



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 15 February 2023** at **14:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Apologies

2 Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

3 Previous Minutes

The accuracy of the Minutes of the (i) Ordinary Meeting of the Council held on 14 December 2022, (ii) the Special Meeting of the Council held on 14 December 2022s and (iii) the Special Meeting of the Council held on 18 January 2023 will be 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

Submit report by the Provost for the period covering 5 December 2022 - 5 February 2023 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council for the period covering 5 December 2022 - 5 February 2023 (copy enclosed).

6 Minute Volume (issued under separate cover)

Submit, for noting and for approval of any recommendations contained therein, the Minutes of Meeting of committees of the Council held in the period 1 September 2022 - 31 January 2023.

7 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held in December 2022

Submit report by the Executive Director (Communities and Education) on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 8 December 2022 (copy enclosed).

8 Congratulatory Motion

In terms of Standing Order 13.3, submit the undernoted motion, duly proposed and seconded, which seeks to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:-

(1) a motion by Councillor Donald L Reid, seconded by Councillor Dickson, in the following terms:

"At the National Concert Band Festival (Scotland Regional Festival) held in Garnock Academy on Sunday 22 January North Ayrshire Schools Concert Band (conductor Steven Cowling) and Garnock Valley Community Concert Band (Conductor Alan Friel) respectively received a Gold and Platinum Award.

The adjudicators were Heather Nicoll and Bryan Allen, distinguished musicians and adjudicators who were fulsome in their praises of both bands who now go forward to the UK Concert Band Festival in Manchester in April 2023.

North Ayrshire Council notes both awards and wishes all the musicians and conductors well at the national finals."

9 Car Parking Charges

Submit report by the Executive Director (Place) on a remit from the Cabinet inviting the Council to consider and agree the outcome and recommendations arising from the local discussions held with Ward Members and local measures proposed following the introduction of DPE and car parking charges, and to consider and agree the level of parking charges to be introduced (copy enclosed).

- 10 Appointment to Outside Body**
The Council is invited, in respect of Cunninghame Housing Association, (i) to note the resignation of Councillor Davidson and (ii) consider a nomination for Councillor Collier to be appointed to fill this vacancy in terms of Standing Order 8.4.
- 11 Committee Timetable: July-December 2023**
Submit report by the Chief Executive on a proposed timetable of meetings for the period from July until the end of December 2023 (copy enclosed).
- 12 Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2023/24**
Submit report by the Executive Director (Place) on the proposed HRA capital investment programme and revenue budget for 2023/24 and the consequential rent levels (copy enclosed).
- 13 Review of Accounting Arrangements for PFI and Similar Contracts**
Submit report by the Head of Finance on a proposal to revise the current methodology used to determine the statutory repayment of debt charged to the General Fund in relation to the Council's service concession contracts. (copy enclosed).

This report was subject to initial consideration by the Council on 14 December 2022 and continued for consideration following an all-Member briefing.

- 14 Non Domestic Rates Empty Property Relief**
Submit report by the Head of Finance on the proposed policy for the provision of Empty Property Relief in relation to Non Domestic Rates following devolution of responsibility to local authorities from 1 April 2023 (copy enclosed).
- 15 Questions**
In terms of Standing Order 14, submit:-

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

“Following the alarming and informative article in The Herald on 4th February 2023 about the potential closure of the Arran Outdoor Education Centre, what steps is the Council taking to ensure that this ‘World Class’ facility is able to continue its ‘transformative’ work which positively impacts every pupils’ ‘attitude, self-esteem, confidence, resilience, teamwork, ambition, determination, work ethic, achievement, mental health, independence and social and emotional behaviour?’”

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

“Under the last Administration, North Ayrshire is now the second highest performing local authority in Scotland for recycling. Other local authorities have introduced garden waste charges. Can the Cabinet Member tell me what impact introducing these waste collection charges has had on recycling rates in those council areas?”

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

“Is the Member happy with North Ayrshire Council’s procedure for dealing with potholes and other faults on roads and footways?”

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

“As I’m sure all Councillors here I am spending a lot of time answering emails on pot holes and the state of some of our pavements. Can I ask the Cabinet Member for a total of compensation that North Ayrshire has paid out over the past year for claims against Council for vehicle repairs and personal accidents.”

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

“Last year the Scottish Government decided to reduce North Ayrshire’s Attainment Challenge funding by £4.4m, with the funding reducing by £1.1m each year. Can the Cabinet Member tell me what impact the £1.1m cut in 2023/24 will have on staff levels, including both teaching and non-teaching staff, and what service changes will come as a result of the cut?”

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

“Is the Member happy with North Ayrshire Council’s process for dealing with claims related to damaged vehicles as a result of Roads Faults?”

(7) a question by Councillor Inglis to the Leader of the Council in the following terms:

“To ask the Leader of the Council if they like me are concerned about recent reports involving female students at Kilwinning College having to remove their clothes in front of a recently convicted rapist and sex offender?”

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

“Given the news that the Scottish Government have clawed back over £8 million from the reserves of the HSCP, does the Cabinet Member believe this will have a positive or negative impact on the HSCP meeting its strategic priorities?”

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

“How many members of staff employed by the Council have in their job description any of the following descriptors (or equivalent synonyms) of “Diversity, Inclusion, or Equality” and what is their total salaries?”

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

“Does the Leader of the Council believe that if some families or individuals living in North Ayrshire had to fork out at least an extra £28 every month on Council charges would this increase or decrease poverty levels in North Ayrshire?”

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

“Can the Member please advise if North Ayrshire Council has ever or continues to (i) provide referrals or signpost young people to LGBT Youth Scotland? (ii) provide any funding to this organisation?”

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

“Can the Cabinet Member for Education tell us how many North Ayrshire pupils have visited Arran Outdoor Education Centre as part of a school residential since the centre reopened following Covid restrictions?”

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

“To ask the Cabinet Member for Education to provide an update on the use of Facial Recognition Technology in schools following the recently published report from the Information Commissioner’s Office.”

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

“Anti-poverty charities such as Child Poverty Action Group (CPAG) have been campaigning to reduce the Cost of the School Day, pointing out that the costs associated with sending children to school are a financial barrier to a good education for many families and their children. The last Administration introduced North Ayrshire’s Cost of the School Day policy, with £500,000 of recurring annual funding, which was warmly welcomed by those anti-poverty charities. Can the Cabinet Member tell us how, to date, the funding has been used?”

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

“How much has North Ayrshire Council paid to Calmac in 2022 for following ferry travel to and from Arran and Cumbrae:

- Staff employed by North Ayrshire Council
- Staff employed by the Health and Social Care Partnership
- Waste vehicles
- Other vehicles”

(16) a question by Councillor McDonald to the Leader of the Council in the following terms:

“To ask the Leader of the Council in her role as our representative on the NHS Ayrshire and Arran board how many patients in the health board waiting more than 12 hours in A&E in the past year?”

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

“A leading Scottish athletic champion has spoken out about Scottish government regulations which permit children to enter competitions in which gender they identify with.

She said at a school athletic championship in 2022 pupils there was a boy who identified as a trans girl.

The advice given by local council's active schools team was that children can compete in the gender they identify on the day.

The trans girl entered the girls events and won all her events. What advice does North Ayrshire Active Schools Team give in such a situation?”

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

“How many new contracts has North Ayrshire Council set up with companies and individuals based in North Ayrshire that can be directly accredited to the Community Wealth Building initiative set up in 2020?”

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

“How many new jobs have been created within North Ayrshire that can be directly accredited to the Community Wealth Building initiative set up in 2020?”

16 Motion to Amend Standing Orders

A Notice of Motion having been submitted in terms of Standing Order 24 and duly noted at the last ordinary meeting of the Council on 14 December 2022, Council is invited to consider the proposed changes set out in the following Motion:

(1) a motion by Councillor Foster, seconded by Councillor McDonald

"(a) that clause 14.1 of Standing Orders be amended as follows:- the words "The question as tabled should not include supplementary or contextual text." where they occur on the fourth to fifth lines thereof shall be deleted and the words "The question as tabled should only contain contextual information as preamble that is directly related and sufficient to facilitate understanding of the question." substituted therefor

(b) that clause 14.2 of Standing Orders be amended as follows:-

(i) the number "45" where it occurs on the first line thereof shall be replaced with the number "60"

(ii) the words "within one hour of the meeting ending" shall be inserted between the words "provided" and "included" where they occur on the last line thereof.

(c) that clause 14.3 of Standing Orders is deleted and replaced with the following:

"The process for selecting the order of questions for the agenda is as follows:

- Questions received are divided into lots:
 - Lot one - main Opposition;
 - Lot two - second Opposition;
 - Lot three - Independent Members and Opposition Parties with fewer than 2 members and
 - Lot four - the Administration;

- Questions will be put into each lot, by list, in the order received by the Chief Executive, unless all Members of the relevant group have given prior written agreement to the Chief Executive, that the order in which questions are listed in the lot for allocation can be specified by the leader of that group.

- Questions will be allocated to the agenda in turn from each lot list.

- The process proceeds until all questions have been allocated to the agenda.

(d) that clause 14.4 of Standing Orders be amended as follows:-

(i) the words "with contextual preamble" will be inserted between the words "question" and "tabled" where they occur on the first and second lines thereof.

(ii) the word "further" shall be inserted between the words "No" and "preamble" where they occur on the second line thereof.

(iii) the words “with contextual preamble” shall be inserted between the words “question” and “arising” where they occur on the sixth line thereof

(iv) the words “use best endeavours to” will be inserted between the words “will” and “arrange” where they occur on the penultimate line thereof.

(v) the words “within 24 hours from the 10am deadline.” shall be added after the word “provided” where it occurs on the last line thereof.

(e) that clause 14.7 of Standing Orders be amended as follows:- with regard to the rule contained in the third bullet point thereof, the words “unless it is seeking a progress update on a previous answer given” shall be added after the word “months” where it occurs on the last line thereof.

(f) that clause 15.2 of Standing Orders be amended as follows:- the words “For amendments proposed in relation to motions lodged under Standing Order 15.1, notice of amendment from the proposer and seconder must be emailed to the Chief Executive not later than 2pm on the Monday prior to the Council meeting and after having been checked for competency, will be circulated to Members in advance of the meeting.” where they occur on the fourth to eighth lines thereof shall be deleted.

(g) that clause 15.4 of Standing Orders be amended as follows:- with regard to the rule contained in the eighth bullet point thereof, the words “and agreement” where they occur on the penultimate line thereof shall be deleted.

(h) that clauses 6.5, 19.5, 23.1 and 25.1(i) of Standing Orders be amended as follows:- the words “two thirds” where they occur within said clauses shall be deleted and the words “a majority” substituted therefor.”

17 Notice of Motion to Amend Standing Orders

Submit a Notice of Motion in terms of Standing Order 24:

(1) a Notice that a Motion by Councillor Marshall, seconded by Councillor T. Ferguson, will be submitted to the next ordinary meeting of the Council in the following terms:

That clause 3.4 of Standing Orders be amended as follows:- the words "at least nine Members of the Council" where they occur on line 3 are deleted and the words " at least seventeen Members of the Council" substituted therefor

18 Motions

In terms of Standing Order 15, submit:-

(1) a motion by Councillor McDonald, seconded by Councillor Kerr, in the following terms:

“The decision of workers to withdraw their labour is a fundamental democratic right. With workers across many sectors and industries currently taking industrial action to protect themselves from the cost-of-living crisis, the Conservative Government is attacking the unequivocal right to strike, forcing them to work against their will with their latest anti-trade union legislation.

North Ayrshire Council respects the legal right of all workers taking industrial action to defend jobs, protect their terms and conditions and for a fair wage rise. North Ayrshire Council opposes the Tories’ anti-strike legislation and asks the Chief Executive to write to:

- (a) the Secretary of State for Business, Energy and Industrial Strategy to state the Council’s opposition to their ‘The Strikes (Minimum Service Levels) Bill’; and
- (b) the General Secretary of the STUC to express North Ayrshire Councillors’ support for the existing legal right to strike for fair pay, jobs and conditions.”

(2) a motion by Councillor Foster, seconded by Councillor Bell, in the following terms:

“The revenue budget performance paper at January’s Cabinet meeting reported “underspends in employee costs as a result of the teachers industrial action” of £278,000 to date with further reductions if industrial action continues.

This is money allocated by the Council towards teachers and their education of North Ayrshire school pupils and therefore Council agrees that any underspend relating to teachers taking industrial action should be earmarked for alternative investment in teachers’ health and wellbeing. If the earmarking of funds creates an overall overspend of the Council budget at 31st March 2023 then the balance of overspend should be met from the Council’s unearmarked reserves

Council agrees to work with the teaching unions to develop proposals for a teacher’s health and wellbeing programme funded by cost reductions related to teachers’ industrial action.”

19 Urgent Items

Any other items which the Provost considers to be urgent.

Webcasting

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North Ayrshire Council Sederunt

John Bell
Timothy Billings
Marie Burns
Eleanor Collier
Joe Cullinane
Scott Davidson
Anthea Dickson
Stewart Ferguson
Todd Ferguson
Robert Foster
Scott Gallacher
John Glover
Tony Gurney
Alan Hill
Cameron Inglis
Margaret Johnson
Amanda Kerr
Christina Larsen
Shaun Macaulay
Jean McClung
Nairn McDonald
Matthew McLean
Louise McPhater
Davina McTiernan
Tom Marshall
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Chloe Robertson
Ronnie Stalker
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending: