

North Ayrshire Council
28 June 2017

IRVINE, 28 June 2017 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

In Attendance

E. Murray, Chief Executive; C. Hatton, Executive Director (Place); K. Yeomans, Executive Director (Economy and Communities); J. Butcher, Executive Director (Education and Youth Employment); Stephen Brown, Interim Director (Health and Social Care Partnership); M. Hogg, Head of Service (Finance) (Finance and Corporate Support); and A. Fraser, Head of Democratic Support, C. Andrew, Senior Manager (Legal Services), A. Craig, Team Manager (Litigation), M. Gilmour, Senior Communications Officer (Media and Internal Communications) and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies for Absence

Jean McClung.

1. Apologies

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

2. Declarations of Interest

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

3. Previous Minutes

The accuracy of the Minutes of the Meeting of the Council held on 17 May 2017, was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Provost's Report

The Provost reported on the following matters:-

- attendance at the Opening Session of the General Assembly of the Church of Scotland on 20 May 2017;
- the 10th anniversary celebration on 24 May 2017 of Thistle Help Limited, which was founded in Irvine in 2007 and provides a comprehensive range of assisted living aids that reflects the needs of those who require support for care and mobility;
- a meeting of the Lowland Reserve Forces and Cadets Association in Glasgow on 1 June 2017;
- a visit on 6 June 2017 to Lawthorn Primary School to participate in the selection panel for the Citizenship Award and attendance thereafter at the Prizegiving Ceremony on 23 June 2017;
- an awards ceremony held on 7 June 2017 and hosted by the The Ayrshire Community Trust (TACT) in the Laurieston Hotel, Ardrossan to help celebrate volunteers and volunteering within North Ayrshire;
- a visit to Auchenharvie Academy on 9 June 2017 for the North Ayrshire Primary Schools Energy Challenge;
- the launch on 13 June 2017 of the North Ayrshire Child Protection Video "Gordy" held in Brisbane Primary School, Largs;
- a service on 14 June 2017 to mark the 35th Anniversary of the Falklands War and plans to attend a Falklands conflict and Operation Banner service of commemoration in Edinburgh on 1 July;
- a visit to Fullarton Care Home in Irvine on 14 June 2017 as part of National Care Home Open Day;
- Ardrossan Castle Carnival, which took place on 17 June 2017 and was organised by the Ardrossan Castle Heritage Society;
- attendance at the diamond wedding anniversary celebration of Chrissie and John Brown from Kilwinning;
- a recent visit by Voisins Golf Association to Irvine as part of a one week visit to Scotland;
- the 2017 All-Ayrshire final of the Sir Tom Hunter Enterprise Challenge, which took place at Ayr Racecourse on 19 June 2017;
- the official opening of the Ayrshire Hospice Shop in Largs on 20 June 2017;
- the Children's Panel Awards Ceremony which took place in Greenwood Conference Centre on 21 June 2017 and was attended by all three Ayrshire Provosts;
- the Cash for Kids Ascot Day fundraiser held on 22 June 2017 in the Park Hotel Kilmarnock;
- attendance, together with the Depute Provost and some other Elected Members, at the Armed Forces Day Parade and Church Service in Irvine on 25 June 2017;
- plans to write to the Mayors of Manchester and London to offer North Ayrshire's sincere condolences in light of recent atrocities; and
- a Royal visit to the new Sportscotland facility in Largs attended by the Earl of Wessex.

The Provost concluded by extending an invitation to Members to join him for some refreshments to mark the final meeting of the Council before the summer recess.

5. The Leader's Report

The Leader of the Council reported on the following matters:-

- attendance at the COSLA Leaders' meeting on 26 May 2017 to discuss a range of subjects, which included consideration of a review by the Scottish Government of national health and social care standards, the Education Governance Review, and the creation of a devolved social security agency;
- the Community Planning Partnership Board meeting which took place on 1 June 2017 and included presentations from the HSCP Addiction Services and the Scottish Fire and Rescue Area Manager;
- the official opening on 12 June 2017 of the Garnock Campus, which was attended by the Deputy First Minister;
- a meeting of the Ardrossan Task Force at the Scottish Parliament on 13 June 2017;
- attendance at the Economic Development and Regeneration Board on 15 June 2017, which included progress on the Ayrshire Growth Deal;
- a Joint Youth Cabinet meeting held Ardrossan Academy on 20 June 2017 and which included questions on how Brexit will impact on the people of North Ayrshire, what the Council is doing to combat climate change, what can be done to prevent bullying, and how can the British and Scottish Governments consider the views of young people on fighting terrorism to keep the country safer;
- recent participation in the Islands Transport Forum to hear reviews on our National Transport Strategy (NTS) and Ferries Policy Review;
- a breastfeeding celebration week event on 23 June 2017 at Fullarton Connexions, hosted by the national charity Breastfeeding Network (BfN);
- attendance at a meeting of the NHS Board on 26 June 2017 as a newly appointed non-Executive Board member of NHS Ayrshire and Arran; and
- the sod cutting ceremony for Kilwinning Academy's new all-weather sports pitch, which took place on 26 June 2017.

