

North Ayrshire Council
13 September 2023

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, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Ian Murdoch, Donald Reid, Chloé Robertson, Ronnie Stalker, Angela Stephen and John Sweeney.

Present (Remote Electronic Participation)

Alan Hill, Amanda Kerr, Jim Montgomerie and Donald L. Reid

In Attendance

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director (Communities and Education); Mark Boyd, Head of Service (Finance); F. Walker, Head of Service (People and ICT); L. Kirk, Interim Head of Service (Economic Development and Regeneration) and N. McIlvanney, Interim Head of Service (Growth, Investment and Employability) (Place); and A. Craig, Head of Service, R. Lynch, Senior Manager (Legal Services); M. McColm, Senior Manager (Communications), M. Anderson, Senior Manager (Committee and Member Services) and H. Clancy and S. Wilson, Committee Services Officer (Democratic Services).

Chair

Provost Dickson in the Chair.

Apology

John Glover.

1. Provost's Remarks

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

The Provost also intimated her intention, in terms of Standing Order 10.5 and in light of the shared subject matter, to exercise her discretion to alter the order of business, to consider Motions (1) and (4) of Agenda Item 16 (Motions) as part of Agenda Item 13 (Ardrossan Harbour Update).

2. Apologies

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

3. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, the following declarations of interest were made in the course of the meeting:

The Provost declared an interest in a motion which arose during consideration of Agenda Item 15 (Questions) subsequent to responding to question (2), vacated the Chair and left the meeting during consideration of the motion, taking no part in its determination.

Councillor Cullinane, as an employee of a refugee charity, declared an interest in Agenda Item 16 (Motions) (6) and left the meeting during consideration of the motion, taking no part in its determination.

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Meeting held on 21 June 2023 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 June – 3 September 2023.

The Provost highlighted the numerous events and celebrations she had attended in the course of a busy summer, and the wide variety of interests reflected in her written report.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period for 12 June – 3 September 2023.

Noted.

7. Council Minute Volume

Submitted for noting the Minutes of meetings of committees of the Council held in the period 9 June – 29 August 2023.

Noted.

8. Community Planning Partnership Board: Minutes of Meeting held on 22 June 2023

Submitted report by the Executive Director (Communities and Education) on the Minutes of the Community Planning Partnership (CPP) Board held on 22 June 2023.

The Chief Executive highlighted the range of subject matters considered by the CPP Board, including children and young people, the cost of living, active travel, climate change and the Green Health Partnership.

Noted.

9. Congratulatory Motions

In terms of Standing Order 15.3, there were submitted the undernoted motions which sought to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:

(1) a motion, duly proposed and seconded, in the following terms:

“Council congratulates the Irvine Tennis Community on the forthcoming opening of their Tennis Courts on Thornhouse Avenue on Monday 11 September by Judy Murray OBE.

Council notes its thanks and appreciation to Chris McKenna and his committee at Irvine Tennis Community for their work.

Council further notes that the late Provost Ian Clarkson was instrumental in the campaign to restore the courts and that this is a fitting legacy for a long-standing and deeply admired community leader.”

There being no dissent, the motion was declared carried.

(2) a motion, duly proposed and seconded, in the following terms:

“North Ayrshire Council wishes to congratulate former Ardrossan Academicals RFC player, Ian Murchie who, after 54 years, has received his Scotland cap from the Scottish Rugby Union. The Council recognises that many people encouraged the SRU to change its ruling that not all matches played for their country merited a cap; remembers that his long time Ardrossan Accies friend, Bill Nolan, was one such persistent voice in the SRU; recognises that this is also a great moment of pride for everyone in Ardrossan Academicals RFC; and is delighted to know that he has finally been given the recognition he deserves.”

There being no dissent, the motion was declared carried.

10. Presentation

A letter from the Right Honourable the Lord Mayor of Brisbane, Australia, Councillor Adrian Schrunner, was presented to the Council by Councillor Ian Murdoch.

At the invitation of the Provost, Councillor Murdoch made reference to the noted astronomer, Sir Thomas Makdougall Brisbane, who had been born at Brisbane House in Largs and after whom the city of Brisbane in Australia had been named. Councillor Murdoch then referred to recent meetings with a representative of the Clem Jones Foundation and former teacher, Juliette Bentley from Brisbane, Australia, on efforts to see the restoration of the Brisbane Observatory in Largs and on promoting educational links between Largs, North Ayrshire and Brisbane in Australia.

Councillor Murdoch then presented the letter from the Lord Mayor of Brisbane, Australia, in which the Lord Mayor expressed his desire, in the context of the opening of the Olympic Games in Brisbane, Australia in 2032 (coincidentally on the birthday of Sir Thomas Makdougall Brisbane), to promote the creation of stronger links between Largs, North Ayrshire as a whole and the city of Brisbane in Australia.

On behalf of the Council, the Provost accepted the letter.

Noted.

11. Outside Body Appointments

The Council was invited to consider nominations, proposed by Councillor Burns and seconded by Councillor Macaulay, for Councillor Hill to serve on the North Ayrshire Outdoor Access Forum, the Ayrshire Valuation Joint Board and, as a named substitute, on the West of Scotland Archaeology Joint Committee.

Councillor Hill, having been duly proposed and seconded, was nominated to fill these vacancies. There being no other nominations, Councillor Hill was duly appointed.

Accordingly, the Council agreed to approve the appointment of Councillor Hill to serve on (i) the North Ayrshire Outdoor Access Forum, (ii) the Ayrshire Valuation Joint Board; and (b) the West of Scotland Archaeology Joint Committee (the latter as a named substitute).

12. Committee Timetable 2024

Submitted report by the Chief Executive on a proposed timetable of meetings of the Council and its committees for the period from January – December 2024. The draft timetable was set out in the appendix to the report.

The Council unanimously agreed as follows:

- (a) to approve the draft committee timetable set out at Appendix 1 to the report; and
- (b) to note that arrangements for Locality Partnership meetings and any ad hoc or Special Meetings would be intimated separately to Members.

13. Revenue Estimates 2023/24 – Irvine Committee Good Fund

Submitted report by the Head of Finance on the level of grant applications received by Irvine Common Good Fund and seeking approval to increase the level of funding made available for disbursement as grants during 2023/24. The detailed budget for the Common Good Fund, including the proposed revisions, was set out at Appendix 1 to the report.

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

Accordingly, the Council agreed:

- (a) to approve the revised 2023/24 revenue estimates for Irvine Common Good Fund to maximise the support offered to the community; and
- (b) that the budget available for disbursement from Irvine Common Good Fund be increased to £41,041 for 2023/24.

14. Ardrossan Harbour Update

Submitted report by the Executive Director (Place) which provided an update on the Ardrossan Harbour development following Transport Scotland's decision to pause procurement activity for the project.

The Provost, having agreed in terms of Standing Order 10.5, to alter the order of business, invited the Council to consider Motions (1) and (4) of Agenda Item 16 (Motions) together with the report.

Members asked questions, and were provided with clarification, on the following elements of the report:

- the proposed refresh of the socio-economic analysis undertaken by the Fraser of Allander Institute in 2020 and the rationale for this work being progressed by the Council rather than as part of Transport Scotland's review; and
- the importance of considering not only the value of the ferry to Arran's economy, but also the negative impacts of ferry uncertainty, cancellations and delays, and whether these factors would be taken into account in the review

Following consideration of the update provided in the officer's report, Councillor Gurney, seconded by Councillor Collier, moved as follows:

"Council notes with disappointment the decision of the board of Transport Scotland to revisit the business case for the redevelopment of Ardrossan Harbour.

Council also notes:

- that Ardrossan provides the shortest, most economical, and greenest ferry route for Arran residents;
- that Ardrossan is the only port with adequate public transport links to service the ferry;
- that any change to the route would result in longer crossing times, the concomitant reduction in the number of services and the subsequent reduction in the Arran service;
- the multi-million-pound investment already committed by North Ayrshire Council to the project and more widely in Ardrossan;
- that these, and other factors, have already been accepted by all parties as the core framework for continuing the Ardrossan to Arran ferry service; and
- that Ardrossan Harbour is a key component of Peel Ports' infrastructure

Council acknowledges the increase in building costs associated with this and other projects but does not accept that this constitutes grounds for changing the core decision.

Taking into account this context the Council instructs the Chief Executive to write to:

- the Transport Minister to ask her to publicly re-affirm the choice of the Ardrossan to Arran route and to urge her to proceed with the project as quickly as possible;
- the board of Transport Scotland in the same terms;
- the Chief Executive of Peel Ports to ask the organisation to invest in the project to a level commensurate with its importance; and

- the First Minister to remind him of his previous commitment to the project and to ask him to consider reversing the privatisation of Peel Ports' Scottish assets.”

As an amendment, Councillor Billings, seconded by Councillor S. Ferguson, moved as follows:

“To amend the motion as follows:

To delete the first paragraph and replace with:

“North Ayrshire Council is both disappointed and frustrated by the decision by the Transport Scotland to revisit the business case for the redevelopment of Ardrossan Harbour. This will further exacerbate the uncertainty surrounding the Arran ferry route and prolong the social and economic challenges that the ongoing delays to Arran’s ferry infrastructure improvements are already causing.”

In the letter to the First Minister, to delete everything after the word ‘and’ replace with ‘request that he confirms that Ardrossan will continue to be the preferred mainland port for the Arran ferry.’”

As a further amendment, Councillor Kerr, seconded by Councillor D. Reid, moved as follows:

“Council approves the following:

“Council notes with disappointment the decision of the board of Transport Scotland to revisit the business case for the redevelopment of Ardrossan Harbour. **More than six years on from the successful Keep it A to B campaign, the decision will further exacerbate the uncertainty surrounding the Arran ferry route and prolong the social and economic challenges that the ongoing delays to Arran’s ferry infrastructure improvements are already causing.**

Council also notes:

- that Ardrossan provides the shortest, most economical, and greenest ferry route for Arran residents;
- that Ardrossan is the only port with adequate public transport links to service the ferry;
- that any change to the route would result in longer crossing times, the concomitant reduction in the number of services and the subsequent reduction in the Arran service;
- the multi-million-pound investment already committed by North Ayrshire Council to the project and more widely in Ardrossan;
- that these, and other factors, have already been accepted by all parties as the core framework for continuing the Ardrossan to Arran ferry service; and
- that Ardrossan Harbour is a key component of Peel Ports’ infrastructure.

Council acknowledges **that the failure to deliver this project in a timely manner has resulted in an** increase in building costs-but does not accept that this constitutes grounds for changing the core decision **to retain the ferry service from Ardrossan to Arran.**

Taking into account this context, the Council instructs the Chief Executive to write to:

- the Transport Minister to ask her to publicly re-affirm the choice of the Ardrossan to Arran route and to urge her to **a) ensure that the review of the business case is completed by the end of 2023 and b) thereafter** proceed with the project as quickly as possible;
- the board of Transport Scotland in the same terms;
- the Chief Executive of Peel Ports to ask the organisation to invest in the project to a level commensurate with its importance; and
- the First Minister to remind him of his previous commitment to the project, **ask that he confirms that Ardrossan will continue to be the preferred mainland port for the Arran ferry**, and to ask him to consider bringing Ardrossan Harbour into public ownership to ensure delivery of this vital project.

