

Audit and Scrutiny Committee
27 June 2019

IRVINE, 27 June 2019 - At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 2.00 p.m.

Present

Marie Burns, Margaret George, Alan Hill, Tom Marshall, Donald Reid and John Sweeney.

Also Present

Joe Cullinane, Robert Barr, Timothy Billings, Anthony Gurney, Ellen McMaster, Ronnie McNicol and Davina McTiernan.

In Attendance

C. Hatton, Chief Executive; R. McCutcheon, Head of Service (Commercial Services), C. Dempster, Senior Manager, J. Godwin, Business Development Manager and L. Cree, Senior Manager (Physical Environment) (Place); C. Amos, Head of Service (Inclusion) (Education and Youth Employment) and A. Fraser, Head of Democratic Services, M. Sugden, Communications Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Burns in the Chair.

Apologies

Joy Brahim.

1. Declarations of Interest

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

2. Call In: Ardrossan Community Hub - Proposed Development of new Education and Community Provision in Ardrossan

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by Cabinet at its meeting on 11 June 2019 that the principle of a multiple facility community campus at Ardrossan North Shore be further developed as the preferred solution to secure a much-needed replacement for Ardrossan Academy and Winton Primary School. A copy of the Cabinet report was provided at Appendix 1 to the report and a briefing paper from the Services at attached at Appendix 2.

At its meeting on 11 June 2019, the Cabinet received a report by the Head of Service (Education and Youth Employment) on the pre-consultation engagement activities undertaken, early public feedback in respect of the proposal and a petition in respect of the proposed relocation of leisure facilities. The school pre-consultation responses and the wider community pre-consultation responses were set out as appendices to the report.

The Cabinet agreed that (a) the principle of a multiple facility community campus at Ardrossan North Shore be further developed as the preferred solution to secure a much needed long-term replacement for Ardrossan Academy and Winton Primary School; (b) the relocation of Auchenhavrie swimming pool to the proposed campus be subject to further community engagement during August to determine a definitive position for consideration at the September 2019 meeting of the Cabinet; (c) the consultation framework be co-produced with key stakeholders; and (d) subject to a clear indication of Scottish Government funding and completion of the formal business case for a community campus, statutory public consultation would commence in October 2019.

Subsequently, a Call In request was received from Councillors McNicol, Billings and Barr in the following terms:-

Reason for Call in

“No decision on the proposed site for the replacement of Ardrossan Academy and Winton Primary School at Ardrossan North Shore be considered until a full and final Risk Assessment for land contamination on the whole site has been completed and presented to the Full Council for consideration.”

Desired Outcome

“The decision on the preferred site for the replacement of Ardrossan Academy and Winton Primary School be referred to the Full Council for Determination.”

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision.

Thereafter, the Members who had requested the Call In were invited to speak. Councillor McNicol addressed the Committee in support of the Call In request, referring to the issues around contaminated land and flooding risks at the site, as outlined in Appendix 2 to the Cabinet report.

He referred to the conditions of previous Planning Permission that required a study to be undertaken to assess the contamination of land prior to development and asked whether soil investigations had been completed.

Councillor Barr referred to the former use of the site as a petrochemical plant and known historic contamination issues. He expressed his concern regarding the seawall defence.

Councillor Billings also referred to Appendix 2 to the Cabinet report which highlighted that despite various site investigations having been carried out over a number of years to establish the nature and extent of contamination, further investigations were undertaken in May 2019 and more are planned. It was his view that it was not possible to provide assurances when the investigations were ongoing.

The Chair then invited Councillor Cullinane to address the meeting on behalf of Councillor Bell as the relevant Cabinet Member.

Councillor Cullinane made reference to the cross-service work that had been undertaken to identify a site for the replacement of Ardrossan Educational Campus. Contamination of the site is well-known and a number of site studies previously carried out, along with further investigations, will be used to assess the risk of any contaminants to the environment and users of the facility and inform the overall masterplan for the site.