The Leader concluded his remarks by wishing Members an enjoyable summer break and expressing his desire to continue working with fellow Elected Members on the delivery of the Council's objectives.

6. North Ayrshire Council Minute Volume

Submitted for noting and approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 23 May to 20 June 2017.

Noted.

7. Appointments to Committees

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

The Council agreed, in respect of the Licensing Committee, to note (i) the resignation of Councillors Davidson, Glover and Miller, (ii) the appointment of Councillors McClung and Stephen and (iii) one outstanding Administration vacancy.

- 7.2 The Council was invited to consider nominations, duly proposed and seconded, in respect of Vice Chair vacancies on the Audit and Scrutiny Committee, Local Development Plan Committee and Police and Fire and Rescue Committee.

Councillor McNicol intimated the withdrawal of his nomination to serve as Vice Chair of the Local Development Plan Committee.

The Council agreed to approve the appointment of Councillors George, Marshall and Glover as Vice Chair of the Audit and Scrutiny Committee, Local Development Plan Committee and Police and Fire and Rescue Committee, respectively.

8. Appointments to Outside Bodies

- 8.1 The Council was invited to note and agree resignations from the Licensing Board and arrangements made under delegated powers to make appointments.

The Council agreed, in respect of the Licensing Board, to note (i) the resignation of Councillors Davidson, Glover and Miller, (ii) that the Chief Executive had exercised her delegated powers to appoint Councillors McClung and Stephen as replacements for Councillors Davidson and Glover, respectively and (iii) one outstanding vacancy.

- 8.2 The Council was invited to note a number of outside body appointments arising as a result of the Member in question's designation as a Portfolio holder or due to the Members' status as local Elected Members for a particular ward.

The Chief Executive advised of a further appointment made in respect of the APSE Scottish Commercialisation Advisory Group.

The Council agreed to note (i) the appointment of Councillor Gallagher, in his capacity as Economy Portfolio holder, to the Business Gateway Governance Board (subject to consideration by COSLA), the Highlands and Islands European Partnership Board, the Highlands and Islands Territorial Committee, the Industrial Communities Alliance and the West of Scotland European Forum, (ii) the appointment of Councillors Gallagher, Hill, Marshall and Murdoch to Millport Economic Forum, in their capacity as Ward 8 Elected Members and (iii) the appointment of Councillor Montgomerie to chair the APSE Commercialisation Advisory Group.

8.3 The Council was invited to consider a number of nominations made in respect of current outside body vacancies.

The Council agreed as follows:-

Arran Ferry Committee

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Billings, McMaster and Donald L. Reid to fill the remaining vacancy on the Arran Ferry Committee. The nomination in respect of Councillor Donald L. Reid was withdrawn.

On a division, there voted for the appointment of Councillor Billings 9 and Councillor McMaster 20, and Councillor McMaster was duly appointed.

Ayrshire Educational Trust

A nomination, duly proposed and seconded, was submitted in respect of the appointment of Councillor George to fill the remaining vacancy of Ayrshire Education Trust. There being no further nominations, Councillor George was duly appointed.

Ayrshire Valuation Joint Board

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Glover and Donald L. Reid to fill two of the three remaining vacancies on the Ayrshire Valuation Joint Board. A further nomination was intimated in respect of Councillor McClung. There being no further nominations, Councillors Glover, McClung and Donald L. Reid were duly appointed.

Clyde Muirshiel Park Authority Joint Committee

A nomination, duly proposed and seconded, was submitted in respect of the appointment of Councillor Ferguson as Vice Chair of Clyde Muirshiel Park Authority Joint Committee. There being no further nominations, Councillor Ferguson was duly appointed.

Glasgow Prestwick Airport Joint Consultative Committee

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Donald L. Reid and Stephen to fill the remaining vacancy on Glasgow Prestwick Airport Joint Consultative Committee. The nomination of Councillor Donald L. Reid was withdrawn on the basis of that Member being appointed instead to fill a remaining substitute representative vacancy on the committee.

There being no further nominations, Councillors Stephen and Donald L. Reid were duly appointed as a representative and substitute representative, respectively.

Industrial Communities Alliance

A nomination, duly proposed and seconded, was submitted in respect of the appointment of Councillor McPhater to fill a substitute representative vacancy on the Industrial Communities Alliance. There being no further nominations, Councillor McPhater was duly appointed.

Landfill Advisory Fund Panel

Discussion took place with regard to the composition of the Panel, which had been the subject of a Cabinet decision in February 2016 and which provided for two Administration representatives and one from the Opposition.

The Council agreed (a) that the Chief Executive liaise with the Leader of the Council with a view to a further report being submitted to the Cabinet to revisit the Panel's composition to better reflect the current political make-up of the Council; and (b) in the meantime, to consider the nominations submitted.

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Montgomerie and Donald Reid as the Administration representatives on the Panel. There being no further Administration nominations, Councillors Montgomerie and Donald Reid were duly appointed.

Nominations, duly proposed and seconded, were also submitted in respect of the appointment of Councillors Glover and McNicol to fill an Opposition vacancy on the Panel. A further nomination was intimated in respect of Councillor Hill. Given that the position was reserved in the first instance for an Opposition representative, Councillor Hill was duly appointed.

National Association of Councillors

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Gallacher and Donald L. Reid to fill a substitute representative vacancy on the National Association of Councillors. The nomination in respect of Councillor Donald L. Reid was withdrawn. There being no further nominations, Councillor Gallacher was duly appointed.

North Ayrshire Outdoor Access Forum

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Foster and Donald L. Reid to fill a substitute representative vacancy on the North Ayrshire Outdoor Access Forum. The nomination in respect of Councillor Donald L. Reid was withdrawn. There being no further nominations, Councillor Foster was duly appointed.

Response to Nuclear Decommissioning Steering Group

A nomination, duly proposed and seconded, was submitted in respect of the appointment of Councillor Ferguson to fill a substitute representative vacancy on the Response to Nuclear Decommissioning Steering Group. There being no further nominations, Councillor Ferguson was duly appointed.

Strathclyde Partnership for Transport

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors Foster and Gallacher to fill a substitute representative vacancy on Strathclyde Partnership for Transport. The nomination in respect of Councillor Gallagher was withdrawn. There being no further nominations, Councillor Foster was duly appointed.

West of Scotland European Forum

Nominations, duly proposed and seconded, were submitted in respect of the appointment of Councillors George and McPhater to fill a substitute representative vacancy on the West of Scotland European Forum. The nomination in respect of Councillor George was withdrawn. There being no further nominations, Councillor McPhater was duly appointed.

9. Unaudited Annual Accounts 2016/17

Submitted report by the Executive Director (Finance and Corporate Support) which provided an overview of the Council's unaudited Annual Accounts for the year to 31 March 2017 and its financial performance for the year, and outlined how the 2016/17 out-turn impacts on the Council's overall financial position.

Members asked questions and received clarification in respect of the following:-

- the use of earmarked funds and the status of projects had such funds been unavailable; and
- the rationale for using an underspend in the roads winter maintenance programme to carry out works to the Arran String Road, rather than address roads defects on the mainland.

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

As an amendment, Councillor Billings, seconded by Council Marshall, moved that the Council approve the recommendations set out in the report, subject to the sum of £7,920 being diverted from the £300k allocated for public space CCTV.

Following clarification by the Executive Director (Place) that a required annual revenue saving of £40k was contingent upon expenditure of the full £300k on the public space CCTV project, Councillor Billings agreed to withdraw his amendment.

There being no further amendments, the motion was declared carried.

Accordingly, the Council agreed to:-

- (a) approve, subject to audit, the Council's Annual Accounts for 2016/17;
- (b) authorise the Audit and Scrutiny Committee to consider and approve for signature the audited annual accounts within the required timeframe;
- (c) note that Deloitte LLP plan to complete their audit of the Accounts by mid September 2017 and will present their annual audit report to the Council's Audit and Scrutiny Committee by 30 September 2017;
- (d) note that Cabinet approval has already been granted to carry forward £1.206m to fund service expenditure in 2017/18;
- (e) approve the carry forward of a further £1.370m to fund service expenditure in 2017/18, as detailed in Appendix 9 to the report;
- (f) note the unaudited General Fund position of break even after allowing for the approved and planned carry forwards, including the earmarking of £2.770m to support the non recurring investment identified as part of the 2017-18 revenue budget;
- (g) note the balance of uncommitted funds of £6.380m on the General Fund (equivalent to 2.0% of annual budgeted expenditure) being held in reserve; (h) note the unaudited Housing Revenue Account (HRA) surplus for the year of £3.554m; and
- (i) note the earmarking and carry forward of the HRA balance as outlined at Section 2.20 of the report.

10. North Ayrshire Charitable Trusts: Unaudited Trustees' Annual Reports 2016/17

Submitted report by the Executive Director (Finance and Corporate Support) on the unaudited Trustees' Annual Reports for the year to 31 March 2017.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council, as trustees of the North Ayrshire Council charitable trusts, agreed to approve the Trustees' Annual Reports for 2016/17 set out in the appendices to the report, subject to audit.

11. Treasury Management Report 2016/17

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management Annual Report and Prudential Indicators for 2016/17.

Councillor Cullinane, seconded by Councillor Bell, moved that the Council approve the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to note (i) the contents of the Treasury Management Annual Report for 2016/17, set out at Appendix 1 to the report and (ii) the Prudential and Treasury Indicators contained therein.

12. Strategic Planning, Commissioning and Delivery of Health and Social Care Services within Ayrshire and Arran

Submitted report by the Chief Executive which (a) sought approval for a review of the arrangements for the planning, commissioning and delivery of Health and Social Care Services in North Ayrshire; (b) requested a review of the Integration Scheme between North Ayrshire Council and NHS Ayrshire and Arran; and (c) specifically considered opportunities for increased integration at a pan-Ayrshire and Arran level, which may include a single Integration Joint Board.