Furthermore, the Council mandates officers to act quickly should the review of the business case result in the original decision being reversed. This shall include, but not be limited to:

- **calling an emergency meeting of North Ayrshire Council at the earliest possible opportunity to consider the decision;**
- **relaunching the Keep it A to B campaign; and**
- **consideration of legal options to challenge the decision.”**

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 2.45 p.m. for a short recess, to allow Members to consider the terms of the motion and amendments. The meeting reconvened at 3.10 p.m. with the same Members and officers present and in attendance.

The Provost invited the movers and seconders to intimate whether, in terms of Standing Order 16.5, they wished to amend their motion/amendment.

Councillor Gurney, with the agreement of his seconder, intimated a willingness to alter his motion by replacing the first paragraph with that of the initial paragraph of Councillor Billings' amendment and by replacing the word "Scottish" in the final line of his motion with the word "Ardrossan".

With the permission of the Provost, the Leader answered a question of clarification on whether a meeting had taken place with the Transport Minister over the summer period.

There followed debate and summing up.

On a division and a roll call vote, there voted for the first amendment, as revised, Councillors Bell, Billings, Cullinane, S. Ferguson, Foster, Gallacher, Inglis, Kerr, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, D. Reid, Stalker, Stephen and Sweeney (18) and for the motion, as revised, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (12), Councillors T. Ferguson and D.L. Reid abstaining, and the first amendment became the substantive motion.

On a further division and a roll call vote, there voted for the second amendment, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9)) and for the substantive motion, Councillors Billings, Burns, Collier, Davidson, Dickson, S. Ferguson, T. Ferguson, Gallacher, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Robertson, Stalker and Sweeney (22), Councillor D.L. Reid abstaining, and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to record that the Council was both disappointed and frustrated by the decision by the Transport Scotland to revisit the business case for the redevelopment of Ardrossan Harbour. This would further exacerbate the uncertainty surrounding the Arran ferry route and prolong the social and economic challenges that the ongoing delays to Arran's ferry infrastructure improvements were already causing.
- (b) to note:
 - (i) that Ardrossan provided the shortest, most economical, and greenest ferry route for Arran residents;
 - (ii) that Ardrossan was the only port with adequate public transport links to service the ferry;
 - (iii) that any change to the route would result in longer crossing times, the concomitant reduction in the number of services and the subsequent reduction in the Arran service;
 - (iv) the multi-million-pound investment already committed by North Ayrshire Council to the project and more widely in Ardrossan;
 - (v) that these, and other factors, had already been accepted by all parties as the core framework for continuing the Ardrossan to Arran ferry service; and
 - (vi) that Ardrossan Harbour was a key component of Peel Ports' infrastructure;

- (c) to acknowledge the increase in building costs associated with this and other projects but not accept that this constituted grounds for changing the core decision; and
- (d) to instruct the Chief Executive to write to:
 - (i) the Transport Minister to ask her to publicly re-affirm the choice of the Ardrossan to Arran route and to urge her to proceed with the project as quickly as possible;
 - (ii) the board of Transport Scotland in the same terms;
 - (iii) the Chief Executive of Peel Ports to ask the organisation to invest in the project to a level commensurate with its importance; and
 - (iv) the First Minister to remind him of his previous commitment to the project and to request that he confirms that Ardrossan will continue to be the preferred mainland port for the Arran ferry.

In light of the above decision, the Motion (4) of Agenda Item 16 (Motions) fell.

15. Member Officer Working Group on Irvine Town Centre Buildings

Submitted report by the Executive Director (Place) on the progress made by the working group to evaluate options to bring the former Forum building, former Ruby Tuesdays building and surrounding buildings that have fallen into disrepair back into a usable state.

The Council, at its meeting on 17 May 2023, agreed to the establishment of a working group to consider this matter and that a report on its work be submitted to the first meeting of the Council following the summer recess.

The Council unanimously agreed as follows:

- (a) to note the progress made by the working group; and
- (b) to receive a further update towards the end of 2023.

16. Questions

In terms of Standing Order 14, submitted:

- (1) a question by Councillor T. Ferguson to the Cabinet Member for Communities in the following terms:

“To ask the Cabinet Member how much Scottish Government funding was provided for the Summer Holiday Food Programme and the Activities and Childcare Programme budgets for summer 2023 (financial year 2023-2024)?”

Councillor Macaulay responded on behalf of the Administration, thanking the Member for his question and replying in the following terms:

“The Scottish Government provided £0.704m funding to the Council for 2023/24 to enable the provision of alternative free school meal provision to all children and young people, eligible for free school meals based on low income, in primary and secondary age groups, during the school holidays. This provision covered the summer holidays; the Christmas and Easter holidays; and the mid-term holidays in October and February.

In addition to this, during 2023-24 the Scottish Government allocated an additional £4m across all local authorities, with North Ayrshire receiving £131,670, to support existing local delivery for summer 2023 programmes.”

As a supplementary question, Councillor T. Ferguson referred to the significant cut of £192,134 in the level of additional funding allocated by the Scottish Government across Scotland in 2023-24 when compared with the funding provided in 2021-22 (£323,894) and asked if the Cabinet Member would investigate and report back on the impact of this on families who relied on this specific funding stream.

Councillor Macaulay responded by advising that a total of £831k had been committed this financial year, which was a substantial resource and included direct cash payments to families, a successful activity programme run with community partners, and food provision for some children. The Cabinet Member also referred to the Scottish Government’s announcement on the provision of wrap-around child-care. Councillor Macaulay acknowledged that more could always be done but asserted that there was evidence to support the view that progress was being made in supporting those in need.

