

North Ayrshire Council
2 November 2022

At a Meeting of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

John Bell, Timothy Billings, Marie Burns, Eleanor Collier, Joe Cullinane, Scott Davidson, Stewart Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Jim Montgomerie, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker and John Sweeney.

Present (Remote Electronic Participation)

Todd Ferguson, John Glover, Ian Murdoch, and Angela Stephen.

In Attendance

C. Hatton (Chief Executive); R. McCutcheon, Executive Director (Place), C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director (Communities and Education); and A. Craig, Head of Democratic Services, M. Boyd, Head of Finance, F. Walker, Head of People and ICT, Raymond Lynch, Senior Manager (Legal Services), M. McColm, Senior Manager (Communications), M. Anderson, Senior Manager (Committee and Member Services) and H. Clancy and D. McCaw, Committee Services Officers (Democratic Services).

Chair

Depute Provost in the Chair (Agenda Items 1-13(2) and 13(4)-14).
Councillor Marshall (Agenda Item 13(3)).

Apologies

Anthea Dickson and Amanda Kerr.

1. Depute Provost's Remarks

In the absence of the Provost, and in terms of Standing Order 6.6, the Depute Provost took the chair.

The Depute Provost welcomed those present to the meeting and, on behalf of Members, extended his sincere condolences to the Provost following a family bereavement.

The Depute Provost then dealt with preliminary matters, including intimation that the meeting, which was taking place on a hybrid basis, would be live streamed to the internet.

Members were also advised that, in terms of Standing Order 10.8, the Depute Provost had received an urgent item, which he had agreed to consider at the end of the meeting, under Agenda Item 14.

2. Apologies

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

3. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, the Depute Provost declared an interest in Agenda Item 13(3) (Motions), in his capacity as the seconder of the motion, and advised of his intention to vacate the Chair during consideration of this item of business.

There were no declarations of the Party Whip.

4. Previous Minutes

With the permission of the Depute Provost, Councillor Donald Reid made reference to an offer which he understood the Cabinet Member for Place to have made in the course of debate on Item 17(2) (Motions) of the Minute of the Ordinary Meeting held on 21 September 2022, namely that meetings would be held in each Locality to discuss the implications of parking charges. Councillor Donald Reid considered that this offer had not been appropriately recorded within the Minute.

Councillor Donald Reid sought, and received, confirmation that officers would verify the content of the recording of the Ordinary Meeting of the Council and, as appropriate, liaise with the Cabinet Member for Place with regard to arrangements for the relevant meetings.

Subject to the above clarification, the accuracy of the Minutes of the Ordinary and Special Meetings of the Council held on 21 September 2022 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 12 September to 23 October 2022.

The Depute Provost took the opportunity to update Members on receipt by the Council of the national Employer Recognition Scheme Silver Award for 2022, which recognised North Ayrshire Council's commitment to supporting the Armed Forces.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 12 September to 23 October 2022.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period from 20 June to 19 October 2022.

Noted.

8. Appointment to Committee

The Council was invited to note (i) the resignation of Councillor S Ferguson from the Licensing Committee and (ii) that, in terms of Standing Order 8.5, the resultant vacancy has been filled, in terms of Standing Order 8.5, by Councillor Inglis, effective from 5 November 2022.

Noted.

9. Appointments to Outside Bodies

The Council was invited (a) in respect of Hunterston Site Stakeholder Group, (i) to note the resignation of Councillor T. Ferguson and (ii) consider a nomination for Councillor Glover to be appointed to fill this vacancy in terms of Standing Order 8.4; and (b) in respect of the Licensing Board, (i) to note the resignation on Councillor S. Ferguson and (ii) consider a nomination for Councillor Inglis to be appointed to fill this vacancy in terms of Standing Order 8.4.

Councillor Marshall, seconded by Councillor McLean, moved the appointment of Councillor Glover to serve on the Hunterston Site Stakeholders Group. There being no amendment, Councillor Glover was duly appointed.

Councillor Marshall, seconded by Councillor McLean, then moved the appointment of Councillor Inglis to serve on the Licensing Board. There being no amendment, Councillor Inglis was duly appointed.

Accordingly, the Council agreed:

- (a) to note the resignations of Councillors T. Ferguson and S. Ferguson from the Hunterston Site Stakeholder Group and Licensing Board, respectively; and
- (b) to approve the appointment of Councillors Glover and Inglis to the Hunterston Site Stakeholders Group and Licensing Board, respectively.

10. Medium-Term Financial Outlook 2023/24 to 2025/26

Submitted report by the Head of Finance on the financial challenges facing the Council over the medium term to help inform the development of budget proposals.

Members asked questions, and received clarification, on the following:

- the assumption that North Ayrshire's population was likely to decrease, particularly given the significant numbers of new houses already built or planned;
- the potential for population projections to change as a result of data from the latest census;
- the negative impacts on travel providers which might arise from the Scottish Government's identification of concessionary fares as a potential area of savings and the extent to which officers would take into account the implications of this in terms of possible service reductions;
- whether the use of reserves was likely to require to form part of the Council's budget strategy for future years and the recognition that this would constitute a temporary measure rather than a solution;
- whether, in light of additional pressures and funding gaps for local authorities, the Scottish Government had indicated that there might be some flexibility in terms of ringfenced funding;
- whether any timeframe was available in terms of an expected improvement in the stability of gilt yields;
- the likelihood of the Scottish Government providing funding for future local government pay awards in the event of them exceeding the current planning assumptions; and
- whether the Council would in future need to revisit its position on avoiding the use of compulsory redundancy

Councillor Larsen, seconded by Councillor Burns, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, having considered the financial position identified in the Medium-Term Financial Outlook 2023/24 to 2025/26, the Council agreed:

- (a) to note the scale of the financial challenges which the Council faced over the medium term; and
- (b) that proposals be brought forward to set a balanced budget for 2023/24.

11. Locality Planning in North Ayrshire

Submitted report by the Executive Director (Communities and Education) to provide an update on Locality Planning in North Ayrshire and seek approval for revised Locality Partnership Terms of Reference and Standing Orders, as reviewed and agreed by the Locality Planning Working Group. The proposed Terms of Reference and Standing Orders were set out at Appendices 1 and 2 to the report, respectively.

At its last Ordinary Meeting held on 21 September 2022, the Council agreed to establish a Member Officer working group to consider proposed changes to the Locality Partnership Terms of Reference and Standing Orders. The Executive Director (Communities and Education) reported on the outcome of the working group's deliberations, as reflected in the recommendations set out in the report.

Councillor Hill, seconded by Councillor Macaulay, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to approve the revised Locality Partnership Terms of Reference and Standing Orders set out at Appendices 1 and 2, respectively, to the report.