Councillor Cullinane further advised that the North Shore location is closely aligned with the Council's Ayrshire Growth Deal proposals, including Ardrossan Harbour and the town centre proposals. The Scottish Government will announce a funding decision in August 2019, linked to the national school estate strategy and it is considered that the case for the replacement of Ardrossan Academy merits the early award of funding.

The Chief Executive provided an assurance that development of the site for Ardrossan Community Campus would only be progressed if the contamination could be appropriately addressed.

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

- the investigations and assessments undertaken to date that confirm the site is viable for development and ongoing contamination investigations that are taking place;
- other sites that are available but would not present the opportunity to replace Ardrossan Academy, deliver Ayrshire Growth Deal proposals and redevelop a vacant site that has blighted central Ardrossan for many years;
- further consultation which will take place on proposals for the swimming pool and fitness suite and which will be reported to Cabinet;
- that Members will be provided with the final contamination report; and
- the final decision on whether a new Ardrossan Academy and Winton Primary would be constructed on this site would be taken following the statutory consultation.

The Leader agreed to the final decision following the statutory consultation being presented to a Council meeting.

Councillor Hill, seconded by Councillor George, moved that, on the basis that the final decision on the location of Ardrossan Campus will be taken by a full meeting of the Council, the Call In be rejected. There being no amendment, the motion was declared carried.

3. Call In: Decriminalised Parking Enforcement and the Introduction of Car Parking Charges

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by the Cabinet at its meeting on 11 June 2019 to decriminalise parking enforcement and introduce car parking charges. A copy of the Cabinet report was provided at Appendix 1 to the report and a briefing paper from the Services at attached at Appendix 2.

At its meeting on 11 June 2019, the Cabinet received a report by the Head of Service (Commercial Services) on the proposal to introduce decriminalised parking enforcement (DPE) in North Ayrshire and introduce car parking charges at identified short stay car parks in Irvine, Kilwinning, Saltcoats, Largs and charges for on street parking at Brodick, as detailed within the appendix to the report.

The Cabinet agreed (a) that an application seeking the introduction of Decriminalised Parking Enforcement across the North Ayrshire Council area be finalised and submitted to Scottish Government; (b) to the introduction of car parking charges at identified short stay car parks and identified on-street parking at Brodick as detailed in Appendix 1 to the report; (c) that a review of the current Town Centre Car Parking Strategy in support of proposals to introduce car parking charges be carried out; (d) to note the proposed recruitment of a Car Parking Manager to progress the introduction of car parking charges and application for Decriminalised Parking Enforcement; (e) to further engagement with local Ward members, to review existing parking restrictions, potential vehicle displacement and the introduction of resident parking permit schemes, as appropriate; (f) that officers proceed with the necessary Traffic Regulation Orders required to introduce parking charges in the designated car parks and on-street in Brodick; (g) to note the next steps as outlined in section 2.31 of the report; and (h) to receive progress update reports as appropriate.

Subsequently, a Call In request was received from Councillors Billings, McMaster and Gurney in the following terms:-

Reason for Call In

“This Call In relates to section 2.23 of the Cabinet report and the map of Brodick contained within Appendix 1.”

Brodick Car Parking

“This call in relates to the proposed introduction of car parking charges to Brodick. This paper will show that the Brodick parking proposals are contrary to the Council’s agreed Car Parking Strategy and will not achieve the supposed benefits of introducing parking charges as set out in the proposal.

As a reminder, the stated aims of the Car Parking Strategy are:

- Enhance and support local economies
- Improve traffic flows and reduce congestion
- Manage parking spaces to ensure adequate availability

The stated benefits of introducing parking charges are:

- Safer traffic conditions
- Improved safety for pedestrians and vulnerable groups
- Short stay is for shoppers, and long stay is for business community
- Reduced competition for road spaces
- Community will benefit from improved parking that will support the local economy

Brodict currently has a clear separation of parking, with the majority of the long stay parking happening close to the ferry, where people leave cars when visiting the mainland, and the majority of short stay parking is further along the shore road for people using the village facilities.