(2) a question by Councillor Foster to the Provost in the following terms:

“I have previously raised concerns about information shared by you through your social media account @Anthea_Dickson which clearly states you are a North Ayrshire Councillor and Provost of North Ayrshire Council. Since I last raised a question regarding you sharing misinformation and offensive comments from this account, you have shared the following:

- Nicola Sturgeon is facing a trial by ‘media s***’
- The BBC is full blown pro union
- Scotland produces 300% more renewable energy than our current needs
- The Scottish Covid enquiry will be politicised
- BBC Scotland used Covid deaths in care homes to attack the SNP
- 92% of Scotland’s oil and gas revenues goes to Westminster
- Scotland should be left to the Scots

- Nicola Sturgeon's life will end up in tatters due to 'a*****' journalists
- Scotland has more tidal capacity than the rest of the world combined
- Humza Yousaf will get arrested and released without charge
- Scotland sends water to London without compensation
- Nicola Sturgeon was only arrested due to signing audited accounts

Standards in public life are important. The Council run account @NAC_Provost links to the account @Anthea_Dickson in its bio so that residents who visit that council run page are being directed to your own account that is spreading misinformation and conspiracy theories, including conspiracy theories relating to a live Police investigation. Given your civic responsibilities to represent North Ayrshire, your social media is causing our area embarrassment and bringing the Council into disrepute. Will you consider your position and resign as Provost to save North Ayrshire Council any further embarrassment?"

The Provost thanked the Member for his opinion in the form of a question and responded in the following terms:

"I have said before and I repeat, I absolutely respect and understand the separate roles of Provost and my personal activities as an individual and councillor - as I believe do the people of North Ayrshire.

My personal Twitter Account (which clearly says re-tweets 'may just be observing but not an endorsement') contains a mixture of the amusing, the daft, the interesting, the frustrated, the cute, the informative, and fair political comment.

I share views of many others that reflect that mix too.

Cllr Foster has been extremely selective out of many thousands of posts and re-tweets.

My Twitter account is perfectly reasonable.

Cllr Foster, you already know the answer to your question, as I did not respond to your email of Wednesday evening in which you wrote –

"I thought it best to advise that, should Cllr Dickson choose to resign before the deadline for publishing the agenda, I would instruct officers to remove the question from reaching the public domain and, therefore, save the Council from significant embarrassment and the subsequent reputational damage."

I considered that offer to be inappropriate. I, therefore, declined to respond.

Your question was published as you originally wished. I am here. The answer is, 'no'."

In terms of Standing Order 23, Councillor Foster, seconded by Councillor McDonald, intimated that he wished to move suspension of Standing Orders 15.1, 14.5 and 6.5 to allow consideration of a motion to remove Councillor Dickson from office as Provost.

At the invitation of the Provost, the Monitoring Officer confirmed that the relevant Standing Orders had been referenced by the mover of the motion.

The Provost, having declared an interest in the motion, vacated the Chair and left the meeting during consideration of this matter, taking no part in its determination. In terms of Standing Order 6.6, in the absence of the Provost, the Depute Provost took the Chair for this item of business.

At the invitation of the Depute Provost, the Monitoring Officer detailed the individual Standing Orders which the motion sought to suspend and provided advice on the correct procedure for consideration of this matter.

Councillor Foster, seconded by Councillor McDonald, then moved, in terms of Standing Order 23, to suspend Standing Orders 15.1, 14.5 and 6.5 to allow consideration of a motion to remove the Provost from office.

As an amendment, Councillor Burns, seconded by Councillor Macaulay, moved that the Council should not proceed with suspension of Standing Orders.

On a point of order, Councillor Billings requested, and received, confirmation that, in the event that the motion to suspend Standing Orders was not carried, this would not preclude consideration of any future motion to remove the Provost in terms of Standing Order 6.5.

On a division and a roll call vote, there voted "to proceed" with suspension of Standing Orders, Councillors Bell, Cullinane, S. Ferguson, T. Ferguson, Foster, Inglis, Kerr, Marshall, McDonald, McLean, McPhater, Montgomerie and Donald Reid (13), and "not proceed", Councillors Billings, Burns, Collier, Davidson, Gallacher, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan, Murdoch, D.L. Reid, Robertson, Stalker and Stephen (17), Councillor Sweeney abstaining.

Accordingly, the Council agreed not to proceed with suspension of Standing Orders 15.1, 14.5 and 6.5 to allow consideration of a motion to remove the Provost from office.

In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 3.50 p.m. to allow the Provost to re-join the meeting. The meeting reconvened at 3.55 p.m. with the same Members and officers present and in attendance, including the Provost, who resumed the Chair.

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

"To ask the Cabinet Member for Education how many primary and secondary school children have received a free laptop or tablet as per the SNP election promises made in May 2021?"

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

“Over the last two financial years, £500k has been invested by North Ayrshire Council through Cost of the School Day funding to purchase devices for learners. These devices are targeted at pupils identified by schools, with devices offered at two stages of a learner’s school career (P5 and S2).

In the 2021-22 academic year, 1,022 devices were allocated with a further 789 devices allocated in the last academic year (2022-23).

In addition, a further £170k will be invested in the current financial year through the newly established Child Poverty and Cost of Living fund to continue this scheme to support pupils.”

As a supplementary question, Councillor T. Ferguson, referred to the number of learners in North Ayrshire who had received a free laptop to date (asserting this was currently only approximately 10% of the school population) and asked when the Scottish Government would keep its manifesto promise to provide a digital device to all learners, together with free internet connection and associated support.