12. Sevenacres Bridge, Kilwinning - Compulsory Purchase

Submitted report by the Head of Democratic Services on the proposed compulsory purchase of land required to install a replacement bridge over the Lugton Water at Sevenacres, Kilwinning, and to provide temporary access for those works to be undertaken. The Schedule (setting out the land required and the purpose of acquisition) was set out as an appendix to the report. A location plan was displayed at the meeting and published on the Council's website.

Members asked questions, and received clarification, on the following:

- whether there were any estimates available as to the likely cost of pursuing the compulsory purchase of this land, as well as the cost of the bridge replacement itself; and
- the availability of a more detailed plan, referencing the specific areas of ground referred to in the Schedule accompanying the report

The Head of Democratic Services undertook to arrange for the following to be circulated for Members' information: (a) an estimate of the likely costs associated with (i) pursuit of a Compulsory Purchase Order and (ii) the bridge replacement works and (b) a more detailed location plan identifying the individual areas of ground referred to in the Schedule to the report.

Councillor Davidson, seconded by Councillor Burns, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed as follows:

"That The North Ayrshire Council resolves in exercise of the powers conferred by Section 104 of the Roads (Scotland) Act 1984 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a Compulsory Purchase Order to be called "The North Ayrshire Council (Sevenacres Bridge, Kilwinning) Compulsory Purchase Order 2022" to purchase compulsorily ALL and WHOLE those areas of ground listed on the Schedule hereto which are required to replace the existing Sevenacres Bridge, Kilwinning, authorise and instruct the Senior Manager (Legal Services) to sign the Order and plan on behalf of the Council, affix thereto the Common Seal of the Council, submit the Order and plan to the Scottish Ministers for confirmation, give the appropriate notice to the owners and occupiers of the subjects, insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority, (b) have not been acquired by statutory undertakers for the purpose of the undertaking, (c) do not form part of common or open space, (d) are not held inalienably by the National Trust for Scotland and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures".

13. Questions

The Depute Provost introduced this item of business, reminding Members of the Standing Orders provisions relating to questions. Members were advised that a period of 45 minutes was allocated for consideration of the undernoted questions, the order of which had been determined following the drawing of lots, as set out in Standing Order 14.3.

In terms of Standing Order 14, submitted:

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

"Noting that Dunoon Grammar has adapted its Curriculum to provide 50 courses which reflect key sectors of the local economy such as tourism and marine studies as well as community projects and as a result was named ahead of runners-up in Brazil and India to win a \$50,000 prize as the T4 Education World 's Best School for Community Collaboration, what lessons can the Council learn to apply to its rural and coastal Academies and High School to mirror the success of Dunoon?"

Councillor Marshall requested that his question be taken as read.

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

"We extend our congratulations to Dunoon Grammar on its achievement in this interesting and novel award. It will be interesting to see the advantage in terms of attainment and positive destinations of these additions to the school's curriculum.

In North Ayrshire, our schools are regularly reviewing their curricula and have been doing so for several years. The purpose of these curriculum reviews is to ensure the curriculum provides a broad and balanced range of activity and subject and that these enable the children and young people to develop knowledge, skills and experiences which lead to recognised and valuable qualifications.

Schools across North Ayrshire have developed their curricula significantly, similarly to Dunoon Grammar, to provide an extensive range of qualifications to improve the educational experience of young people and reflect the needs of the local labour market/intelligence. This extended curriculum offers qualifications in a broad range of areas including, but not limited to, Travel and Tourism, Rural Skills, Retail, Hospitality, Engineering, Health and Social Care, Leadership and Personal Development providing young people with a wide variety of skills to access positive pathways beyond school and support the local economy.

The educational experience of our young people is further enhanced through individual and unique rural and outdoor experiences, including Arran Outdoor Education Centre which also exploits the local rural and coastal resources to provide the best possible experiences for young people in North Ayrshire.

School curricula are supported through our work with local partners such as Ayrshire College, SDS, Ayrshire Chamber of Commerce and local businesses. For example, schools and Ayrshire College work very closely to develop their curriculum offering to ensure provision of courses which meet the needs of our young people and local labour market intelligence. The Ayrshire Chamber of Commerce work closely with all schools and local businesses to provide an extensive work experience programme to support skills development for young people and support future labour market growth. This is obviously underpinned by the Ayrshire Growth Deal which seeks to provide the strategic overview and direction for any future partnership working or curriculum developments.

As an authority and across the whole of Ayrshire we have begun a fresh review of our curriculum which will be a major feature of our service improvement plan for the next three years. This work will build on the recent OECD report on Scotland's Curriculum for Excellence. Indeed, all our Head teachers alongside their counterparts from across East and South Ayrshire met on 7 October 2022 with representatives of Ayrshire College and local businesses to advance our discussions and to plan next steps in a collaborative and innovative way.

As always, the Education Service continues to look outwards and learns from our colleagues' best practice wherever that may be to maximise the potential of all young people across North Ayrshire."

As a supplementary question, Councillor Marshall asked whether the Cabinet Member could provide him with a copy of the extended curriculum which applied to schools in North Ayrshire.

Councillor Macaulay responded in the affirmative.

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

"After 100 years on Saltcoats High Street local businesses Gregor Watsons recently announced that it will close, potentially leaving Saltcoats with another vacant retail unit on our Hight Street. Does the Cabinet Member believe the introduction of parking charges will make it easier or harder for local businesses to survive in the current economic climate, and for the Council to bring vacant properties back into productive use?"

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

“A key desired outcome of introducing DPE and parking charges is the improved regulation of traffic in our town centres, by directing long stay patrons to free parking slightly further out while providing chargeable and short stay parking close to retail and other town centre services. This will provide enhanced access to parking close by to retail and other businesses within towns and in so doing, encourage greater footfall from patrons within towns and villages.

Recent monitoring of our town centre car parks has shown that they are extremely busy with workers by 9 am making it difficult for visitors and shoppers to find parking spaces. It is also clear that disabled parking bays are being abused by non blue badge holders thereby restricting access for disabled people to find an accessible parking space.

The introduction DPE and parking charges should therefore provide a turnover of parking spaces for visitors and shoppers within our town centres thereby improving opportunities for local businesses. DPE will also give us the powers to tackle irresponsible drivers who abuse the use of disabled parking bays.”

At the invitation of the Depute Provost, Councillor Montgomerie took the opportunity to ask a supplementary question.

Councillor Burns queried whether, in delivering his supplementary question, Councillor Montgomerie was intending to ask a question or make a speech. The Depute Provost invited Councillor Montgomerie to proceed with asking his supplementary question.

As a supplementary question, Councillor Montgomerie asked the Cabinet Member when the agreement made by Council at the last meeting to review parking rates would be considered by Cabinet and, further, that petitions submitted in opposition of charges would be presented to the Audit and Scrutiny Committee for due consideration.