Parking is available at the ferry terminal, however, long stay overnight parking at the terminal is in the process of being stamped out as there are not enough parking spaces for the volume of traffic/parking required for day long journeys to the mainland. Consequently, Arran residents long stay parking is carried out predominantly along the sea front as this is the nearest available area. Free long stay parking is necessary for Island residents when using the ferry to access mainland based medical services, retail centres, onward travel destinations for trains and flights; as due to our Island geography there is often no choice but to travel to the mainland to gain access to services which most mainlanders take for granted.

With this geographical restriction on access to services in mind it is important to note that according to the Scottish Index of Multiple Deprivation (SIMD) approximately 44% of Arran's population live in data zones that are in the top 15% most access deprived in Scotland. Access being defined by SIMD as the measure of private vehicle and public transport drive times to GP surgeries, Post Offices, retail centres, schools and petrol stations and that's before we attempt to access services on the mainland!

This SIMD information and the Council's Fair for All strategy was to the forefront during the development of the Locality Priorities for Arran and consequently the priorities which emerged from community engagement are; transport, social isolation and housing. Lack of good public transport to service connections between all Arran's villages and the main town of Brodict being a major cause for concern due to lack of accessibility to basic services and a cause of social isolation for many islanders. Hence many islander's reliance on the use of private vehicles and the need for free and accessible car parking as a requisite to quality of life on the island. The introduction of parking charges would impose an unnecessary extra layer of inequality on the islanders. Using public transport is not an option for many journeys and making parking more difficult within the main commercial centre on Arran will further deprive residents access to services. Isolation is one of the priority issues to address on Arran and making it harder to park will make this even worse.

In addition to the parking already mentioned, owners of businesses can park in areas behind their businesses, leaving on-street parking for customers. Lastly, on-road parking is supplemented with specific parking for the large Co-op, Arran Active, and the car park behind the small co-op.

There is an adequate supply of these different types of parking, that naturally separate themselves out because the ferry is at one end and the village facilities towards the other end, or businesses have their own customer parking.

The system works well with minimal issues of inappropriate parking, disruptions to traffic flow and people can get easily to where they want to go. This encourages people to park and stay within Brodict, supporting the shops and businesses along the front with no pressures about how long they are allowed to stay or fear of 'getting a ticket'.

The Isle of Arran is a place that people come to live and visit because it has a fundamentally different feel to the mainland. It is relaxed, easy-going with a holiday feel. This is what makes Arran special.

The introduction of parking charges will disrupt this status quo and has the potential for significant disruption to traffic flow, increased congestion, poor management of parking spaces, and will cause inconvenience to both residents and visitors, and will be detrimental to the economy making it harder to people to visit shops and other village facilities.

With free parking continuing to exist in close proximity to the charged parking spaces, parking behaviour will change leading to displacement parking. Affected areas will be the Douglas Hotel, large Co-op, Arran Active, Brodick medical centre, and in parking bays outside the row of small shops further along the front. In addition, the narrow roads behind the main street will see an increase in parking, and these roads don't have pavements.

The easy-going approach to life on Arran will be lost, and that feeling Arran has of being 'different' will be eroded.

There is no local support to these proposals, and it is clear that the proposals were written without any understanding of how the existing car parking is used, what effects the introduction of parking charges will have on peoples parking behaviour, and what the consequences of these changes will be on residents, businesses or visitors. The report makes sweeping assumptions about the benefits of parking charges whilst providing no evidence to back them up.

In the case of Arran, the Cabinet has made a mistake as this proposal is clearly in opposition to the stated and agreed aims of the Council. Therefore, the Audit and Scrutiny Committee should recommend that parking charges are not introduced on Arran, and that Arran is excluded from the Decriminalised Parking Enforcement proposals.

Discussion on Specific Benefits and Policy Aims

Disruption of the Status Quo – as has already been said, there is a natural distribution of longer and shorter-term parking that meets the needs of residents and visitors. Any introduction of parking charges will change people's behaviour displacing cars to where parking is free. This will lead to:

- Long term parking in front of shops and services
- Longer parking in free car parks, such as the Co-op, Arran Active and the public car park, leading to poorer turnover of parking, thereby making it harder for customers to park and use these facilities.
- Increased on-street parking along the opposite side of the shore road, where it will remain free, leading to congestion and disruption to traffic flow
- Increased on-street parking in rear residential streets, making it more difficult for traffic to navigate, and creating a hazard for pedestrians where there is no footpath on either side of the road.

It has been suggested that resident permits can be used, however, not every resident will get a permit for their car, some will not be able to afford it, some will make do with remaining free parking arrangements. Also, visitors looking for longer term parking will not be able to park along the front, moving them to spaces currently used as short-term parking.

Disruption to Traffic Flow – it has already been stated that currently there are limited occasions where traffic is disrupted due to inappropriate parking. With an increase in parking in areas that will continue to be free will:

- prevent residents from parking in their streets,
- create bottle necks along roads where having two-way traffic past parked cars is challenging,
- increase in cars going along side roads looking for free parking.

Poor Management of Parking Spaces – there is currently a good management of parking spaces. Introducing charging for one area of the front will move long stay parking towards what should be short stay parking, and short stay parking on to deregulated areas or private ground. Even if exemptions are allowed for some residents, there will be sufficient other drivers who will be affected by these changes.

Disruption to the Economy – Brodick is an important hub for trade, and is used by residents and visitors for shopping, attractions, restaurants and banking services. The current parking arrangements support all these commercial activities by providing free and accessible parking close to where people want to go. There is a good turnover of cars in front of shops, with longer term parking taking place along the front where there are more visitor attractions, and resident long-term parking at the ferry end.

Disruption to the current parking patterns that will displace parked cars will mean that people will no longer have easy access to where they want to go, thereby making visiting village facilities less attractive by clogging up parking spaces.

Decreased Community Benefits – Brodick currently has good availability of parking spaces located in areas that support the surrounding businesses and activities. This proposal will not increase the numbers of parking spaces and will force car drivers in to areas away from where they would naturally want to park. Almost half Arran's population already live in the most access deprived areas of Scotland. Using public transport for many trips is not an option, so making it harder to park in Brodick will increase the island's transport deprivation.

People want to come to live and visit Arran because, like other Scottish islands, there is a perception that they are places of refuge away from the hustle of the mainland. Creating parking restrictions and the subsequent chaos will chip away at that special feeling that Arran has, making it less attractive as a place to stay and visit. Once that specialness is lost it cannot be recovered, and people will go elsewhere. There are national policies encouraging people to living in the more remote areas of Scotland, so the introduction of parking charges is working against that policy.

Decreased Pedestrian Safety – all along Brodick's sea front road there are parking bays marked. Parking takes place within those bays. It is very uncommon to have parking on that road outside of a marked bay. However, there are other areas that could be used for parking, such as the other side of the road from the bays, but it just does not happen at the moment.

The roads running back from the sea front will have a few cars parked along them, mostly residents parking outside their homes. Many of these roads don't have any pavements and are only wide enough for one line of traffic, but with the minimal number of parked cars, and the roads normally used by residents there is little traffic along the roads.

When cars are displaced from the sea front parking in to alternative free parking spaces, there will be an increase in cars being parked on both sides of the shore road, and cars parked along residential streets. This will make it harder for pedestrians to cross the main road due to reduced sight lines, and along residential streets not only will there be more traffic, pedestrians will have to walk in the road to avoid the cars.

Reduced Enforcement of Parking Across the Island – the proposal is that North Ayrshire Council will take over control of all parking issues across Arran, not just in Brodick. Around the island there are car parks and parking areas that have controls in place. Currently, the police are able to act if there is a specific parking issue. They are resident on the island, and they have additional staff employed to cover the busier summer period.