The Chief Executive provided a verbal update, advising that (i) NHS Ayrshire and Arran had considered the proposals on 26 June 2017 and had agreed to the review, (ii) East Ayrshire Council would consider a similar report on 29 June 2017, and (iii) South Ayrshire Council, which was to have considered the proposals on 30 June 2017, had intimated their intention to postpone consideration of the matter for the time being.

The Council agreed:-

- (a) to note that (i) NHS Ayrshire and Arran had agreed to participate in the review process and (ii) South Ayrshire Council had postponed consideration of this matter;
- (b) that, subject to the agreement of East Ayrshire Council to undertake a simultaneous review of its Integration Scheme, North Ayrshire Council and NHS Ayrshire and Arran jointly carry out a review of the North Ayrshire Integration Scheme in terms of section 45(2) of the Public Bodies (Joint Working) (Scotland) Act 2014;
- (c) to approve the process for the implementation of the review of the North Ayrshire Integration Scheme set out in the report; and
- (d) to receive a future report detailing the outcome of the review.

13. Questions

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

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

"On 30th May, 2017 Land Engineering (Scotland) Limited, the company contracted by Irvine Bay Regeneration Company to develop work at Countess Street, Saltcoats went into Administration. Work to the street was not completed.

Will the Portfolio Holder for Place inform the Elected Members what is being done to complete the unfinished work to the specification agreed in the contract by Irvine Bay Regeneration Company, will he provide a date when the work will be completed and will he confirm to Members if Land Engineering (Scotland) Ltd received full payment for the contract prior to going into Administration?"

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

"Following our initial response to secure the works and make safe areas of incomplete works we have endeavoured to open as much of the road as possible to avoid further disruption to the public and traders whilst this matter is resolved. Officers have ascertained the works that remain outstanding, the materials available to complete the works and the most effective way to undertake these.

A revised tender package has been issued to one of the contractors who originally tendered for the project and is currently being evaluated. Subject to appropriate evaluation the contractor will be appointed as soon as possible.

The material suppliers only have some of the materials required to complete the works available and in storage as sufficient material to complete the works had not being ordered by Land Engineering. Unfortunately, this means it would not be practical or economical to recommence works with the material available as this would then result in a further period of stoppage and disruption whilst awaiting the remaining material.

The unfortunate consequence of this is that the current target date for recommencement is Monday 4th September. At present we estimate the works will take a further 6 weeks to complete, giving a completion date of 14th October.

Land Engineering have not been paid the full contract value as the works had not been completed. Payment terms for all the Council's construction contracts are structured to ensure that contractors are paid regularly, but only for materials which are on-site and work which have been done."

As a supplementary question, Councillor McNicol asked whether a due diligence credit check process had been followed and by whom; the amount which had been paid to the company; and the estimated cost to the Council of completing the work.

Councillor Montgomerie referred the Member to the information which was available from officers to all Members on this subject.

At the invitation of the Provost, the Executive Director (Place) advised that the project had originally been procured by Irvine Bay Regeneration Company; that the company had not been paid for any works not undertaken; and that officers were currently evaluating prices from alternative contractors for completion of the works. The Executive Director undertook to provide a written update to all Members.

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

"Can you confirm, for each primary and secondary school in North Ayrshire, the number of individual classroom assistants full and part-time, temporary and permanent, employed in each school in August 2016 and how many will be employed in each school in August 2017?"

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

"The reduction in support hours results from a Decision taken by the Executive Director of Education and Youth employment to re-balance a significant budget overspend of £640,000 and introduce a more fair and equitable allocation model. The corrective action taken by the Executive Director will bring the budget back into a balanced position. The administration were informed in January 2017 of the overspend and further informed of the broad implications of the review by the Executive Director in May 2017. The Administration have not reduced the available budget but recognise the need to work within existing financial frameworks.

Members will note that some schools will have their staffing compliment reduced for the start of the new sessions while others will have it increased. A central holding budget has been created to allow additional staff to be provided within the financial framework, should additional need emerge during the course of the next academic session.

A reduction of 58.51 FTE Grade 4 posts have resulted from the introduction of the new allocation model and the necessity to balance the budget. Some schools have chosen to use some of their devolved Pupil Equity Fund to purchase temporary classroom support in addition to their allocation in order to focus on raising attainment and achievement in their schools. Other schools have chosen to use these funds differently. This will result in a net loss of 31.36 FTE across 59 establishments which equates to 0.53 FTE per establishment. These figures do not include an additional 123 FTE grade 5 posts which remain intact and unaffected by the review. These staff work with our children and young people with the most complex additional support needs.

The new allocation model emerged following consultation with the Unions and Head Teachers. Officers have ensured that any displaced staff will be offered either additional training which will result in jobs being made available to them at a significantly higher grade within the Early Years or ASN sectors. Staff will also be offered full time permanent contracts and therefore longer term job security and employment rights.

Clearly it is regrettable that these measures have to be made to re-balance long standing existing budgets."

Statistical information relating to staffing levels at schools across North Ayrshire, was also circulated at the meeting for Members' information.

As a supplementary question, Councillor Davidson asked whether the Cabinet Member supported his party's manifesto commitment to protect support staff and if he would reverse the cuts which had been made.

Councillor Bell responded to address the issues raised in the Member's preamble in relation to the son of one of his constituents he would ask that Education staff meet with the parent to discuss support. He advised that he totally agreed with the Labour manifesto, referred to education cuts made by the previous SNP Council administration, and advised that he continued to oppose cuts.

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

"To ask the Portfolio Holder for Finance what was the pay rise for Council staff for 2017-18?"

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

"A pay increase for Council staff for 2017-18 is still to be agreed. This is negotiated at a national level and COSLA will advise when this is agreed with any proposals likely to be back dated to the 1st April 2017."

As a supplementary question, Councillor Larsen expressed regret that pay restraint had not been exercised in relation to portfolio holders and asked the Leader to respond to this.

Councillor Cullinane responded by advising that the full Council had agreed on senior councillor posts at the statutory Council meeting; that his decision to take on a portfolio, together with the appointment of the Leader of the Opposition as Chair of the Audit and Scrutiny Committee, had reduced expenditure by bringing down the overall number of senior councillors; and that proposals to increase pay to lower paid workers had been opposed at COSLA by the Conservatives, SNP and independents.

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

"In the 2017/18 budget, Council agreed to increase Modern Apprenticeship starts from 85 to 105. In its manifesto for the council elections, the administration committed to further expanding the number of MAs and to the payment of a 'fair wage.' Can the portfolio holder say how many additional starts are planned, how he would define a 'fair wage' and how that would fit into the existing wage structures of the council?"

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

"The Labour administration set out in its manifesto to review the Council's modern apprenticeship programme, to expand it, ensure it provides good quality apprenticeships and that it pays a fair wage. Any decisions around future numbers and definitions would be considered as part of that review.

The administration have already expanded the programme with funding for 20 additional places approved for 17/18 with an additional investment of £200,000. This would see the programme grow from circa 85 starts to 105 starts in 17/18.

The service is already making a number of improvements to the council's programme with

- a more diverse range of apprenticeships on offer and better coordinated support package in place.
- A pre employment apprenticeship training (PEAT) programme has been introduced to provide all new apprentices with 2 weeks of pre-employment training.
- The Pre Exit Mentoring Support (PEMS) programme provides all apprentices with support when they are 3 months from completion of their MA's.
- Training and developing MA buddys across the council. The buddys will support young apprentices to ensure they get the most of the opportunity.

Decisions on future wage levels and the subsequent budget implications would be something that is considered as part of the proposed review. We are aware that raising wage levels within a finite budget could reduce the number of opportunities – and it will be important for the correct balance to be found. We will continue to make the case to Scottish Government for funding to support these aims."

As a supplementary question, Councillor Burns asked whether the Cabinet Member felt it was disingenuous to commit during the elections to the expansion of the programme on the basis of a review which had yet to take place.

Councillor Gallagher reiterated the Labour Administration's commitment to review the programme and expressed the view that it would be of assistance if the Scottish Government would hand over their allocation of the apprenticeship levy to local Councils to administer.

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

“How does the Portfolio Holder view the attempts by the SNP Government to roll back 10 years of decline in Scottish Education by offering Head Teachers new Statutory Powers over attainment, staffing, curriculum and funding and by establishing new “regional improvement collaboratives/ boards” which will impact on the powers and functions of Education Authorities”.

Councillor Bell thanked the Member of his question and responded in the following terms:-

“I am concerned about the reduction in democratic accountability that these changes signal, I am also concerned about the increase in workload and responsibility for head teachers, currently we are having difficulty in recruiting head teachers and these changes will not make that easier.

While I believe that more needs to be done to improve education and reduce the attainment gap, in my view the best way the Scottish Government could achieve this would be to stop cutting council budgets and allow councils to invest in education. Over the last five years in Scotland, teacher numbers are down by 4000, class sizes have increased and 2000 support staff have been lost, this has both weakened local authority support for head teachers and significantly reduced the resources available to head teachers within school, particularly in terms of staffing levels.

In my opinion this is the biggest barrier to improving attainment.”

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

"Following delays due to an increase in envisaged project costs, I notice the Council's administration has committed itself to delivering the realignment of the B714. I would like to ask the Portfolio Holder for Place what the timescale is for delivery of this project and where funding is anticipated to be drawn from."

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

“The proposals to improve sections of the B714 will be considered as part of the review of the Council's capital plan later this year. The proposed scheme is at an advanced stage with designs completed ready for the invitation of formal tenders once funding is in place. Whilst a detailed programme will be developed as part of the procurement exercise, it is anticipated that the scheme will take approximately 12 months to complete from award of contract.”

As a supplementary question, Councillor Brahim asked why the Cabinet Member would not commit at this stage spending the extra £2m needed to make necessary improvements to the B714.

Councillor Montgomerie responded by referring to the pursuit of this matter by Councillor Reid over the last several years, advised that all sums were committed and challenged a claim made in Councillor Brahim's election materials that the project had been put on hold.

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

"As agreed by the previous council has the funding been allocated to progress the work within the Largs Master Plan? Will part of Largs Prom be resurfaced Northwards from the Pier? Will Gallowgate Square be redeveloped? If so will the project be completed by the end of 2017 or by the latest before Easter 2018?"

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

"The current proposals for improvements to Largs Prom and Gallowgate Square emerged from the 2015 Largs Masterplan. Following feedback received at a community consultation event in March 2017 the proposals were revised and subsequently approved by Cabinet on 20th June 2017. The revised proposals will also be presented to the North Coast Locality Planning Partnership on 29th June.

The original budget of £440,000 from the Town Centre Regeneration capital budget and the £126,000 secured from the Largs Car Park Fund will now be spent delivering the revised proposals which are:

- re-surfacing from the ferry terminal, northwards to the RNLI building (£250,000);
- improvements to Gallowgate Square to deliver a flexible events space (£250,000); and
- the refurbishment of two shelters, one on the prom and one at Aubrey Park (£66,000).

The project is expected to be on-site by October 2017 and completed by the end of the financial year (31 March 2018)."

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

"To ask the portfolio holder for Place to update the Council on the administration's commitment to deliver more district heating schemes throughout North Ayrshire following the SNP's work on the Irvine scheme."

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

"At Cabinet on 20 June 2017, this administration approved the progression of the Irvine District Heating scheme to investment grade business case stage. Resources are therefore currently focused on confirming the deliverability of that scheme through the detailed technical design work and financial modelling that will be undertaken as part of the investment grade business case work over the coming months.

Following successful implementation of the Irvine District Heating scheme, it is envisaged that resources will thereafter be focused on consideration of expansion of that scheme, as well as exploration of other District Heating projects. This sequential approach to delivery is essential in order to optimise the resources available, and to ensure that future district heating projects benefit from the valuable lessons that will be learned from the initial pathfinder project within central Irvine."

As a supplementary question, Councillor Gurney referred to the vague terms used within the Cabinet Member's response and asked for clarification of the term "investment grade business case."

Councillor Montgomerie responded by reassuring the Member that the Labour Administration would work with officers to deliver the plan.

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

"To ask the portfolio holder for Place whether he will join me in warmly welcoming the SNP government's commitment of £44 million in funds for new affordable housing; agree that it provides a welcome boost to our plans to deliver sweeping improvements to our housing stock; and further agree that it will be a cornerstone in our aims to tackle poverty and reduce inequalities throughout North Ayrshire.

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

"This administration is committed to building a new generation of council housing. It was a Labour administration who introduced North Ayrshire Council's housing strategy in 2011 with a commitment to build 500 new council homes by 2021. Last Autumn, it was our Labour administration, who made it a key priority having replaced the SNP administration that resigned, to increase the building programme to 750 new homes.

I will therefore join the Member in welcoming the guarantee of three years' grant funding for new social housing. This, along with the Council's Housing Revenue Account and our tenants' rents, will help fund the Council's house building programme.

I also agree with Councillor Gurney that new social housing is important in our efforts to tackle poverty and inequality. We therefore look forward to working with RSL partners to build new affordable homes in terms of the housing grant offered - RSLs continue to receive a greater grant. Parity would allow the Council to build more new homes and would go some way to helping us build new social housing, for example, in the Member's ward on Arran."

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

"To ask the portfolio holder for Place whether the Council's flatted accommodation in Irvine and Saltcoats have any of the same design flaws, particularly in relation to cladding, that contributed to the tragedy of Grenfell Towers in London; whether he has ordered a survey of the buildings in question; and what assurances he can give to the tenants of those buildings in relation to the safety of the buildings."

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

"Upon learning of the tragic events at Grenfell, North Ayrshire Council officers immediately began investigations to provide reassurance regarding the safety of our own high rise residential properties. Immediate checks were undertaken to ensure that fire escapes were clear, fire doors were operational and fire-fighting equipment is in place etc. Officers have also been liaising with the Fire Service. Further more detailed checks and surveys are underway to ensure that all appropriate information is reviewed and any actions arising addressed in a timeous manner. An action plan has been put in place to help identify and manage the response to Grenfell as issues emerge.

The main area of focus, at this time, is the cladding system installed at Grenfell, although it is anticipated that further issues may arise as the investigation in to this tragedy progresses.

The cladding used at Grenfell consisted of an aluminium panel with an insulating core. This is completely different from that in place at our high rise flats which are not clad in a panel system. Our flats have been 'render-insulated' whereby a rigid insulation board has been applied direct to the existing building surface; this board is then rendered over. The cladding was carried out in accordance with applicable building standards.