Councillor Macaulay responded by advising that he could not speak for the Scottish Government but reiterated that nearly 2000 young people in North Ayrshire had received a digital device and advised that the First Minister and Cabinet Secretary had confirmed in the Programme for Government that the Scottish Government would work with COSLA on a funding model for the distribution of devices to allow the expansion of digital learning.

(4) a question by Councillor Kerr to the Cabinet Member for the Green Environment and Economy in the following terms:

"Does the Cabinet Member regret imposing the largest rent increase for over a decade on Council tenants, only for the HRA to report a £6 million + underspend due to his inability to get capital projects off the ground?"

Councillor Gurney thanked the Member for her question and responded by asserting that the premise of the question indicated a lack of understanding of the Housing budget. The Cabinet Member advised that rent increases had not been imposed on Council tenants by successive Administrations, but rather options were developed with tenants and, in fact, ¼ had voted for a higher rent increase during the latest consultation. He also referred to North Ayrshire having achieved the highest satisfaction levels among Council tenants across Scotland and confirmed that every penny raised in rent would be invested in the housing stock. Councillor Gurney concluded by offering to arrange a private briefing for Councillor Kerr on the operation of the Housing budget, notwithstanding that this topic had been covered in an Elected Member and budget briefings.

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

“It is reported that the national gap in attainment of A to C grades between the most deprived fifth of Higher pupils and their least deprived peers has risen to 16% this year up from 14.9% in 2022 but below the last pre pandemic year of 2019 when the gap stood at 16.9%.

What are the equivalent figures for North Ayrshire Council?”

In terms of Standing Order 14.4, Councillor Marshall requested that the question be taken as read.

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

“This information is not published at local level at this time of year. The service has done some initial analysis, based on the available data at this time. Overall, at higher, the pass rate in S5 in North Ayrshire this year was 70.9%. A total of 1,363 Higher qualifications were attempted by S5 pupils living in SIMD quintile 1 (the most deprived). Of this number, 905 awards were graded at A-C, giving a pass rate for SIMD quintile 1 of 66.4%. In comparison, 698 Higher qualifications were attempted by S5 pupils living in SIMD quintile 5 (the least deprived). Of this number, 528 awards were graded at A-C, giving a pass rate for SIMD quintile 5 of 75.6%. The gap between the pass rate of the pupils living in the most deprived and least deprived areas of North Ayrshire is therefore 9.2 percentage points in 2023. The same gap in 2022 was 6.4 percentage points, and in 2019, the gap was 18.5 percentage points.”

As a supplementary question, Councillor Marshall referred to an aspiration expressed in 2015 by the former First Minister, Nicola Sturgeon, in relation to closing the attainment gap and asked when the Cabinet Member expected this to be achieved in North Ayrshire.

Councillor Macaulay responded by expressing the view that any attainment gap arising from poverty was unacceptable and referred to the range of measures being used to close and eliminate it, including Pupil Equity funding and the provision of support to pupils. The Cabinet Member asserted that it was necessary to tackle the root cause, namely poverty, and hoped, in that regard, that he could count on Councillor Marshall's support in calling for further powers to be devolved to the Scottish Government.

(6) a question by Councillor Marshall to the Chair of the Licensing Committee in the following terms:

“It is reported by the Scottish Bed and Breakfast Association that 2/3 of B&Bs are at risk of closure due to all the new licensing rules which come into effect on 1 October. It means that anyone providing even a single room in their home for rent must apply for a short-term licence (STL) showing evidence of the buildings and public liability insurance as well as up-to-date energy performance fire safety, gas and electricity compliance reports.

How many businesses in total North Ayrshire must apply for an STL and of that number how many have been granted a licence and how many applications are pending determination?”

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

“There are 491 businesses registered as self-catering premises and 37 premises registered as Bed and Breakfast establishments for non-domestic rates purposes in North Ayrshire. The Council has received 346 applications for a short-term let licence as at 8 September 2023 and thus far granted and issued 190 licences. 156 applications are pending. There have been no refusals of applications received to date.”

As a supplementary question, Councillor Marshall asked whether the Cabinet Member was confident that all relevant premises would be registered by the 1 October 2023 deadline, or if it was likely that some would render themselves liable to penalties.

Councillor Collier responded by asserting that the performance of North Ayrshire Council in terms of processing and granting applications was among the best in Scotland and advised that the Council would be launching a further communication aimed at self-catering establishments. The Chair of Licensing explained that there would be a period of transition but hoped that as many applications as possible would be in place prior to the deadline.

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

“To ask the Leader does she agree that the Administration should be open and transparent so that Elected Members’ Questions at full Council are answered in full thus avoiding the necessity of Members resorting to Freedom of Information requests?”

The Leader thanked the Member for his question and responded by confirming that the Administration would always wish to be open and transparent. Councillor Burns advised that Elected Members could always refer enquiries directly to officers and was unclear why any Member would have to resort to a Freedom of Information (FOI) request.

As a supplementary question, Councillor Marshall referred to a question asked at the last meeting of Council where the cost of benches in Largs and Saltcoats was deemed confidential but had later been revealed following an FOI request. He asked whether the Leader was willing to admit that the Council was not following the principles of Community Wealth Building in that particular case, given that the benches in question had been bought from outwith Ayrshire.

Councillor Burns queried the relevance of the supplementary question to the original question but affirmed the Council's commitment to Community Wealth Building. The Leader advised that the Council had increased the amount of expenditure with local suppliers and would continue to improve in this regard.

(8) a question by Councillor Inglis to the Cabinet Member for Green Environment and the Economy in the following terms:

"As part of the budget in March, the Administration announced the pilot of a community transport scheme. Can the Cabinet Member update the Council on the scheme and how successful it has been?"