Councillor Davidson began his response by expressing disappointment at the Member's opposition to a policy which had been brought by the previous Administration.

Councillor Foster queried the relevance of the Cabinet Member's response to the question. The Depute Provost invited the Cabinet Member to proceed with responding to the supplementary question.

Following a comment by Councillor Montgomerie which failed to meet the standards of behaviour reflected in Standing Order 12.2, the Depute Provost, in terms of Standing Order 6.8, agreed that the meeting be adjourned briefly at 3.10 p.m. The meeting reconvened at 3.20 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person), and with the addition of Councillor Robertson, who had joined the meeting in person.

At the invitation of the Provost, Councillor Montgomerie retracted his earlier remark.

Thereafter, the Cabinet Member for Place responded to the supplementary question by confirming that he would keep all Members fully updated as to when a report would be submitted to Cabinet. He further advised that a petition had been received and would be subject to the same procedure as any other petition.

(3) a question by Councillor Collier to the Cabinet Member for Health and Social Care in the following terms:

“What work is being carried out by HSCP to support individuals in accessing residential rehabilitation?”

Councillor Johnson thanked the Member for her question and responded in the following terms, the latter part of her response being taken as read following expiry of the two-minute period provided by Standing Order 14.4:

“The national mission to reduce drug related deaths and harms has set out the ambition to save and improve lives. Access to Residential Rehabilitation is a key part of the National Mission, the vision being that residential rehab is available to everybody that wants it, and for whom it is deemed to be clinically appropriate, at the time they ask for it in every part of Scotland.

Locally the HSCP has been working closely in partnership with the ADP to ensure appropriate and timely access to residential rehabilitation in North Ayrshire. £5m of funding has been provided nationally, the North Ayrshire share of this being £136k, this funding is to support the development of rehab pathways and an increase in the number of people being referred to residential rehabilitation.

The HSCP and ADP are jointly committed to supporting individuals to access residential rehab and have engaged with a range of services, clinical and care leads, and individuals, families and staff from across services to successfully develop the North Ayrshire residential rehabilitation pathway. This pathway has now been published and promoted on the HSCP web site and shared across services.

The North Ayrshire Drug and Alcohol Recovery Service (NADARS) is an integrated health and social care service and anyone can refer to this service - individuals, families, carers, primary care, prison or any support service. Individuals seeking to access external Residential Rehabilitation (RR) support can do so through NADARS who will support the development of a care plan, identify a residential rehab provider and then support individuals into, through and after their external placement.

There are a range of residential rehabilitation support opens now available to North Ayrshire residents in addition to access to external provision. This includes access to our local 10 bedded ward in Woodland View which provides hospital-based alcohol and/or drug and mental health related detoxification, rehabilitation, and day attendance support. Since April 2020 114 individuals from North Ayrshire have been supported to access residential rehabilitation support with a further 229 individuals supported to access detoxification support in Woodland View.

In addition, locally we are fortunate to be working closely with Phoenix Futures to plan for the opening of the National Specialist Family Service, Harper House which is based in Saltcoats. The HSCP have been closely working with Phoenix Futures to ensure our local services are able to support and complement the service and also to ensure robust referral pathways and criteria for local families to access support at Harper House, due to local services and wrap around support available in North Ayrshire our residents and their families will benefit from more complex needs being supported in the facility. This is an exciting development which will build on the range of rehabilitation supports and interventions available to our residents.”

Councillor McPhater sought the Depute Provost’s permission to ask a question arising from the Cabinet Member’s response to Councillor Collier’s question. The Depute Provost refused this request on the basis that there was no provision within Standing Orders allowing it.

(4) a question by Councillor McLean to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member for Finance how much new capital investment has been made into Springside Primary school since the decision to keep the school open in 2008, not including maintenance and repairs, and not including monies spent on the new Early Years Centre?”

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

“The Property Management and Investment (PMI) team undertake a rolling programme of Condition Surveys across the corporate estate, including all educational establishments. We have a statutory duty to report on the condition of schools through the “Core Facts Return” which is submitted to the Scottish Government. Springside Primary School has been assessed as having a “B” (Satisfactory) rating at the most recent survey (2019).

All general maintenance, statutory compliance and reactive repairs have been carried out to ensure the property is maintained to the appropriate standard. From the financial records available which date back to 2013/14 a total of £152,289 has been invested across these areas. Investment in the Early Years extension totalled £566,752 across 2019/20 to 2021/22. This expenditure included freeing up and refurbishment of a general-purpose area within the school and drainage infrastructure improvements to benefit the whole building.

The Condition Surveys, alongside information gathered by the locality Maintenance Officers, allow us to prioritise investment across the estate. At present, there are no elements within Springside Primary which have been identified as a priority for investment.”

As a supplementary question, Councillor McLean asked for information on how much of the £0.5m investment in the Early Year’s extension had been used for (i) general refurbishment and (ii) longer-term improvements.

Councillor Larsen responded by advising that she did not have this breakdown but would request officers’ assistance in seeking to make this information available to Members.

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

“To ask the Cabinet Member how many applicants are on the North Ayrshire Housing Register with Kilwinning within their choices of area to be considered.”

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

“The North Ayrshire Housing Register is a shared register which is jointly operated by North Ayrshire Council and our RSL partners - Riverside Homes; Cunninghame Housing Association; and ANCHO. It is a live system that changes daily as new housing applications are registered and other applications are updated or cancelled.

Applications are held in one of the seven ‘needs’ groups and awarded points and consequential priority that reflect the applicant’s housing circumstances. If no points are awarded, it means the applicant does not have an assessed housing need as defined by the Housing Allocations Policy.

Applicants can choose as many areas as they wish from the 63 letting areas across North Ayrshire. Staff carry out housing options interviews with applicants and actively encourage them to include several areas to maximise their likelihood of receiving an offer.

As at Wednesday 26 October, I can confirm we have a total of 6,715 applications on the North Ayrshire wide register, of which 3,346 applications have been allocated points. This equates to 50% of applications.

Again at 26 October, the total number of applicants who have included at least one of the 8 Kilwinning letting areas within their preferences is 1,922. Of these, there are 1,081 applicants who have been awarded points/priority. This equates to 56% of all applications for Kilwinning.

359 applicants have chosen Kilwinning areas only, with 197 of these applicants having points/priority awarded (54%).”

A supplementary question by Councillor Donald Reid was not permitted by the Depute Provost on the grounds that it did not adhere to the requirement set out in Standing Order 14.4 that any supplementary question must arise directly from the answer given to the original question.

(6) a question by Councillor McTiernan to the Cabinet Member for Health and Social Care in the following terms:

“Given the current pressures which have been widely reported in the media for Health and Social Care Services across Scotland, there are significant concerns on how the system will cope with the impending winter period. Can the Cabinet Member for H&SC provide an update to Council on the local position and a reassurance on any winter plans in North Ayrshire?”