It is also understood that Grenfell Tower had a gas supply. There are no gas services provided to any of our high rise properties.

Our high rise flats are covered by fire and smoke detection systems that are linked to the concierge service enabling 24 hour monitoring. In addition there is an extensive inspection regime in place to ensure that safety standards are maintained.

All residents were written to on the 16th June advising them of the key differences between Grenfell and our high rise flats and reassuring them of the safety of the flats. A further briefing note was issued to all elected members on the 19th June. The Council is also providing information to Scottish Government as they co-ordinate a national response.

Officers have also commenced a feasibility study regarding the retro-fitting of sprinklers in our high rise flats and will be reporting the early findings back to Cabinet at the earliest opportunity.

As further issues arise throughout the on-going investigation and debate surrounding the Grenfell tragedy we will continue to respond to any relevant matters as a priority."

14. Suspension of Standing Orders

In terms of Standing Order 21, Councillor Billings, seconded by Council Marshall, moved that the Council agree to suspend Standing Order 23 to allow consideration of Motion (e) at Agenda Item 15.

On a show of hands, there voted in favour of the motion 18. Having failed to secure the support of 2/3 of the Members present and voting, the motion fell.

15. Motion

In terms of Standing Order 13, submit:-

- (a) a Motion by Councillor Bell seconded by Councillor Foster in the following terms:-

"This Council is disappointed that the Scottish Government have ignored the response to their educational governance review consultation and have announced plans for educational regions, with regional educational directors appointed by the Scottish Government, which COSLA state will result in "no meaningful local democratic accountability for Education in Scotland."

The Scottish Government's own consultation report states that "there was widespread support for the current governance system" and they "were not seen as a barrier to improvement".

On educational regions it states "there was strong opposition to the uniform establishment of educational regions" from "local authorities, schools, agencies, parent councils and individuals".

It goes on to state, "specifically, respondents thought that budget cuts and staffing issues were the two key barriers for improvement."

Furthermore the report states "evidence shows that improvement (in education) will not be achieved as a result of changes to structures."

This Council does believe that more needs to be done to improve Scottish education and reduce the attainment gap. However, like the consultation respondents, we believe that the best way to achieve this is by ending austerity, protecting council budgets and providing the necessary funding to invest in education. We are disappointed that the Deputy First Minister failed to mention funding once during his statement to parliament.

This Council believes the Deputy First Minister's announcement is wrongheaded and completely ignores the views expressed by experts, teachers and trade unions during the consultation. We believe that local authorities such as North Ayrshire Council have shown excellent strategic leadership which is reducing the attainment gap and that, with increased funding and resources, further progress can be achieved which enables more collaborative working between teachers, schools and indeed local authorities but maintains local democratic control of our education system within the existing governance system. We contest that the consultation responses support this view. We therefore resolve to ask the Chief Executive to write to the Deputy First Minister to express our view in the strongest possible terms."

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

Members then asked questions of the movers of the motion and amendment.

Following debate and summing up, on a division there voted for the amendment 10 and for the motion 21, and the motion was declared carried.

(b) a Motion by Councillor Gallacher seconded by Councillor Stephen in the following terms:-

"North Ayrshire Council agrees to amend paragraph 4 of the Council's Flag Flying Protocol to provide that on all days not otherwise provided for in the Protocol, the Union Flag and Saltire will be flown".

As an amendment, Councillor Burns, seconded by Councillor Hill, moved the direct negative.

As a further amendment, Councillor Foster, seconded by Councillor McPhater, moved as follows:-

"This Council regrets that we are spending time debating flags when our area faces many real challenges. One in three children are being brought up in poverty. Unemployment remains above the national average. Our public services are under threat as a result of austerity. These are all matters that this Council should focus on. Which flag flies on a flagpole outside Cunninghame House on which day will make no difference on any of these issues or make a difference to a single person's life in North Ayrshire. The Council therefore resolves to only fly flags on special occasions, as outlined in the existing policy, with the Provost having discretion to do so above and beyond those dates laid out in the policy, and to reaffirm the Council's commitment to focus on the day job of tackling inequality and poverty".

Clarification was sought, and received, that the terms of the further amendment would mean that outwith special occasions, no flags would be flown.

On a division and roll call vote, and with Councillors Bell, Clarkson, Cullinane, Easdale, Foster, Gallagher, McPhater, Miller, Montgomerie, Murdoch, Donald Reid and Sweeney abstaining, there voted for the amendment Councillors Brahim, Burns, Davidson, Dickson, Gurney, Hill, Larsen, Macaulay, McMaster and McTiernan and for the motion Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Donald L. Reid and Stephen. There being an equality of votes, the Provost was invited to exercise the casting vote, but declined to do so. Following a cut of cards, the motion was declared carried and became the substantive motion.