A parking attendant whilst they may be able to come over to Arran from time to time will not be available on the island and will not be able to respond to specific issues as they arise. This will lead to a decrease in enforcement of parking issues at a time when they are likely to increase due to the new parking regulations being put in place.

Mitigation Actions

The proposal does include suggestions that are aimed to mitigate the adverse effects that will be seen from the introduction of parking charges. These include:

- Island resident parking permits
- All day charges for the 'short term' parking area (shown in green on the map)

These mitigating actions may reduce the impact of some elements of the proposal for some people. However, the majority of the adverse effects will not change, and will not prevent the significant changes to parking behaviour that will be seen.

Resident Parking Permits – it is suggested that they could be available so that residents could park for the longer term in the short-term parking. The proposal is silent on the possible cost of the permit or the cost of the longer-term parking. However, this will be a regressive tax on island living. Islanders don't have a choice when leaving the island; they have to use the ferry. If travelling as a foot passenger one can use the bus, however, they don't connect to all the ferries, are often very busy and not suitable for carrying large luggage, and for the majority of the island run every 3 hours or so, which does not allow passengers returning to the island to pop in to the Co-op on the way home. Therefore, there are a large number of islanders who park their cars, sometimes for days at a time, when visiting the mainland. Residents with cars will have no option but to purchase 'a resident parking permit if they want to be able to park within reasonable walking distance of the ferry terminal. This will hit those less able to pay most hard, such as those on low incomes and the elderly. If they cannot afford a parking permit, then those least able to walk the extra distance will be the ones having to park at the far end of the street. Hardly 'Fair for All' and would further increase the island's already high levels of access deprivation.

Long term parking in the short-term parking areas – if one does not have a resident parking permit, allowing people to park longer term all along the front does offer a solution that would enable everybody to park in that area. However, common sense would suggest that rather than pay say £5 for all day parking, one could walk another 100 meters and park for free in front of the shops, or in the Co-op or Arran Active's car park. This is not a viable solution as people will change behaviour if a free option is available close by.

Conclusion

It is clear that the parking proposals are not appropriate for introduction to Brodick, and the suggested mitigating factors will not address the adverse consequences of this proposal. The proposals work against the stated aims of the Council's Parking Policy, are contrary to the Council's priorities for Arran, will reduce fairness, and not only will the benefits suggested in the report not be achieved, the traffic situation will actually get worse.

Therefore, the Audit and Scrutiny Committee should recommend to the Cabinet that it is not appropriate to charge for parking in Brodick, and that the current system of parking and parking control for Arran should be retained."

Desired Outcome

"Parking charges should not be introduced to Brodick; and Enforcement of parking on Arran should remain under the control of the Police."

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision.

Thereafter, the Members who had requested the Call In were invited to speak. Councillor McMaster addressed the Committee in support of the Call In request, advising that Arran does not have the same parking issues as the rest of North Ayrshire. Brodick has a clear separation of parking, with the majority of the long stay parking happening close to the ferry and the majority of short stay parking further along the Shore Road for people using the village facilities. Approximately 44% of Arran's population live in SIMD data zones that are in the top 15% of the most access deprived in Scotland. There is a lack of good public transport to service connections between all Arran's villages, the main town of Brodick and the ferry. Free long stay parking is necessary for Island residents when using the ferry to access mainland based services.

Councillor Billings, as a signatory to the Call In, referred to a map that had been circulated which illustrated the existing parking areas in Brodick and the proposed chargeable areas. This showed that there is an adequate supply of different types of parking, with ferry parking at one end and village parking at the other. The system works well with minimal issues of inappropriate parking.

The Chair then invited Councillor Cullinane to address the meeting on behalf of Councillor Montgomerie, as the relevant Cabinet Member.

Councillor Cullinane made reference to involvement of Members in the budget process that had included decriminalised parking enforcement and the introduction of car parking charges. Concerns had been raised by local Arran Members at the Policy Advisory Panel relating to Lamlash and had these had been accommodated. He advised that local Members would play a key role in co-designing and co-development arrangements to help address local needs such as reviewing current on street restrictions, long and short stay parking, potential vehicle displacement and island parking permit schemes.

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

- the findings of a business case, that DPE would not be financially viable without the support of the introduction of car parking charges; and
- that officers will work with ward members to develop local controls.

Councillor Hill, seconded by Councillor George, moved to accept the Call In on the basis that the removal of Brodick from the proposal would be cost neutral.

As an amendment, Councillor Reid, seconded by Councillor Sweeney, moved that the Call In be rejected in order to prevent any further delay to the process.

On a division, there voted for the amendment 3 and for the motion 3, and on the casting vote of the Chair, the motion was declared carried. Accordingly, the Committee agreed that the terms of the Call In be referred to the Cabinet for further consideration.

4. Call In: Maximising Opportunities from Advertising on North Ayrshire Land Assets

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by the Cabinet at its meeting on 11 June 2019 to maximise opportunities from advertising on North Ayrshire land assets. A copy of the Cabinet report was provided at Appendix 1 to the report and a briefing paper from the services at attached at Appendix 2.

At its meeting on 11 June 2019, the Cabinet received a report by the Head of Service (Commercial Services) on the proposed pilot approach to maximising resources from the sale of advertising opportunities on Council land assets.

The Cabinet agreed (a) to approve the proposed approach to testing the market for maximising opportunities from advertising on Council land assets (roundabouts); (b) to delegate authority to the Head of Service (Commercial) to progress with the pilot as outlined; and (c) note the advertising principles detailed within the report to protect the Council's interests and reputation.

Subsequently, a Call In request was received from Councillors Brahim, Gurney and Larsen in the following terms:-

Reason for Call In

"Information provided does not satisfy concerns regarding traffic safety, landscape impact, potential future expansion of advertising into other public assets such as schools, justification of use of resources and staff for such relatively small and long-term potential income gain at this particular point in time."

Desired Outcome

"That the decision is called in and referred to Full Council for a decision."

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision

Thereafter, the Members who had requested the Call In were invited to speak. Councillor Gurney addressed the Committee in support of the Call In request. He clarified that if Audit and Scrutiny and Cabinet agreed to the call-in, there was no need to refer to Council for a decision. It was his view that that advertising on roundabouts would be detrimental to road safety. He referred to a previous decision where a local farmer was instructed to remove advertising from his land on the grounds that the advert would be distracting to drivers. He advised that any revenue generated would be impacted by the costs of procuring a third party supplier with advertising skills and experience and officers' time in ensuring all necessary permissions were obtained.

The Chair then invited Councillor Cullinane to address the meeting on behalf of Councillor Montgomerie as the relevant Cabinet Member. Councillor Cullinane made reference to the involvement of Members in the budget process that had included the generation of a potential income of £20,000 through advertising. The proposal was considered at the Policy Advisory Panel, where Members' views were sought, and concerns relating to road safety were discussed. It was confirmed at Cabinet that there was no evidence to suggest any increase in road safety incidents associated with advertising on roundabouts by other Councils who run similar schemes and to progress the pilot to test the market for maximising opportunities from advertising on Council land assets (roundabouts).

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

- the Council's policy on fly posting and its previous decision to ban political posters;
- short term promotion of community events that can be arranged via Streetscene;
- statutory consultation that will require to take place in terms of road safety; and
- the Policy Advisory Panel that allows Members to debate policies.

Councillor Hill, seconded by Councillor Burns, moved to accept the Call In on the basis of road safety and limited financial return.

As an amendment, Councillor Reid, seconded by Councillor Sweeney, moved that the Call In be rejected in order to prevent any further delay to the process.

On a division, there voted for the amendment 4 and for the motion 2, and the amendment was declared carried.

The meeting ended at 3.35 p.m.