Councillor Johnson thanked the Member for her question and referred to the following written answer:

“Similar to other areas in Scotland the Ayrshire and Arran health and social care system remains under immense pressure. The impact and legacy of the pandemic is ongoing alongside the continued stresses placed on the workforce and increased demand for services. The pressures are most visible at the hospitals where emergency access performance standards are not met, there are ambulance delays to hand over patients, there is an increased length of stay, all of which lead to poorer outcomes for our citizens.

Despite efforts, continued pressures to date have not enabled the de-escalation of either acute Hospital in Ayrshire and Arran and there has not been the closure of any of the additional beds opened to support the surge in Covid inpatient numbers. A further HSCP sponsored focussed intervention is planned for two weeks from 7th November which will involve the three HSCPs deploying community teams into the acute sites to support patient discharge.

There is a continued focus on prioritising packages of care for individuals in hospital. However, the impact of this is the continued risk posed to those in the community who have been assessed as requiring support. In North Ayrshire 85% of the current hours of unmet need for care at home services are for individuals on the community waiting list and a significant number of individuals are awaiting assessment and review.

In October 2021, over £300m of investment in hospital and community care was announced to support a range of measures with the overarching aim being to reduce risks in community settings and supporting flow through acute hospitals. A total of £3.4million was allocated to North Ayrshire specifically for interim care, Multi-Disciplinary Teams and Care at Home capacity, the majority of this funding has now been provided on a recurring basis.

The North Ayrshire HSCP Winter Funding Plan was approved by the IJB in December 2021. This focusses on a whole system approach to bolstering the care workforce by increasing numbers of staff in key areas of community services, with a longer-term focus on increasing capacity across our system and to invest in services which focus on early intervention and prevention and the alternatives to hospital admission. When the plan was approved it was with the caveat of the scale and pace of the impact being wholly reliant on successful recruitment.

Recruitment is ongoing with a number of key posts now appointed to including additional Social Workers and Social Work Assistants, Community Occupational Therapists, Health Care Support Workers and a range of roles within Care at Home services. For Care at Home there has been a constant focus on recruitment and these efforts have led to a net increase in the workforce over the period. This has led to a significant improvement in the Hospital waiting list which in North Ayrshire is now sitting at the lowest position it has been, this also allows our in-house respite facility to return to fully providing respite support over the winter period. The position with commissioned care providers remains fragile with many citing difficulties in the recruitment and retention of staff and therefore are unable to offer sustainable care provision and an inability to support new services.

In terms of providing the reassurance of any winter plans in North Ayrshire I can reassure members that the HSCP have an investment plan in place to increase capacity and there are business continuity and escalation plans in place across services. I can also reassure members that the HSCP will continue to take all the necessary steps to manage and escalate the risk in the system, however despite this there is no doubt we are heading for a very difficult winter period for health and care services.”

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

"Will the new Administration commit to reinstating the disabled fishing platform behind Lamont Drive in Irvine?"

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

"The previous angling platform was removed following complaints from the Angling Club that it was in a dangerous condition. After removal, officers have continued to support the Club, and assisted by seeking bids from contractors for a replacement platform. Unfortunately, the bid received was not affordable.

Although the Council does not have funding nor any responsibility for the replacement of the platform, it is anticipated that the Angling Club will qualify for grant funding the Council would not have access to. An officer will contact the group to discuss opportunities that may be open to them and will assist through the provision of professional services with the specification design for a new angling platform and with engaging a contractor, if required."

As a supplementary question, Councillor Gallacher asked whether progress on this matter could be kept under close review, with a view to supporting the club to ensure a replacement platform was in place for the start of the new season in March 2023.

Councillor Davidson responded by undertaking to ensure officers kept Councillor Gallacher and himself informed at all stages, including arranging meetings for this purpose as and when required.

- (8) a question by Councillor McPhater to the Cabinet Member for Economy and Climate Change in the following terms:

"How many of our residents have received travel passes from the "Public Transport Travel Scheme", approved by Cabinet in June 22?"

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

"The Active Travel and Transport Team are engaging closely with the Council's Employability Team, the Lennox Partnership, Skills Development Scotland and CEIS to identify appropriate beneficiaries for the travel assistance scheme. This has been successful with the first cohort of travel passes and bespoke travel plans being issued this week.

As a supplementary question, Councillor McPhater referred to the amount of time which had now elapsed without a single travel pass having been issued and also referred to an earlier commitment by the Cabinet Member that the scheme would not constitute a subsidy for Stagecoach at a time when the company was cutting local bus services, asking whether the Cabinet Member now admitted that the vast majority of the money spent on this scheme would be spent with Stagecoach.

Councillor Gurney responded by providing contextual information on the proper process which had to be followed in terms of implementing the scheme and emphasising the importance of ensuring that it was properly targeted, particularly given the relatively small number of passes available. The Cabinet Member advised that some of the passes had gone to bus-users, while others were SPT passes, which included rail, bus and underground services.

The Depute Provost reminded Members, in terms of Standing Order 14.4, that questions and responses must each be delivered within a period of two minutes.

The Depute Provost allowed a question of clarification from Councillor McLean on the number of users within the first cohort, and Councillor Gurney confirmed that he had the information and undertook to have this information made available to Members following the meeting.

(9) a question by Councillor T. Ferguson to the Leader of the Council in the following terms:

"To ask the Leader of the Council what discussions have taken place with the business sector to promote and attract employment opportunities to North Ayrshire?"

Councillor Gurney, as the relevant Cabinet Member, thanked the Member for his question and responded in the following terms:

"The Economic Development and Regeneration Teams have strong connections with the local business base and continue to provide significant support and advice on a daily basis. During the pandemic these links were further strengthened as officers provided essential guidance and advice to assist businesses during unprecedented economic times and administered a wide range of business support grants.

The Community Wealth Building Strategy, the Recovery and Renewal Approach, the Green Jobs Fund and the Local Employability Partnership Delivery Plan all provide a range of approaches and mechanisms designed to support business growth and investment into North Ayrshire.

In addition to supporting the existing business base, there is extensive work ongoing to attract inward investment to the area. There are currently 24 live inward investment enquiries ranging from new technology to secondary company investment proposals. A significant upturn has also been observed in enquiries based on new green technologies wishing to invest in the area which will assist in ensuring a Green Economic Recovery.”

As a supplementary question, Councillor T. Ferguson asked about the likely impact on North Ayrshire of the Scottish Government’s recent announcement that they would be cutting £53m of funding for employability schemes and whether the Council had any contingency arrangements in place.

Councillor Gurney responded by advising that programmes and funding were subject to change nationally and gave a commitment that the Council would always seek to make the best use of available opportunities to engage with these. The Cabinet Member gave examples of recent work to safeguard some 400 existing jobs and create 71 new jobs within North Ayrshire, and the projected creation of 159 new jobs based on growth plans.

