examine parking provision within Stevenston to identify the extent of any shortfall, whether reasonable terms can be agreed with Europe and Jersey to acquire the car park, the provision of alternative car parking provision elsewhere, to investigate the potential to improve disabled car parking to support the most vulnerable and to report back to Cabinet in June. In the interim, Council calls on Europe and Jersey to show good faith by re-opening the car park pending such investigation."

As an amendment, Councillor Marshall, seconded by Councillor Billings, moved that the Council instruct officers to negotiate with Europe and Jersey to bring the car park into use and report back to the Cabinet.

As a further amendment, Councillor Gurney, seconded by Councillor McMaster, moved that the Council agree the terms of the motion subject to the removal of the phrase "whether reasonable terms can be agreed with Europe and Jersey to acquire the car park" and the addition after "support the more vulnerable" the phrase "and investigate whether any enforcement action can be taken to ensure Europe and Jersey comply with their legal obligations."

In terms of Standing Order 14.5, and following clarification from the Head of Democratic Services on the terms of the applicable Section 75 order, Councillors Gurney and McMaster agreed to alter their amendment to remove its reference to investigating enforcement action.

Members asked questions and debated the matter.

In terms of Standing Order 14.5, and with the agreement of the Council, the movers of the amendments agreed to withdraw their amendments. Accordingly, the motion was declared carried.

(b) a motion by Councillor Foster, seconded by Councillor McPhater, in the following terms:-

"Council notes the request by Irvine Community Council for a North Ayrshire wide public consultation, including the sharing of information with the public, regarding the previous proposal to purchase the Rivergate Centre and resolves to support the request."

On a point of order, Councillor Hill sought clarification as to whether it was competent for the Council to consider undertaking a public consultation exercise on a matter which had already been determined by the Council, the decision having been taken on 20 December 2017 not to purchase the Rivergate Centre. The Head of Democratic Services confirmed the competence of the motion. He confirmed the issue was whether the motion was the same or substantially the same as the decision made by the Council on 20 December. If so, the agreement of two thirds of Members would be required to suspend Standing Orders before the motion could be considered. The decision on 20 December had been not to accept the recommendations of a report, the key recommendation of which was to acquire the Rivergate Shopping Centre. In the view of the Head of Democratic Services, any amendment which sought either to acquire the Rivergate Shopping Centre or to confirm the Council's decision not to acquire it, would require suspension of Standing Orders. However, the current motion was different as it sought support for a request for a consultation, which did not in itself impact on the decision not to acquire the Rivergate Centre.

As an amendment, Councillor Gurney, seconded by Councillor Glover, moved that the Council note Irvine Community Council's request regarding the proposal to purchase the Rivergate Centre and agree to provide such information as is not held commercially in confidence.

Members asked questions and debated the matter.

On a point of order, Councillor Gurney queried whether there were any budget implications associated with the motion which should properly have been taken into account within the terms of the motion. The Chief Executive advised that, if a consultation could not be met from existing resources or via an underspend, then the matter would be reported to the Council for decision.

The movers of the amendment and the motion then summed up.

On a division, there voted for the amendment 20 and for the motion 11, and the amendment was declared carried.

The Council then adjourned at 5.00 p.m. for a comfort break, reconvening at 5.15 p.m. with the same Members and officers present and in attendance, with the exception of Councillor Marshall, who left the meeting at this point.

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

“In December 2017 North Ayrshire agreed a number of actions to become a childcentred Council.

Council therefore welcomes and notes the work currently being undertaken by the independent review into the care system in Scotland. The Independent Care Review will not publish its final recommendations until 2020, however Council believes that children and young people who are care experienced should not wait until 2020 for changes that can be made sooner.

Council notes that the majority of children and young people who are care experienced are in this position because their family support has broken down, and that this is very rarely as a result of their actions.

Already the Independent Care Review has advised that as a result of stigma, language and the day-to-day arrangements that are made to support care experienced children and young people public services could change and improve their approach.

The Council instructs Chief Officers to work to address these issues and encourage professionals who work with care experienced children and young people to use language and behaviours that are more suited to a family setting.

For example, Council notes that care experienced children and young people are routinely taken out of education to attend meetings with social workers and other professionals. Being removed from the classroom during the school day has a detrimental impact on care experienced children and young people and can negatively impact on, attainment, building relationships, mental health and can lead to a feeling of being singled out as different from their peers.

The Council therefore instructs Chief Officers to review the practice of removing children and young people from school with the aim of ceasing this practice at the earliest opportunity.

Council notes that care experienced children and young people who have fewer homes and live long term with well supported foster carers who build positive relationships will statistically be healthier, have better education attainment and are more likely to reach a positive destination post-secondary school.

The Council asks that work be undertaken between the HSCP and Housing Services to encourage and support new prospective foster carers, especially those who currently live in housing that cannot accommodate children, to ensure they meet the requirement of becoming a North Ayrshire foster carer. Council asks that the way we recruit prospective foster parents no longer takes into account the applicant's current housing situation at the first stage. Instead the assessment focuses solely on an individual's ability for the role and we then support any new foster carers to access adequate housing to take this important role forward."

There being no amendment, the motion was declared carried.

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

"Council notes that:

- The Transatlantic Trade and Investment Partnership (TTIP), the trade deal between the EU and US, stalled at the beginning of 2017, due to widespread public and political concern on both sides of the Atlantic.
- The Comprehensive Economic and Trade Agreement (CETA), between the EU and Canada, despite similar concerns, was passed by the European Parliament in February 2017 and is now awaiting ratification by member states.
- CETA will allow corporations to use a new Investor Court System (ICS) which affords transnational companies rights over elected governments.
- The effects of trade deals like TTIP and CETA go well beyond traditional goals of trade agreements, encompassing a wide spectrum of public policies. These include the harmonisation of regulatory standards; opening markets in the service sector; and the opening up of public procurement markets.
- The current UK government has indicated that it plans to use TTIP and CETA as the basis for any new trade agreements that it negotiates after Brexit.
- In the last two years, ten local Scottish Councils passed motions opposing TTIP and CETA (Dundee, East Dunbartonshire, Edinburgh, Fife, Glasgow, Inverness, Midlothian, North Ayrshire, Stirling and West Dunbartonshire), which demonstrates widespread concern amongst local authorities about the negative impacts of these kinds of trade deals.

This Council believes that:

- This new generation of trade deals represents a real threat to local democracy, affecting the freedom local authorities have in decision making, when these decisions affect the profits of multi-national companies.
- These trade deals could also negatively impact on local services, employment and suppliers, as power is transferred from local and national governments to international corporations.
- A different system of trade is needed, which honours obligations to human rights, workers' rights and climate change commitments.

- Trade deals should be used to help build a fairer society and protect the planet

This Council therefore agrees:

- To endorse the Trade Justice Scotland Coalition's ten principles for just trade, as an alternative to trade deals like TTIP and CETA.
- That the Leader of this Council should write to the Secretary of State for Communities, Social Security and Equalities; the Cabinet Secretary for Finance and Constitution, and local MPs and MSPs to warn of the impact that a new generation of trade deals might have on Council decision-making after Brexit, and to call for them to endorse the Trade Justice Scotland Coalition's principles for just trade
- That the Leader of the Council will write to COSLA to express concern about the impact that future trade deals, negotiated by the UK government after we leave the EU and modelled on TTIP and CETA, might have on local council decision-making, and ask them to raise these with the UK government and Scottish government on this Council's behalf."

In speaking to his motion, Councillor Cullinane summarised the Trade Justice Scotland coalition's ten principles for just trade, a copy of which he had circulated by email to Members prior to the meeting.

There being no amendment, the motion was declared carried.

### **13. Motions to Amend Standing Orders**

In terms of Standing Order 22, submitted:-

(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"."

Councillor Hill, by way of clarification, proposed that the above change be implemented following the summer recess and applicable only to meetings of the full Council. He also requested, and received, confirmation that the proposed change could be accommodated within existing resources.

There being no amendment, the motion was declared carried.

(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."

As an amendment, Councillor Billings, seconded by Councillor Gallagher, moved that Clause 21.1 of Standing Orders should not be amended.

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 16 and for the motion 14, and the amendment was declared carried.

The Meeting ended at 5.30 p.m.