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

"At the 30 May Cabinet meeting, the next steps for development of a community transport pathfinder were approved following the budget announcement in March. These were to undertake detailed survey work to understand specific community transport demands so that a pilot scheme can be developed, and also to make Coalfield Community Transport's 'Dayhopper' Service available in North Ayrshire as an initial demand test, with a future report to be brought to Cabinet later in the year outlining further proposals.

Officers have met with several interested community transport stakeholders including Coalfield Community Transport, South Ayrshire Community Transport, Ayrshire CVS and Radio City Association over the summer period to explore different delivery models and are finalising the procurement exercise for the survey work.

Cabinet has agreed to receive a further progress update towards the end of 2023."

(9) a question by Councillor S. Ferguson to the Cabinet Member for Green Environment and the Economy in the following terms:

"On the 31 July 2023 NAC announced that Sanctus LTD had been awarded the £3 million contract to carry out remediation works on the derelict former oil refinery site in Ardrossan, the location for the new community campus.

Regarding the site of the former oil and bitumen refinery in Ardrossan, on which this Council plans to build two schools and a leisure centre, will the Cabinet Member accept that anything less than a guarantee that the site has been 100% cleared of the toxic contaminants we know are in the soil before embarking on building the school and leisure facility?"

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

"The Council has appointed Sanctus to complete the remediation works on the site prior to development works. The tender exercise to appoint a contractor for remediation works was a competitive public sector tender, ensuring the appointed contractor met the requirements of the Council from a cost and quality perspective.

The tender process was informed and developed with support from Envirocentre, who are a specialist environmental consultancy with extensive experience of the site. Envirocentre has been advising the Council in respect of the tender specification to ensure the works package tendered meets the specification required, which reflects information from various intrusive site surveys and analysis of ground conditions. The remediation works incorporate treatment of soil and groundwater to meet specific target criteria and will meet the highest standard according to UK Government Environmental Guidelines.

This means they will ensure that the land is fit for residential use with gardens – which is the strictest criteria laid out within these guidelines."

(10) a question by Councillor McLean to the Cabinet Member for Green Environment and the Economy in the following terms:

"Does the Cabinet Member think North Ayrshire is looking good and well-maintained?"

Councillor Gurney thanked the Member for his question and, noting the wide-ranging nature of the question, advised that, if the Councillor McLean was referring to the blight of privately-owned areas bought by rapacious developers and left to rot, then the answer was 'no'. If, however, the Member was meaning North Ayrshire's beautiful beaches, scenery, top-of-the-range shopping, dining and leisure facilities, then the answer was 'yes'.

As a supplementary question, Councillor McLean made reference to photographs he had obtained of various locations in North Ayrshire, showing graffiti (some sectarian in nature), paths and play areas overgrown with weeds, blocked drainage, poorly-maintained roughcasting on public buildings and street signage covered in stickers, and asked if the Council was allowing places to remain unmaintained and only taking action when a sufficient number of complaints had been received.

Councillor Gurney responded that he could not speak to the specific issues mentioned by the Member but urged Councillor McLean to bring such matters to the attention of officers. The Cabinet Member advised that every penny of the maintenance budget agreed by the Council would be spent. While acknowledging that there were always challenges in ensuring private owners kept ground/property in good order, Councillor Gurney cited the numerous awards won by places such as Stevenston, Saltcoats and Kilwinning, the British Legion's satisfaction around the maintenance of cemeteries and war memories, and the Council's strong performance with regard to clearing graffiti and fly tipping. The Cabinet Member concluded his response by asserting that Council staff were doing a good job and the correct policies were in place, but that he was happy to listen to any specific proposals by the Member.

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

"Is it the opinion of the Cabinet Member that someone who has paid for private healthcare and received a diagnosis should be denied care services from HSCP on the basis of private healthcare diagnosis not factoring in to the normal HSCP clinical pathway or other processes?"

Councillor Johnson thanked the Member for his question and, given that the Member was asking for her opinion on what would be a complex case, declined to respond in the abstract.

As a supplementary question, Councillor McLean sought to provide further detail about a particular case, in order to allow the Cabinet Member to respond.

On a point of order in terms of the Standing Order 13, the Leader expressed concern that the provision of further detail about a particular case by Councillor McLean risked disclosing information which would allow an individual constituent to be identified.

The Provost accepted the point of order and invited Councillor McLean to raise the matter outwith the meeting.

Councillor McLean instead asked, as a supplementary question, whether, with a third of over 50s paying for private healthcare, the Health and Social Care Partnership was attempting to use the question of private diagnoses as an excuse in order to reign in spending.

Councillor Johnson responded by advising that she was not of that opinion.

17. Motions

In terms of Standing Order 15, submitted:

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

“Council instructs Officers to review the Policy and Management of Temporary Furnished Accommodation and asks that a report is presented to the Council meeting scheduled for Wednesday 13 December 2023. The report should outline how the policy operates, include consideration of any possible adaptations or improvements which could be made to it to alleviate hardship and should also include detail on any financial implications arising from any proposed changes to the policy.”

As an amendment, Councillor Gurney, seconded by Councillor Larsen, moved as follows:

“Council instructs Officers to review the Policy and Management of Temporary Furnished Accommodation and asks that a report is presented to the Cabinet. The report should outline how the policy should operate, include consideration of any possible adaptations or improvements which could be made to it to alleviate hardship and should also include detail on any financial implications arising from any proposed changes to the policy.”

