

Meeting of the Council

Wednesday 19 September 2018

Responses to Questions

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

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

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

Response

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

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

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

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

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

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

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

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

Question

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

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

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

Response

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

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

Contd/

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

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

Question

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

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

Response

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

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

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

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

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

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

- i) the number of pupils likely to be walking each day from Beith to Garnock Campus;
- ii) drying facilities to ensure that such pupils who regularly walk, are able to dry, change and store clothing at the campus; and
- iii) absenteeism of pupils who regulary require to walk from Beith to Garnock Campus; and
- (2) In view of the recent decision to allow Cumbrae pupils bus passage to Largs Campus, will the cabinet member, who is aware of regular very poor weather conditions in Beith in winter usually much worse than elsewhere in North Ayrshire consider on a week to week basis, if poor weather is anticipated, for NAC to arrange a monitoring system which would include a free bus facility for the regular walkers on this route as required."

Response

- "(1)(i) There are approximately 330 pupils attending the Garnock Community Campus (Secondary) that live in the Beith area. Of these, the Head Teacher anticipates that 50 60 children walk to school on a daily basis
- (ii) Drying facilities as such, are not provided for pupils, however if a pupil notifies staff that they have wet clothes, the pupil is provided with a spare uniform and their own clothes are dried.
- (iii) Whilst it is estimated that approximately 50 60 pupils regularly walk to school, a detailed analysis of these pupils has not been undertaken.
 - An analysis of the current Beith pupils (303) shows that they have an attendance record over 80%. Of these, 253 pupils have an attendance record over 92%.
- (2) SPT provide school bus services on a contracted basis. These services are provided based on the numbers of pupils that are eligible for free school transport as detailed in the Council's Transport Policy.
 - The NAC Policy states that school transport will only be provided to those secondary aged pupils that would require to walk 3 or more miles."

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

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

Response

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

Question

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

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

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

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

Response

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

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

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

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

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

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

Response

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

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

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

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

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

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

Response

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

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

Question

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

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

Response

Political question – the Leader will respond at the meeting.

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

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

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

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

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

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

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

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

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

Response

Political question – the Leader will respond at the meeting.

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

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

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

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

Response

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

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

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

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

The following are considered to be amenity beaches:-

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

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

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

Response

"In the past five years:

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

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

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

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

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

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

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

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

Response

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

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

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

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

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

Question

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

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

Response

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

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

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

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

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

Response

Political question – the Leader will respond at the meeting.

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

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

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

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

Response

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

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

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

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

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

Response

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

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

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

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

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

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

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

Response

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

Question

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

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

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

Response

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

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

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

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

Contd/

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

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

There is no infringement of the SSSI.

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