(10) a question by Councillor Bell to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member for Finance if staff have received the backdated 2022/23 pay award in their pay packets?”

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

“The Scottish Joint Council (SJC) Circular from COSLA has been received, which outlines the pay award for 2022/23. This will be implemented and paid to the local government workforce by December 2022. This will include arrears from 1 April 2022.

Communications, including FAQs, will be issued to the local government workforce to confirm the details, arrangements for pay and provide guidance and support should this be required.”

As a supplementary question, Councillor Bell asked how the Administration planned to budget for next year’s pay award.

Councillor Larsen responded by making reference to information which the Head of Finance had provided earlier in the meeting, in respect of his report on the Medium-Term Financial Outlook.

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

“How can North Ayrshire Council help support the Arran Ferry Committee in its efforts to encourage Transport Scotland, Peel Ports and Calmac to provide a speedy permanent solution to the damaged fenders at Ardrossan which are causing continued cancellation of key early and late ferry sailings?”

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

“North Ayrshire Council has recently engaged directly with Peel Ports and CMAL regarding the condition of the fenders at Ardrossan Harbour. Peel Ports advised that the fenders were damaged; however, they were replaced to full working order in September 2022. The replacement fenders fully conformed to Transport Scotland’s specification. These have subsequently been damaged within the last 4-6 weeks.

Peel Ports have advised that Transport Scotland do not have any fender plates across the network that are the correct dimensions for Ardrossan Harbour. Replacement faceplates were ordered several weeks ago and are expected to be delivered in approximately 4 weeks’ time. In the meantime, they are trying to fabricate a faceplate that, if successful, they will fit weather dependent over the coming weekend.

North Ayrshire Council will continue to liaise with all stakeholders (TS, Peel Ports, CMAL, CalMac) regarding the ongoing maintenance and operation of Ardrossan Harbour to support the resilience of the services.”

The Leader concluded her response by indicating that she shared the Member’s frustration and by offering to meet with Councillor Billings to discuss the matter and possible sustainable solutions further.

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

“To ask the Cabinet Member where North Ayrshire Council was ranked for recycling performance amongst Scottish local authorities in 2016?”

The question and following written response were taken as read, with the agreement of both parties:

“Thank you for your enquiry regarding the Council’s recycling performance for the year 2016. SEPA publishes annual figures of all local authorities on a calendar basis. I can therefore confirm that for 2016 North Ayrshire Council were ranked 5th performing council in Scotland for recycling, with a household recycling rate of 55.3% for 2016.”

(13) a question by Councillor T. Ferguson to the Cabinet Member for Place in the following terms:

"To ask the Cabinet portfolio holder for Place to provide an update on the investigation into the paused roll out of Facial Recognition software in our schools."

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

"The matter is still with the Information Commissioner's Office and the outcome is awaited. Members will be advised when the Commissioner's decision letter has been received."

As a supplementary question, Councillor T. Ferguson requested clarification on the likely timescale for the Information Commission's response.

Councillor Davidson reiterated the commitment to advise Members as soon as the Information Commissioner's decision letter had been issued.

(14) a question by Councillor McDonald to the Cabinet Member for Economy and Climate Change in the following terms:

"North Ayrshire Council agreed its budget for 2022/23 eight months ago. Included in the budget was £1.726million for an energy support fund, now called "Energy Smart", to help residents through the cost-of-living crisis. Eight months on, can the Cabinet Member advise us how many residents have received support from the "Energy Smart" scheme?"

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

"As at the end of October, 460 households have received support through the Energy Smart scheme."

The Cabinet Member also clarified that, following a review, the value of the Fund was now £2.176m.

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As a supplementary question, Councillor McDonald asked whether the Cabinet Member considered it was right that carers in receipt of Carer's Allowance were ineligible for the Emergency Support Fund which formed part of the scheme.

With the agreement of the Depute Provost, Councillor Gurney responded by suggesting that this matter might be the subject of consideration as part of the urgent item which had been submitted for consideration at the end of the meeting.

The allotted time of 45 minutes having expired, the Depute Provost, at his discretion in terms of Standing Order 14.2, allowed one further question to be asked and answered, given that some of the foregoing responses had been lengthy.

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

“To ask the Cabinet Member for Place if he is concerned about the state of the old Dregghorn Primary School building on the Main Street and the incessant vandalism to the site?”

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

“The property has suffered extensive vandalism. The property-owner, has advised that they have taken preventative measures to reduce the potential for vandalism on site. The owners are currently engaging with the Council’s Planning, Regeneration and Business Growth Services. This is with a view to identifying potential options for the repurposing and redevelopment of the building.

The property owner is in the process of preparing an application to the Council’s Repurposing Property Grant Fund for a feasibility study on the building. Officers have provided support and guidance to the owner to prepare a brief and enable them to obtain the required tenders to support their application. We anticipate receipt of an application over the next month and, subject to funding, completion of the study in the current financial year.

Officers will continue to support and liaise with the property owner.”

On a point of order, Councillor Foster requested clarification on the mechanism for submitting a supplementary question in terms of Standing Order 14.4 in circumstances whereby no written response had been circulated at the meeting. The Depute Provost confirmed that written responses to three ‘political’ questions would be circulated following the meeting.

On a further point of order, Councillor Murdoch referred to the expiry of the period of 45 minutes allowed for questions in terms of Standing Order 14.2. The Depute Provost clarified that he had, in terms of the same Standing Order, exercised his discretion to extend the time for questions. He also confirmed that the remaining questions and responses, as circulated in advance of the meeting, would be taken as read and included in the Minute.

(16) a question by Councillor Kerr to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member for Finance what impact the current instability in economic markets is having on the Council’s Capital Financing Requirement for the approved Capital Programme, and what subsequent impact that will have on the Loans Fund Principal Repayment?”

The written response by the Cabinet Member for Finance was as follows:

“Work to assess the affordability of the capital programme commenced in August of this year. The anticipated cost of borrowing from the capital expenditure plans over the duration of the capital programme to 2030/31 was based on advice from the Council’s Treasury Management Advisors and was set at a flat 3.30% interest rate forecast across the life of the plan. The general construct of this borrowing from the Public Works Loans Board (PWLB) was based on a 20 Year Gilt yield at 2.50% plus 0.80% to produce a PWLB Certainty rate of 3.30%. At this time, to support the current level of capital investment and provide headroom of up to potentially £25 million of additional cost pressures from the cost volatility in the construction sector, this required an additional £5.550 million revenue investment to be added into the loans fund between 2023/24 to 2030/31. From the events that followed the mini-budget announcement on the 23 September 2022, the Council’s Treasury Management Advisors provided updated PWLB rate forecasts of 5.05% for 2022/23, 4.80% for 2023/24 and 4.60% for 2024/25 onwards. The consequence of this increase was a change to the projected financial position from a previously anticipated additional £5.550 million to £38 million additional revenue investment required. There remains a level of turbulence around the rates. On 28 September the PWLB certainty rate rose to 5.74%, however, the published position at 25 October reflects a PWLB certainty rate of 4.74%. Work will continue with our Treasury Advisors to update the forecasts and cost impacts.”

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

“Will the Leader agree to organise a Members’ Update on the progress that KA Leisure is making to refocus its activities on exercise as a means to aid health and wellbeing, and to be less reliant on subsidy from North Ayrshire Council for its core exercise facilities?”

The written response by the Cabinet Member for Communities and Islands was as follows:

“The Leader will make arrangements for a Members’ Update on the progress that that KA Leisure is making to refocus its activities on exercise as a means to aid health and wellbeing in North Ayrshire. Regular updates are also part of the ongoing CPP Board discussions and delivered through an annual Cabinet report which is scheduled for annually for February 2022. Progress to date includes securing CPP Board support for KAL to lead a Wellbeing Alliance to lead the delivery of the Wellbeing priority of the new LOIP. KA Leisure continues to work towards recovering its business with its membership now at just under 8000. Additional capacity for reviewing financial systems and processes has been provided by the Council and this work is ongoing.”

(18) a question by Councillor Foster to the Leader of the Conservative and Unionist Group in the following terms:

“What does the Leader of the Conservative Group believe will have the worst impact on North Ayrshire residents - the rise in mortgage repayments, the run on pension funds or the imposition of austerity 2.0 arising from the Tories’ “mini-budget”?”

The written response by the Leader of the Conservative and Unionist Group was as follows:

“Taking the points raised in reverse order:

Austerity is a set of political economic policies that aim to reduce government budgets deficits through spending cuts or tax increases. We will require to wait on the Chancellor’s Budget later this month to determine what Austerity, if any, is needed. Closer to home, the Council in setting its budget will need to practice Austerity by cutting spending/employment or raising the Council Tax

Pension Funds - The Times noted the other day that the economic and financial situation has been transformed in a matter of days. The pound has recovered and is even slightly above where it was before the mini budget, the prices of government bonds are also higher and there is no run on pension funds.

Mortgage Payments - Bank Rate has been below 1% for the last 13 years, is now at 2.25% and is likely to peak at around 5%. This increase is not unexpected and is a result of the inflation in the UK of 10.1% caused by Covid support, energy payments, war in Ukraine and other factors. As a matter of interest, this rate is lower than the Europe average and the 114% reported by our socialist comrades in Venezuela. Closer to home, it is clear that the socialist policies of the Labour Group have not found favour with the North Ayrshire voters, who viewed the return of a Labour Administration with disdain and ensured that they were returned with the lowest number of councillors ever. In fact, one fewer than the 10 Conservative councillors.

In 2010, Liam Byrne the former Labour Chief Secretary to the Treasury left a note saying to the incoming Conservative Government, "Dear Chief Secretary, I am afraid to tell you there is no money left."

So, we will take no criticism or lessons from the Labour Party."

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

"Does the Education Portfolio holder support the proposal in the Gender Recognition Reform (Scotland) Bill as debated at Holyrood that will allow people as young as 16 to legally change their gender?"

The written response by the Cabinet Member for Education was as follows:

"Yes, I support the proposal."

(20) a question by Councillor McDonald to the Cabinet Member for Health and Social Care in the following terms:

"It has been reported that the Scottish Government want to "reclaim" reserves from Health and Social Care Partnerships. Can the Cabinet Member tell us how much funding for health and social care services in North Ayrshire could be grabbed back by the Scottish Government under this move?"

The written response by the Cabinet Member for Health and Social Care was as follows:

"At the end of February 2022, the Scottish Government wrote to Integration Joint Boards to advise that significant additional funding was being made available to meet Covid costs and the ongoing impact of the pandemic, this resulted in the North Ayrshire IJB carrying forward an earmarked Covid reserve of £13.321m into 2022-23.

This funding is to be utilised by Health and Social Care Partnerships to cover additional Covid-19 related costs associated with delegated services, to support any loss of income as a result of services being closed, and to support commissioned care providers for additional costs incurred. During 2022-23 the funding can only be utilised to fund the same costs and areas which were funded in previous years and not any new areas of expenditure.

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Further communication was issued by Scottish Government in September, noting that “There have been a number of significant changes to Public Health policies in relation to Covid over the summer, resulting in the profile of Covid spend reducing significantly compared to when funding was provided to IJBs for Covid purposes. In response to this, the Scottish Government will reclaim surplus Covid reserves to be redistributed across the sector to meet current Covid priorities”.

At the end of September, the projected utilisation of this funding by the HSCP for the 2022-23 financial year is £5.118m. This is significantly less than the previous two financial years, due to a reduction in additional costs as well as the provision of new funding by Scottish Government to support areas of additional expenditure which were covered by the Covid funding in previous years, for example additional funding for investment in Care at Home capacity.

This underutilisation of Covid funding is consistent across all IJBs in Scotland.

On this basis, it is anticipated that the amount reclaimed by Scottish Government from North Ayrshire IJB would be £8.203m.

The Scottish Government plan to retain this funding in the health and social care system as Health Boards locally and nationally also continue to incur additional costs as a result of the pandemic in services which are not delegated to IJBs and have not yet received any additional funding to meet these in 2022-23. The Covid funding which is reclaimed from IJBs will be redistributed to Health Boards across Scotland, including NHS Ayrshire and Arran, to meet these additional costs.”

(21) a question by Councillor Foster to the Leader of the Council in the following terms:

“To ask the Council Leader whether they “detest the Tories”?

The written response by the Leader of the Council was as follows:

“I thank Councillor Foster for his question, which I assume is referring to a previous comment made by the First Minister. When asked if she would prefer a Labour or Tory Government in Westminster, she commented that she “detested the Tories and everything they stand for”. I’m sure any sensible person would know she was referring to Tory Governments and not to individuals or voters. If Councillor Foster is asking me if I share that view, then I think he knows the answer as does everyone else in this Chamber.”

In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 4.00 p.m. for a short comfort break. The meeting reconvened at 4.20 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person).

14. Motions

In terms of Standing Order 15, submitted:

- (1) a motion proposed by Councillor McDonald and seconded by Councillor Kerr in the following terms:

“Council notes that there will be no Wrap, Run and Fun holiday meal and activity programme over the October and festive holidays. Further notes that a voucher replacement will be in place with values of £10 per week for the mainland and £20 for the islands, which represents a 50% cut in the value of mainland vouchers when compared to the voucher replacement scheme that operated during the Covid pandemic. Council believes it would be unacceptable to cut school holiday meal support by 50% during a cost-of-living crisis and therefore agrees to use £145,000 of unearmarked reserves to increase the value of the voucher to reinstate the £20 per week where the Wrap, Run and Fun programme cannot be provided vouchers for children on the mainland during the October and festive holiday periods.”

In the absence of Councillor Kerr, and in terms of Standing Order 15.1, Councillor Foster agreed to second the above motion.

The Depute Provost intimated that two amendments to this motion had been received, both of which involved negation. Given that the effect of the two amendments was the same, Members were advised that the Depute Provost had, in terms of Standing Order 15.4, determined that only the first amendment received would be considered and Councillor Marshall was duly invited to move his amendment.

As an amendment, Councillor Marshall, seconded by Councillor T. Ferguson moved that no action be taken to spend £145,000 of unearmarked reserves for the purpose outlined in the Motion.”

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, S. Ferguson, T. Ferguson, Gallacher, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Donald L. Reid, Robertson, Stalker and Stephen (23) and for the motion, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8) and the amendment was declared carried.

Accordingly, the Council agreed that no action be taken to spend £145,000 of unearmarked reserves for the purpose outlined in the Motion.”

Councillor Glover left the meeting immediately prior to the following item of business.

- (2) a motion proposed by Councillor Inglis and seconded by Councillor Glover in the following terms:

“Following the rejected bid for the STEP Fusion Plant at Ardeer Peninsula I move that North Ayrshire Council records its regrets of the loss of millions of pounds of investment and 4500 jobs that would have come to the area of Stevenston if Ardeer was the winning bid and instructs the Chief Executive to write to the First Minister to ask her to prioritise this Council area for inward Investment and to explain her Government’s refusal to support nuclear energy as a dependable carbon free method of electricity generation.”

In the absence of Councillor Glover, and in terms of Standing Order 15.1, Councillor Marshall agreed to second the motion.

As an amendment, Councillor McDonald, seconded by Councillor McPhater, moved as follows:

“Following the rejected bid for the STEP Fusion Plant at Ardeer Peninsula I move that Council records its disappointment at the UK Government’s decision to reject the Ardeer STEP consortium bid for the UK’s fusion prototype plant. Council acknowledges that the STEP project would have brought significant levels of investment to North Ayrshire, creating thousands of high-skilled jobs to the area.

Following the UK Government’s decision, Council agrees to:

- Write to the UK and Scottish Government’s calling on them to prioritise North Ayrshire for Government investment;
- Bring a report to a future meeting of North Ayrshire Council to consider the future potential for economic and social investment at Ardeer Peninsula, including in the protection of the Peninsula’s rich biodiversity; and
- Publish feedback from the UK Atomic Energy Authority, including a record of the recent meeting between UKAEA officials and North Ayrshire Council.”

At the invitation of the Depute Provost, the Monitoring Officer provided clarification that, in terms of the final element of the amendment, only material which was not commercially sensitive could be published in the event of the amendment being carried.

Councillor Glover re-joined the meeting at this point.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8), and for the motion, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Glover, Inglis, Marshall, McLean, Donald L. Reid, Stalker and Stephen (11), Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan, Murdoch and Robertson (12) abstaining, and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that the Council record its regret at the loss of millions of pounds of investment and 4500 jobs that would have come to the area of Stevenston if Ardeer had been the winning bid; and
- (b) to instruct the Chief Executive to write to the First Minister to ask her to prioritise this Council area for inward Investment and to explain her Government's refusal to support nuclear energy as a dependable carbon-free method of electricity generation."

Councillor Donald L. Reid left the meeting at this point.

Having declared an interest in the following item of business in his capacity as the seconder of the motion, the Deputy Provost intimated his intention to vacate the Chair for the following item of business. Prior to doing so, and in terms of Standing Order 6.8(iv), the Deputy Provost invited the Council to appoint another Member of the Council to assume the Chair.

Councillor Burns, seconded by Councillor Cullinane, moved that Councillor Marshall assume the Chair for the following item of business. There being no amendment, Councillor Marshall duly took the Chair.

- (3) a motion proposed by Councillor Kerr and seconded by Councillor Sweeney in the following terms:

"In light of allegations made in the BBC Scotland Disclosure episode, "The Great Ferries Scandal", which relates to the procurement of two ferries including the Glen Sannox, Council instructs the Chief Executive to write to Chief Constable Sir Iain Livingstone of Police Scotland, requesting that the force carries out a full and thorough investigation into all aspects of the ferries procurement process. Council also instructs the Chief Executive to request that all members of the Ardrossan Ministerial taskforce co-operate fully with any investigation."

In the absence of Councillor Kerr, and in terms of Standing Order 15.1, Councillor Foster agreed to propose the motion.

As an amendment, Councillor Macaulay, seconded by Councillor Burns, moved as follows:

"In light of allegations made in the BBC Scotland Disclosure episode, "The Great Ferries Scandal", which relates to the procurement of two ferries including the Glen Sannox, Council acknowledges serious concerns have been raised and remain concerned regarding the delay in ferries becoming operational. Council notes that the police operate independently from politics, and it is not for any politician to instruct justice. Council agrees to cooperate fully if any future investigation were to take place."

Members asked questions of clarification in respect of the motion and amendment.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (11) and for the motion, Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Foster, Gallacher, Glover, Inglis, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, Donald Reid, Stalker, Stephen and Sweeney (19), and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that the Chief Executive write to Chief Constable Sir Iain Livingstone of Police Scotland, requesting that the force carry out a full and thorough investigation into all aspects of the ferries procurement process; and
- (b) the Chief Executive request that all members of the Ardrossan Ministerial taskforce co-operate fully with any investigation.

The Depute Provost then resumed the Chair for the remainder of the meeting.

- (4) a motion proposed by Councillor McDonald and seconded by Councillor McPhater in the following terms:

"Council notes recent analysis by the IFS that if benefits were uprated in line with inflation next April they would still be 6% below their pre-pandemic levels due to a below-inflation uprating in April 2022.

Notes with concern that senior Conservative Government Ministers have refused to commit to even uprating benefits in line with inflation this coming April.

Council is concerned that the cost-of-living crisis will push more families in North Ayrshire into poverty and believes that the value of benefits must be restored to pre-pandemic levels to assist families with rising costs.

Council therefore instructs the Chief Executive to write to the Chancellor of the Exchequer calling on the UK Government to not only uprate benefits in line with inflation but to fully restore their value by compensating for the 6% lost value from the April 2022 uprating."

There being no amendment, the motion was declared carried.

- (5) a motion proposed by Councillor Foster and seconded by Councillor McDonald in the following terms:

"Council acknowledges that Education Maintenance Allowance (EMA) provides financial support to young people from low-income households to stay on in post-16 education.

Council notes that the income thresholds for eligibility (£24,421 for households with one dependent child and £26,884 for households with more than one dependent child) has not been reviewed since 2016 nor has the EMA award been uprated (£30 per week per eligible young person).

Given the pressures on household budgets as a result of the cost-of- living crisis, Council acknowledges that households above these income thresholds are increasingly struggling financially.

Council believes that the income thresholds for EMA and the award level should be reviewed to ensure that young people are not prevented from continuing in post-16 education because of pressures on their household budgets. Council therefore instructs the Chief Executive to write to the Deputy First Minister requesting that they increase the income thresholds and the level of EMA in their upcoming budget."

As an amendment, Councillor Macaulay, seconded by Councillor Robertson, moved that the Council approve the terms of the motion, subject to the addition of the following:

"In addition Council notes that uptake of EMA has been historically low, and therefore agrees to increase awareness of EMA through North Ayrshire Council communication channels. Council also notes the success of young person travel scheme awareness sessions, and requests similar events be organised to increase EMA take up."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor Foster agreed to amend his motion to incorporate the additional elements contained in the amendment. There being no further amendment, the motion, as amended, was declared carried.

Accordingly, the Council agreed as follows:

- (a) to acknowledge that Education Maintenance Allowance (EMA) provided financial support to young people from low-income households to stay on in post-16 education;
 - (b) to note that the income thresholds for eligibility (£24,421 for households with one dependent child and £26,884 for households with more than one dependent child) had not been reviewed since 2016, nor had the EMA award been uprated (£30 per week per eligible young person);
 - (c) given the pressures on household budgets as a result of the cost-of- living crisis, to acknowledge that households above these income thresholds were increasingly struggling financially;
 - (d) that the income thresholds for EMA and the award level should be reviewed to ensure that young people were not prevented from continuing in post-16 education because of pressures on their household budgets and instruct the Chief Executive to write to the Deputy First Minister requesting that an increase in income thresholds and the level of EMA in the upcoming budget;
 - (e) noting that uptake of EMA had been historically low, that awareness of EMA be increased through North Ayrshire Council communication channels; and
 - (f) noting the success of young person travel scheme awareness sessions, that similar events be organised to increase EMA take-up.
- (6) a motion proposed by Councillor McLean and seconded by Councillor Billings in the following terms:

“That the Council agrees to form a Member Officer Working Group to review the operation of the Housing Allocation system.”

As an amendment, Councillor Montgomerie, seconded by Councillor Foster (in the absence of the original seconder, Councillor Kerr, and in terms of Standing Order 15.1), moved as follows:

“Council notes that a common housing register operates across all registered social landlords in North Ayrshire, including North Ayrshire Council. Council agrees that a short life working group consisting of Elected Members, RSL representatives and Tenants representatives be convened to review the allocation policies that operate within the common housing register.”

On a point of order, Councillor Billings queried the competence of the amendment given that it included a factual inaccuracy, namely that it asserted that a common register operated across all registered social landlords in North Ayrshire, whereas a separate register was operated by Trust Housing.

The Monitoring Officer advised that the point highlighted was not sufficiently material to invalidate the amendment and there may simply have been an oversight on the part of the mover of the amendment.

As a further amendment, Councillor Hill, seconded by Councillor Gurney, moved as follows:

"The Allocation Policy is scheduled for refresh and formal approval in early 2023. Consultation with local elected members will once again play a significant role in any changes that are proposed, prior to the refreshed policy being presented to the Council's Cabinet and RSL Boards. All of the NAHR partners are committed to involving local elected members within the consultation process. Council agrees to accept a presentation before Christmas on the current arrangements and proposals for the 2023 review.

Our island communities have specific issues and differences, and Council agrees to establish a short-term Working Group to investigate and feed into the long-established process with our RSL partners and ultimately report to them and to Council on housing needs and issues on our islands."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor McLean agreed to withdraw his motion in favour of Councillor Hill's amendment. The amendment by Councillor Montgomerie, seconded by Councillor Foster, became the substantive motion.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, S. Ferguson, T. Ferguson, Gallacher, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Robertson, Stalker and Stephen (22), and for the substantive motion, Councillors Bell, Cullinane, Foster, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (8), and the amendment was declared carried.

Accordingly, the Council agreed to accept a presentation before Christmas 2022 on the current arrangements and proposals for the 2023 review of the Housing Allocation Policy.

Councillor Glover left the meeting during following item of business.

- (7) a motion proposed by Councillor McLean and seconded by Councillor Gallacher in the following terms:

“Council agrees to the creation of a Member Officer working group to look into the current and historic issues in the Dundonald Camp/Auchengate area to take a paper to Cabinet acknowledging these issues and attempt to find positive solutions.”

As an amendment, Councillor Larsen, seconded by Councillor Collier, moved direct negative.

Members asked a question of clarification of the mover of the motion.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (11) and for the motion, Councillors Bell, Billings, Cullinane, S, Ferguson, T. Ferguson, Foster, Gallacher, Inglis, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, Donald Reid, Stalker, Stephen and Sweeney (18), and the motion was declared carried.

Accordingly, the Council agreed:

- (a) to approve the creation of a Member Officer working group to look into the current and historic issues in the Dundonald Camp/Auchengate area; and
- (b) that a paper be submitted to Cabinet acknowledging these issues and attempting to find positive solutions.”

15. Urgent Item

In terms of Standing Order 10.8, the Depute Provost agreed that the undernoted motion be considered as an urgent item on the basis that the fund in question had been launched and that consideration could not, therefore, be postponed to the next ordinary meeting of the Council.

15.1 Motion

A motion, proposed by Councillor McDonald, seconded by Councillor McPhater:

"Council notes the launch of the Energy Smart Emergency Fund earlier this week. Further notes that people in receipt of benefits are not eligible to access the fund. In practice, this has prevented low-income households who are in work but in receipt of universal credit to top-up their incomes, from making an application. Council is concerned that a blanket ban on households in receipt of payments could also hit pensioners including those on pension credit and unpaid carers on Carers Allowance. Council therefore instructs officers to review the eligibility criteria of the fund as a matter of urgency and report back to elected members at the earliest opportunity."

On a point of order, Councillor Gurney queried the factual accuracy of the assertion within the motion that those in receipt of benefits were not eligible to access the fund.

In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 5.50 p.m. to allow advice and clarification to be sought on the terms of the motion. The meeting reconvened at 5.55 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person).

In terms of Standing Order 16.5, Councillor McDonald, as the mover of the motion and with the agreement of his seconder, agreed to withdraw his motion following the provision of clarification on the eligibility criteria for the Fund.

The Chief Executive intimated that the Council's communication on the Energy Smart Emergency Fund would be updated to ensure that constituents were able to access support and be directed to the most appropriate fund to help with their energy needs.

16. Depute Provost's Closing Remarks

The Depute Provost closed the meeting by thanking Members for their participation.

The meeting ended at 6.00 p.m.