In terms of Standing Order 16.5 and with the agreement of his seconder, Councillor Sweeney withdrew his motion in favour of the amendment, which became the substantive motion. There being no further amendments, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that officers review the Policy and Management of Temporary Furnished Accommodation; and
- (b) that a report be submitted to the Cabinet on how the policy should operate, including (i) consideration of any possible adaptations or improvements which could be made to it to alleviate hardship and (ii) detail any financial implications arising from any proposed changes to the policy.

Councillor Billings left the meeting at this point.

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

“Council acknowledges that in food inflation is currently sitting at 11.8% as of August 2023 and has seen the highest annual food inflation rate for over 45 years.

Council notes that for some school aged young people, the meal they receive at school may be the only substantial meal they receive that day.

Council, therefore, agrees to the following with costs covered from the “Service Concessions”:

1. A scheme to cover any additional P6/7 pupils not covered by Free School Meals in all Primary Schools at a cost of £100,000
2. A Pilot scheme in Kilwinning Academy and Irvine Royal Academy to test the appetite for Universal Free School Meals and measure the impact of it including any increase in uptake at a cost of £370,000

Council instructs officers to begin planning and for the implementation to take place following the October holidays and last until the end of the academic year.”

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

Members asked questions of the mover of the motion and received clarification on the following:

- the rationale for selecting Kilwinning Academy and Irvine Royal Academy and not schools in the Three Towns;
- whether the figures mentioned including staffing costs and, if so, the number of posts;
- whether any capital costs had been considered, for example in terms of the capacity of facilities or increased storage requirements; and
- if there had been any discussion with the Trades Unions or schools about additional dining hall supervision

In terms of Standing Order 16.5, Councillor McDonald, with the agreement of his seconder, expressed a willingness to alter his motion to include provision for schools within the Three Towns. However, on the advice of the Chief Executive and in terms of Standing Order 15.4, it was noted that the proposed alteration to the motion was not competent, on the basis that the inclusion of schools within the Three Towns had not been costed. The motion, therefore, remained as originally submitted.

There followed debate and summing up.

Councillor Gallacher left and rejoined the meeting during debate and, on this basis, intimated his intention to abstain from voting.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Dickson, S. Ferguson, Gurney, Hill, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Robertson and Stalker (16) and for the motion, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, D. Reid and Sweeney (9), Councillors T. Ferguson, Gallacher, Inglis, Murdoch, D.L. Reid and Stephen, abstaining, and the amendment was declared carried.

Accordingly, the Council agreed not to proceed.

Councillors McPhater and Montgomerie left the meeting at this point.

(3) a motion by Councillor Billings, seconded by Councillor Marshall, in the following terms:

“The deadline for existing short-term let operators to submit their applications for a Short Term Let Licence is 30 September 2023. There is evidence from across Scotland and North Ayrshire that significant numbers of existing operators have not submitted their applications, and that large numbers of providers will stop trading.

Whilst the picture in North Ayrshire is better than in some other areas, the numbers of providers who have still to submit application is still significant. This legislation is causing harm to our economy and will push up the cost of visitor accommodation in Scotland making it uneconomic to visit and do business in Scotland.

A fall of even 10% in short-term let accommodation will impact both accommodation providers but also other business that rely on visitors, such as restaurants, taxis, retail outlets, pubs. Therefore, North Ayrshire Council must add its weight to the campaign to further delay the implementation of this legislation and for the legislation to be reviewed in light of the significant issues currently being experienced.

To this end, North Ayrshire Council directs its Chief Executive to write to Paul McLennan, Scottish Housing Minister, to express the Council’s concerns about the low numbers of existing short-term let providers applying for licenses and the harm that will be caused to North Ayrshire’s tourism industry if existing accommodation providers stop trading. In addition, North Ayrshire Council urges the Minister to listen to the concerns being raised across Scotland and pause the implementation of the Short Term Let Licence legislation. North Ayrshire Council also asks the Minister to review the legislation in light of current issues and put forward a regulatory system that is fair and balanced which supports Scotland’s tourism businesses.”

In the absence of Councillor Billings and in terms of Standing Order 15.1, Councillor Marshall proposed the motion, seconded by Councillor Inglis.

As an amendment, Councillor McDonald, seconded, in the absence of Councillor McPhater, by Councillor Donald Reid, moved as follows:

“Deletes from "There is evidence from across Scotland" and replaces it with:

“Council encourages all existing operators to make their application as soon as possible and informs them that they will be supported by North Ayrshire's Licensing Department if they have any queries.

Council does, however, note the rushed manner that this legislation had been brought about but commends the North Ayrshire Licensing Department and Committee for working to make North Ayrshire's Approach one of the simplest and most generous schemes in the country.

Council further notes that some of the coverage in sections of the press has been unhelpful in getting the message about STL's out and making clear who does and doesn't need to apply.

Council instructs the Chief Executive to write to the Minister for Housing inviting him to meet with North Ayrshire Licensing Committee and Department to learn how the scheme can be implemented in a fair and equitable way.”

As a further amendment, Councillor Collier, seconded by Councillor Larsen, moved as follows:

“The concept of a licensing scheme for temporary lets was first raised by the Scottish Government in 2017 in response to various issues relating to the growing number of short-term lets. In the 5 years before the scheme was passed, comprehensive consultations and impact assessments were carried out to ensure the scheme was fit for purpose and in recognition of the impact of the cost-of-living crisis on the sector, the application date for existing short term let hosts was postponed for six months.

The Short Term Let scheme fundamentally introduced statutory powers over previously unregulated accommodation providers and is designed to ensure properties are appropriate and safe for visitors whilst providing neighbours and communities with formal routes to object to nuisance properties in the locality.

Given the number of licences already granted in North Ayrshire, the efficient, competent, and considerate way the NAC Licencing Team continue to process applications and taking into account the ongoing advice and economic support being offered to our tourism sector, I would ask that Council agrees that the Short Term Let legislation should continue as planned to deliver the long overdue benefits of this new licensing scheme.”

There followed debate and summing up.

On a division and a roll call vote, there voted for the first amendment, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, D. Reid, Robertson, Stalker, Stephen and Sweeney (21) and for the motion, Councillors S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean (6), Councillors Murdoch and D.L. Reid abstaining, and the amendment became the substantive motion.

On a further division and a roll call vote, there voted for the second amendment, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan, D.L. Reid, Robertson and Stalker (14) and for the substantive motion, Councillors Bell, Cullinane, S. Ferguson, T. Ferguson, Foster, Gallacher, Inglis, Kerr, Marshall, McDonald, McLean, D. Reid, Stephen and Sweeney (14), Councillor Murdoch abstaining. There being an equality of votes, the Provost exercised her casting vote in terms of Standing Order 19.6 in favour of the second amendment, which was declared carried.

Accordingly, the Council agreed that the Short Term Let legislation should continue as planned to deliver the long overdue benefits of this new licensing scheme and in consequence there was no need to write to the Minister.

Councillor Stalker left the meeting at this point.

Having declared an interest in the following item of business, Councillor Cullinane left the meeting at this point and took no part in its determination.

(4) a motion by Councillor McLean, seconded by Councillor Inglis, in the following terms:

“New Scots integration

Council reaffirms the implementation of the New Scots Integration Strategy principles within North Ayrshire and seeks to move this into its next phase: taking the innovative approach to inclusivity, on the individual level, in order to create harmonious communities and support individuals in their integration into the wider community and to achieve their full potential.

The Scottish Government’s New Scots Integration Strategy (2018-2022) was based on principles like access to services, freedom from persecution, building strong relationships and connections and inclusive communities. The next Scottish Government policy paper on Integration is yet to be released but discussions within COSLA have highlighted what has been described as ‘insular’ approaches within some schemes and a need to learn and move towards long-term integration approaches.

The purpose of this motion is to plan for the future, to seek greater integration, understanding and community building.

I, therefore, move that Council establishes a Member-Officer working group to review the previous and current integration strategy, its successes, challenges and areas for improvement, incorporating learning from other organisations, to create a real, tangible vision for what we would wish to see in the future, with a report being brought to a future meeting of the Council for consideration. The report should include consideration of options to move towards creating an inclusive, 'individual-integration' approach, rather than a 'community-integration' approach; seeking out ways for individuals to integrate into already existing society/communities/groups without necessarily seeking to create new groups or associations."

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

As a further amendment, Councillor McDonald, seconded by Councillor D. Reid, moved as follows:

"North Ayrshire Council is proud of our record in providing sanctuary to refugees fleeing some of the worst things imaginable in life.

The Council notes the support that has been given to refugees from countries such as Syria, Afghanistan and Ukraine, as well as accommodating unaccompanied asylum-seeking children.

Council acknowledges the excellent work of the Refugee task force, which comprises a wide number of internal and external services and works to identify suitable accommodation and access to services such as GPs, education, and other support services such as ESOL. Council commends the work of the Refugee task force and supports the task force to continue using best practice approaches to support refugees arriving in North Ayrshire.

Councillors wish to put on record our thanks to our communities who have welcomed our new neighbours with care, kindness, and compassion. The actions of our residents have enabled our new neighbours to settle in their new community.

Council reiterates our ongoing commitment to providing sanctuary to refugees from across the world. Council resolves to continue taking part in resettlement schemes as well as expressing a willingness to support asylum dispersal to North Ayrshire.

Council acknowledges the growing 'City of Sanctuary' movement in the UK. Council asks officers to explore options for North Ayrshire Council to support the 'City of Sanctuary' movement, including the option of joining the 'City of Sanctuary Local Authority Network'."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor Hill withdrew his amendment in favour of the amendment by Councillor McDonald, seconded by Councillor D. Reid.

Members asked questions of the mover of the remaining amendment and received clarification on the following:

- the relevance of the amendment to the motion;
- whether approval of the amendment would mean that a working group would not be established; and
- the 'City of Sanctuary' movement

At the invitation of the Provost, the Chief Executive confirmed the competence of the remaining amendment as it related to the terms of the motion by proposing an alternative approach to the ask of the motion.

There followed summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Burns, Collier, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, D. Reid, Robertson and Sweeney (18) and for the motion, Councillors S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean, D.L. Reid and Stephen (8), Councillor Murdoch abstaining, and the amendment was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note the support given to refugees from countries such as Syria, Afghanistan and Ukraine, as well as accommodating unaccompanied asylum-seeking children;
- (b) to acknowledge the excellent work of the Refugee task force, which comprised a wide number of internal and external services and worked to identify suitable accommodation and access to services such as GPs, education, and other support services such as English for Speakers of Other Languages (ESOL);
- (c) to commend the work of the Refugee task force and support the task force to continue using best practice approaches to support refugees arriving in North Ayrshire;
- (d) to record its thanks to communities who had welcomed North Ayrshire's new neighbours with care, kindness, and compassion, enabling them to settle in their new community;
- (e) to reiterate the ongoing commitment to providing sanctuary to refugees from across the world and resolve to continue taking part in resettlement schemes, as well as expressing a willingness to support asylum dispersal to North Ayrshire; and

- (f) to acknowledge the growing 'City of Sanctuary' movement in the UK and ask officers to explore options for North Ayrshire Council to support the 'City of Sanctuary' movement, including the option of joining the 'City of Sanctuary Local Authority Network'."

18. Urgent Items

There were no urgent items.

The meeting ended at 5.20 p.m.