



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 25 September 2019** at **14:00** to consider the undernoted business.

1 Apologies

2 Declarations of Interest

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

3 Previous Minutes

The accuracy of the Minutes of meeting held on 26 June 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

4 Provost's Report

Submit report by the Provost for the period from 17 June 2019 - 15 September 2019 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council for the period from 17 June - 15 September 2019 (copy enclosed).

6 North Ayrshire Council Minute Volume (issued under separate cover)

Submit, for noting, the Minutes of meeting of committees of the Council held in the period 24 April 2019 - 10 September 2019.

7 Decriminalised Parking Enforcement and the Introduction of Car Parking Charges

Submit report by the Chief Executive inviting the Council to determine its position on decriminalised parking enforcement and the introduction of car parking charges (copy enclosed).

8 Appointments to Committee

Submit the undernoted appointments, for noting:-

Ayrshire Regional Economic Joint Committee

Sector	Representative	Substitute
Education	Carol Turnbull (Ayrshire College)	-

Ayrshire Regional Economic Partnership Sub-Committee (the Partnership Board)

Sector	Representative	Substitute
University of Strathclyde	Adrian Gillespie	Tim Bedford

9 Annual Review of Governance

Submit report by the Chief Executive on the review of the key Governance documentation regulating the operation of Council, its Committees and Officers and to report on a self-assessment review of the Audit and Scrutiny Committee (copy enclosed).

10 Committee Timetable 2020

Submit report by the Chief Executive on the proposed committee timetable for 2020 (copy enclosed).

11 Ardrossan North Shore: Proposed Education and Community Campus

Submit report by the Interim Executive Director (Communities) on (a) the Scottish Government announcement to include the Ardrossan Education and Community Campus proposal in the initial phase of investment in Scotland's Learning Estate Strategy; (b) the proposed inclusion of a new swimming pool in the Statutory Public Consultation proposal for a new education and community campus, located at North Shore, Ardrossan; (c) the proposal to explore the option for community use and/or ownership of the swimming pool building at Auchenharvie Leisure Centre, subject to the outcome of the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan; and (d) the timetable for the Statutory Public Consultation on the proposal to develop a new education and community campus at Ardrossan (copy enclosed).

12 Questions

In terms of Standing Order 12, submit:-

(1) a question by Councillor Marshall to the Cabinet Member for Health and Social Care in the following terms:-

"How does one reconcile the fact that there are over 90 persons awaiting a care at home package, 50 persons awaiting an increase in their care packages and almost 50 persons awaiting a Self Directed Payment, with a projected end of year deficit of ca. £2.8m in the HSCP Budget?"

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

"Can the Cabinet Member for Place please clarify the current policy regarding dogs being allowed within Children's Playparks"

(3) a question by Councillor Marshall to the Chair of Audit and Scrutiny in the following terms:-

"Is the Chair of Audit exhibiting hyperbole when endorsing the recent Audit Committee Agenda Item 11- Planning for EU Exit Appendix 2 "no Deal EU Exit - Impacts on North Ayrshire" where at Number 19 the claims were made that "Extreme right wing groups may exacerbate racial tension" and would give rise to "recurrence of Irish troubles - greater sectarian impacts in West Scotland including North Ayrshire" - or is the Chair just being irresponsible?"

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

"Will the Portfolio Holder for Place inform members if there has been any time over the past 30 days when any CCTV camera(s) operated by North Ayrshire Council as part of the scheme to enhance public confidence and prevent crime has not been operational: if so which camera(s) and what was the duration of the period during which the camera(s) did not function?"

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

"On the 9th September the Scottish Government - via the Scottish Futures Trust Programme - confirmed they would give financial backing to North Ayrshire Council for a new Educational and Community facility at the North Shore site in Ardrossan.

Will the Portfolio Holder for Education inform members what other sites were considered for this facility, why were Local Elected Members not informed or consulted on sites, and who made the decision on the preferred site being North Shore in Ardrossan?"

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

"Was the Leader of the Council advised of an increase in civic disturbances occurring in Dalry recently and what work is being undertaken to eradicate antisocial behaviour within our communities?"

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

"I am sure we are all grateful to the SNP-led Scottish Government for prioritising the building of a new Ardrossan Academy, as without this intervention such a project could not be achieved at this time. I would like to ask the Cabinet member for Education to provide an accurate figure for the amount of money pledged by the Scottish Government."

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

"Can the Cabinet Member please confirm the total amount spent on the recent refurbishment of the gym at Harvies Leisure Centre, and further, break down the cost on the amounts spent individually on:

- 1) Building construction and all associated costs.
- 2) The gym equipment/machines.
- 3) Any other costs involved"

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

"Question to the Leader of the Council:

The ongoing issues with the reliability of the Arran Ferry are well known, added to which at the Council meeting in May 2019 the Council voted that it would be acceptable to have additional disruption whilst the harbour at Ardrossan is being redeveloped. Both these factors are likely to cause significant disruption to the Arran ferry service over the next 2 years at least. How will the Council ensure that the residents on Arran will have equality of access to the full range of Council and health services during this period of increased disruption to the ferry service?"

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

"Question to the Cabinet Member for Economy:

At the Council meeting in May 2019 the members were provided with an update on the development plans for Ardrossan Harbour. We were told that construction work would start mid 2020 and that 'The appointment of a dedicated resource to oversee the regeneration at Ardrossan will support and facilitate more and regular consultation and engagement.' Can the member provide the Council and the people of Arran details of when this consultation and engagement will start given that construction is due to begin in around 9 months' time?"

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

"Can the Portfolio Holder for Economy advise what progress has been made to ensure the realignment of the B714 will be financed as part of the Ayrshire Growth Deal?"

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

"Just before the school summer holidays, via Local Press, the news broke that North Ayrshire Council's Early Years staff were left in Limbo, and in fear of whether they would have a job to return to following the end of summer break six weeks later.

Can the Portfolio holder give me an update on the situation as it is currently, in particular in relation to:

- How many staff members were affected by moves.
- Were maximum efforts made to ensure any final moves were fair to staff, including travelling distances from home to the workplace.
- How staff received these moves and how staff morale is currently perceived to be.
- Most importantly, were there any job losses resulting in NAC staff becoming unemployed."

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

"When will the report on the levels of contamination at the proposed site of Ardrossan Academy be made public, and how will the public be assured that the site can be made safe for both residents and the school"

(14) a question by Councillor Murdoch to the Chair of Planning in the following terms:-

"NAC Planning were consulted on the second (EIA) Screening for the Hunterston Decommissioning Site on the 11th March 2019. A reply was sent to Marine Scotland on the 9th April 2019.

What part of the project did NAC consider in order to draw the conclusion that this was not an (EIA) project?"

(15) a question by Councillor Murdoch to the Chair of Planning in the following terms:-

"When considering the original (EIA) screening and planning applications in 2017/2018 and the second (EIA) screening in 2019, what tide lines did NAC use as part of their determination? Was it means high water springs or means low water springs?"

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

"Can the Leader of the Council please confirm if anyone at NAC enquired either verbally, or in writing, regarding the availability or procurement of between 70 & 100,000 tonnes of dredged sand from the sea bed at Hunterston and if so what was the sand to be used for?"

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

"I would like to address my question to the Cabinet Member for Economy and Islands:

In 2020 Scotland celebrates its Coasts and Waters with a Year long programme of events and activities to highlight the impact our waters have had on Scotland; from the formation of outstanding natural features to our industrial heritage. In light of this and with The Coig tourism initiative, and the NAC Tourism Action Plan (2018-2022) in mind, would the Cabinet Member support placing the Waverley's boiler refit appeal badge on the NAC website in order to raise awareness of the appeal which aims to raise £2.3 million to cover the cost of the refit?

The Waverley is an important part of our Clyde Coast heritage and as the last sea-going paddle steamer in the world plays an integral part in the tourism economy of North Ayrshire's Clyde Coast and Islands. Through continuing the Clyde Coast tradition of going "Doon the Watter" Waverley brings over 8000 visitors to Arran, with three calls a week to the Island during peak season;(and more scheduled for 2020 due to the new pier at Brodick), regularly carries 1500 to Largs and calls at Cumbrae 2 days a week. Based on 2015 figures this brought £3.5 million to the Scottish tourist economy and the economic impact assessment noted that many Waverley passengers have additional on shore spend which boosts local economies.

Due to the complete failure of her boilers The Waverley had to be removed from service earlier this year and needs help to raise the £2.3million required for a boiler refit. £900 thousand has been raised so far,the refit will be carried out at Dales Marine Services in Greenock and the aim is to have Waverley back in service for the full 2020 summer Clyde season. Therefore, I ask that the Cabinet Member support efforts to raise awareness of the appeal and help ensure that this unique maritime heritage experience continues to enhance peoples enjoyment of our beautiful coastal waters and Islands and is saved for future generations to appreciate and enjoy."