On a further division and roll call vote, and with Councillors Brahim, Burns, Davidson, Dickson, Gurney, Hill, Larsen, Macaulay, McMaster, McTiernan and Murdoch abstaining, there voted for the further amendment Councillors Bell, Clarkson, Cullinane, Easdale, Foster, Gallagher, McPhater, Miller, Montgomerie, Donald Reid and Sweeney and for the substantive motion Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Donald L. Reid and Stephen, and the further amendment was declared carried.

(c) a Motion by Councillor Ferguson seconded by Councillor Gallacher in the following terms:-

"That this Council continues to support the development of Hunterston C Nuclear Power Station. This Council needs to ensure that we will protect over 1200 current jobs and create many new jobs within North Ayrshire by supporting Hunterston C contrary to the Scottish Government position of not allowing the construction of new Nuclear Power Stations in Scotland."

As an amendment, Councillor Burns, seconded by Councillor Hill, moved the direct negative.

Following a question by Councillor Hill on a point of order in relation to the duties and powers of the Provost, the Chief Executive undertook to circulate information to all Members on the relevant provisions within Standing Orders.

As a further amendment, Councillor Gallagher, seconded by Councillor Easdale, moved as follows:-

"It is already this Council's policy to support a Hunterston C station given the economic and job benefits to the area. However, we do recognise the Scottish Government's opposition to nuclear new builds is a barrier to that job creation. Council therefore agrees that the development of a mixed use plan for Hunterston is deferred to the Local Development Plan with the aim of ensuring Hunterston regains National Development status."

In terms of standing Order 14.5, Councillor Ferguson and Councillor Gallacher agreed to withdraw the motion in favour of the further amendment.

Following a short recess to allow the Provost to seek officer advice on the application of Standing Orders in this instance, the meeting reconvened with the same Members and officers present and in attendance.

The Head of Democratic Services confirmed that, following withdrawal of the original motion, Councillor Burns's amendment became the substantive motion.

On a division, there voted for the amendment 22 and for the motion 10, and the amendment was declared carried.

(d) a Motion by Councillor Bell seconded by Councillor Foster in the following terms:-

"This council believes that the shortage of teachers across Scotland should not be resolved with the introduction of a Scottish "Teach First" programme.

Teachers in our primary and secondary schools are currently well trained and capable of delivering a robust curriculum having completed a high quality qualification and at least 12 months probationary training supervised by an experienced head teacher.

Allowing prospective teachers to deliver curriculum objectives without this level of training, qualification and experience will drive down education quality and leave our children and young people with a sub-standard education experience and impact on any desire to raise the attainment gap.

The "Teach First" programme that is delivered in England and Wales allows participants to deliver 80% of teaching in classrooms with as little as 5 weeks training.

The council agrees with the EIS trade union and we strongly oppose any approach which places delivering education cheaply above guaranteeing quality education provision for all Scotland's young people. We do not support any erosion of that provision nor do we believe that placing unqualified graduates in schools will lead to better or more equal outcomes for those children.

The council asks that the Leader of the council writes to the Cabinet Secretary for Education and Life Long Learning outlining our opposition to the Scottish Government tendering for a "Scottish Teach First" programme or any initiative that will see unqualified teachers delivering a poorer quality curriculum in our classrooms."

As an amendment, Councillor Macaulay, seconded by Councillor Davidson, moved the direct negative.

Members then asked questions the movers of the motion and amendment.

Following debate and summing up, on a division there voted for the amendment 10 and for the motion 12, and the motion was declared carried.

(e) In terms of Item 14 above, the Council did not consider the Motion by Councillor Billings seconded by Councillor Marshall.

(f) a motion by Councillor Gurney seconded by Councillor McMaster in the following terms:-

"This Council warmly congratulates all those involved in the highly successful campaign to retain the Ardrossan to Brodick ferry route. The campaign was a shining example of community involvement, demonstrated the passion of our citizens and provides a model for future community participation and action.

The efforts of local people such as Michael McCulloch, Margaret Grey, Nancy MacLeod, and countless others, who contributed incalculable hours of their own time raising awareness, collecting signatures and campaigning for the service's retention are to be highly commended.

Council further resolves to provide a reception for all those involved in the campaign in recognition of their efforts and as a small token of our thanks."

As an amendment, Councillor McNicol, seconded by Councillor Billings, moved that the Council agree to thank all those involved in the campaign but, in light of budget and other consideration, not hold a reception.

Following a suggestion by the Provost that authority be delegated to the Chief Executive to draw up plans for a modest reception, in consultation with local Elected Members involved in the campaign, Councillor McNicol and Councillor Billings agreed to withdraw the amendment. There being no further amendments, the motion was declared carried and authority delegated to the Chief Executive to make the necessary arrangements for a reception.

Councillor Murdoch left the meeting during consideration of this item.

16. Provost's Closing Remarks

In closing the meeting, the Provost took the opportunity to pay tribute to Christine Andrew, Senior Manager (Legal Services) who would be retiring from the Council in September. On behalf of Members, the Provost expressed his gratitude to Christine for her contribution to the Council and wished her well in her retirement.

The meeting ended at 5.50 p.m.