13 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Foster, seconded by Councillor Sweeney, in the following terms:-

"North Ayrshire Council endorses the support that has been offered by St Louis-based obstetrician-gynaecologist, Dr Dionysios Veronikis to travel to Scotland to train fellow obstetricians in the safe removal of transvaginal and other mesh implants from persons affected by the mesh implant situation in Scotland. Through our endorsement, we recognise the pain that some of our constituents feel due to mesh implants and we are committed to ensuring our local constituents and other persons in Scotland receive humane and fair treatment in regard to their painful and debilitating symptoms.

We now call upon the UK government to respond as a matter of urgency to allow our constituents and others to receive expeditious treatment. We also agree that mesh should not be re-introduced until a full, thorough review of the devices has been completed to ensure public safety.

We call upon all other Scottish local authorities to support us to show solidarity with Scottish people affected by this issue."

(2) a motion by Councillor Marshall, seconded by Councillor Ferguson, in the following terms:-

"That all proposals for the erection of 50 or more Council Houses be required to be determined by a formal Planning Application to ensure complete public transparency and engagement."

(3) a motion by Councillor McPhater, seconded by Councillor Foster, in the following terms:-

“Data published in 2018 showed that Scotland has the highest level of drug related deaths across Europe, here in North Ayrshire the level of drug related deaths are above the Scottish average.

Accordingly North Ayrshire Council agrees:

1. To declare a drugs death emergency and requests the Health and Social Care Partnership to convene a drugs death summit of Community Planning Partners to consider multi-disciplinary local drug policy, funding and service improvements.
2. That the Chief Executive write to the Cabinet Secretary for Health and Sport to strongly urge the Scottish Government to declare drug related deaths as a public health emergency in Scotland and seek a commitment to making real terms funding increases towards Alcohol and Drug Partnerships following a £15.4million reduction in government allocations from 2016/17 which has resulted in real terms funding cuts.
3. That the Chief Executive write to the Home Secretary seeking the devolution of drug powers to Scotland that would allow Drug Consumption Rooms in Scotland and permit the decriminalisation of drug possession which has proved hugely successful in countries such as Portugal.”

(4) a motion by Councillor Gurney, seconded by Councillor Davidson, in the following terms:-

"It is increasingly likely that our citizens will soon be asked to go to the polls and cast their vote. It is not controversial to suggest that it is important that as many people as possible are given the opportunity to exercise their democratic rights and that it is the duty of this Council to encourage that expression.

Indeed it is the duty of the Returning Officer to promote electoral awareness. That is unlikely to happen in the current circumstances when most common comment heard at polling stations is to the effect that one would hardly know that there was an election.

That position would be exacerbated if, as expected, we have an incredibly short run up to any possible poll. It is quite likely that, between calling an election and the election day itself, we might have as few as 25 days.

It is clear that we have a duty to promote the largest demonstration of democratic involvement that we can. Traditionally one of the most effective promotion techniques was to utilise election signs. Indeed signage was historically the most visible means of making the public aware that an election was upcoming.

Taking these circumstances into account it is imperative that every effort is made to raise electoral awareness and to facilitate that Council will implement a pilot project to allow election signage for the next poll.

Our previous policy on these matters was clear and comprehensive and so would be used verbatim, subject to any updating required by the Returning Officer who would have the delegated authority to do so if a poll were to be called before the next Council meeting. This policy was discussed by Council on the 2nd of April 2014 and may be found here:-

<https://north-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/339/Committee/4/Default.aspx>

This report made clear that:

- The policy of allowing posters on Council property had proven fit for purpose
- The previous Chief Executive's clear recommendation to Council was to approve a policy which allowed for such signage. It is therefore clear that this is the right thing to do from an unbiased electoral perspective, especially given that the Chief Executive is also the Returning Officer."

Following this pilot Council will receive a report on the issues in the following terms:

- Benefits in terms of Public awareness
- Cost to the Council in terms of having to remove posters
- Environmental issues relating to inadequately secured posters becoming litter
- Road safety issues

Following this pilot, there should be a public consultation on whether the policy should continue for future polls."

(5) a motion by Councillor Murdoch, seconded by Councillor Hill, in the following terms:-

"That Council has No Confidence in the North Ayrshire Council representatives on the (SSG) Site Stakeholders Group, and removes Councillors Barr, Ferguson, Marshall, Glover and Gallagher as its representatives on the Group and seeks nominations today for five replacement representatives"

13 Urgent Items

Any other items which the Provost considers to be urgent.

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North Ayrshire Council Sederunt

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

Chair:

Apologies:

Attending: