



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **North Ayrshire Council**

A Meeting of the **North Ayrshire Council** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 19 September 2018 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 the meeting held on 27 June 2018 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 20 June 2018 - 10 September 2018 (copy enclosed).
- 5 Leader's Report**  
Submit report by the Leader's for the period from 20 June 2018 - 10 September 2018 (copy enclosed).
- 6 North Ayrshire Council Minute Volume (issued under separate cover)**  
Submit, for noting, the Minutes of meetings of committees of the Council held in the period 24 May - 4 September 2018.

**7 Appointments to Outside Bodies**

Consider the undernoted nomination:-

Outside Body	Resignation/Vacancy	Nomination
Clyde Muirshiel Regional Park Committee	Vice Chair vacancy following Cllr Ferguson's resignation as Vice Chair (Cllr Ferguson remains a member of the committee)	Cllr Donald L. Reid  (Cllr Donald L. Reid is already a member of the committee)

**8 Elected Member Attendance**

Submit report by the Chief Executive on the circumstances surrounding the non-attendance of an Elected Member and the relevant provisions within Standing Orders Relating to Meetings and Proceedings of the Council and its Committees.

**9 Representation of the Roman Catholic Church on Cabinet**

Submit report by the Chief Executive on the proposed appointment of Babs Mowat to replace Canon McManus as the representative of the Roman Catholic Church on Cabinet (copy enclosed).

**10 Arrangements for an Ayrshire Regional Economic Partnership**

Submit report by the Chief Executive on progress in respect of arrangements to create an Ayrshire Regional Partnership for Inclusive Growth as agreed at the Council meeting on 27 June 2018 (copy enclosed).

**11 School Road, Kilbirnie – Compulsory Purchase**

Submit report by the Chief Executive on a proposed compulsory purchase of land required to provide access/egress to/from the former site of the Garnock Academy, School Road, Kilbirnie (copy enclosed).

**12 Short Life Working Group on Questions and Motions**

Submit report by the Chief Executive on the findings of a short-life working group of Elected Members on Questions and Motions to Council, and to invite the Council to consider its recommendations.

**(a) a question by Councillor Donald L. Reid to the Leader of the Council in the following terms:-**

“Following a recent public meeting at NAC about brexit issues and how EEC nationals will be impacted in the brexit process, I would ask the Leader:

- (1) Has any formal assessment been carried out of the number of EEC nationals residing in North Ayrshire; and
- (2) Has any formal assessment been carried out of the number of EEC nationals who work for North Ayrshire Council and will the Council consider paying the £65 registration which will shortly be required of all EEC nationals who wish to remain in UK.”

**(b) a question by Councillor Donald L. Reid to the Cabinet Member for Place in the following terms:-**

“Can the Cabinet Member for Place give an update on the waste disposal arrangements currently in place in North Ayrshire Council including

- (1) the issue of contaminated waste from domestic sources and how the council will tackle this important issue; and
- (2) the amount of NAC waste going for recycling to Wales which is then rejected due to the waste being contaminated and give a cost to NAC of such waste rejection.”

**(c) a question by Councillor Donald L. Reid to the Cabinet Member for Place in the following terms:-**

“Can the Cabinet Member for Place give an indication of the preparedness of North Ayrshire Council to effectively tackle the winter months in terms of road gritting.”

**(d) a question by Councillor Donald L. Reid to the Cabinet Member for Education in the following terms:-**

“The Cabinet Member for Education will be aware that private travel arrangements for pupils from Garnock Campus travelling from Beith cost £50 per four week period. This is very expensive especially if two or more pupils travel from the same family. Beith, being the highest up town in North Ayrshire tends to suffer disproportionately inclement weather, especially driving snow in winter. North Ayrshire Council is a caring council with a responsibility for putting the needs of children first. In consequence of this and the fact that it takes 30 minutes minimum to walk from Manrahead to Garnock Campus I would ask (a) if an assessment has been made of:

- i) the number of pupils likely to be walking each day from Beith to Garnock Campus;
- ii) drying facilities to ensure that such pupils who regularly walk, are able to dry, change and store clothing at the campus; and
- iii) absenteeism of pupils who regularly require to walk from Beith to Garnock Campus; and

(2) In view of the recent decision to allow Cumbrae pupils bus passage to Largs Campus, will the cabinet member, who is aware of regular very poor weather conditions in Beith in winter - usually much worse than elsewhere in North Ayrshire - consider on a week to week basis, if poor weather is anticipated, for NAC to arrange a monitoring system which would include a free bus facility for the regular walkers on this route as required.”

**(e) a question by Councillor Donald L. Reid to the Leader of the Council in the following terms:-**

“In view of the ongoing restructuring of senior management at North Ayrshire Council, can the Leader advise of the likely annual savings or additional costs of salaries once this process is fully in place.”

**(f) a question by Councillor Hill to the Chair of the Planning Committee in the following terms:-**

“In 2014 Dawn Homes were granted permission for the building of homes in Fairlie. Condition 13 of that consent obliged the Developer to construct a path linking the site to Castlepark Gardens. The Developer failed to deliver this essential part of the development.

At its meeting on 20th September 2017 the Planning Committee approved application reference N/17/00584/PPM which included a condition 6 which required the construction of this path, to be completed “no later than 12 months from the date of the planning consent”. This twelve month period expires on 20th September 2018.

Can the Chair of Planning confirm that the path will be completed by the agreed date and if not, what enforcement action is proposed given the failure of the applicant to deliver this over what has now been a four year period.”

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

"I have been contacted recently by a number of female constituents regarding what they consider to be inadequate or poor street lighting in Pennyburn, Kilwinning.

The area of particular concern is around the bus stop adjacent to Cambusdoon Place on Pennyburn Road, which is located in the area nearest the treeline, and closest to the railway tunnel.

Following these representations, I have assessed this bus stop, and all others on both sides of Pennyburn Road, during the hours of darkness, and can certainly appreciate their concerns.

Therefore, will the Cabinet member review street lighting on all bus stops on both sides of Pennyburn Road to ensure we address my constituents' concerns as best we can, and further, is he prepared to meet me on-site during the hours of darkness, possibly with members of the roads & lighting department, to assess the lighting issue ourselves?"

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

"Could the Cabinet Member for Place please give an update on the situation regarding the work required to be carried out to erect a permanent fence around Caledonia Primary School?"

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

"Following the recent event hosted by North Ayrshire for EU Citizens living or working in Scotland, does the Leader of the Council support Scottish Labour's Parliamentary Business Leader Rhoda Grant MSP in her recent comments, whereby she stated we shouldn't even be speaking about EU citizens living in Scotland having the right to vote in this Country as it does little or nothing for the people of Scotland, is merely a "side issue" and that guaranteeing their right to vote is an SNP "tactic"?

**(j) a question by Councillor Gurney to the Leader of the Council in the following terms:-**

“The Labour Party administration of North Ayrshire Council imposed four PPP schools on North Ayrshire; Greenwood Academy, St Matthew’s Academy, Arran High School and Stanley Primary, all against the express wishes of the people of Arran, Ardrossan, Saltcoats and Irvine.

These schools now cost the residents of North Ayrshire over £1 million every month. Legally this money must be paid to the owners of the PPP contracts before this council can buy a single school book, or fill a single pot hole, or empty a single bin.

These contracts have, in fact, been extremely bad news for everyone. Except for one group, the owners of the contracts. They have made a fortune from the people of North Ayrshire.

One of the ways they do that is by short-changing their workers. The lowest paid in our society, essential workers such as cleaners and janitors, are not being paid the living wage by the huge conglomerates that own these contracts, leading to huge hardship for them and their families.

This contrasts sharply with the new schools built by the SNP administration. At the Garnock and Largs campuses not a single member of staff is paid below the living wage.

Make no mistake. The Living Wage is the least these people deserve. Without them our services, our schools, the education of our children would simply stop. They deserve our support.

This is the Labour Party’s mess. It was created by a previous Labour Party administration. It has been continually supported by this current Labour Party administration. Despite disingenuous public statements it is certainly not being tackled by the Labour Party.

What, specifically, will the Labour administration of this Council do to fix this mess, implement the living wage for the workers at these Labour PPP schools and ensure justice for the labour force?”

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

"Almost a year ago at the meeting of North Ayrshire Council on 4th October 2017 I asked the Portfolio Holder for Place if he could provide me with an insight into the plans and timescales of the North Ayrshire Labour Manifesto commitment to providing disabled access to Irvine, Ardeer and Stevenston beaches and also a description of what the disabled access will consist of?

My supplementary question to the Cabinet Member was, simply, if he would keep me updated with any notable developments or progress on providing disabled access to our main amenity beaches, which he confirmed he would.

I have had no further update since, therefore, can Councillor Montgomerie now provide me with a full update on all progress made since that meeting, and further, confirm which beaches are regarded as main amenity beaches?"

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

"What percentage of pupils in North Ayrshire in the top SIMD Quintile achieved at least one Higher pass in each of the last 5 Academic years and what are the equivalent figures for the bottom Quintile?"

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

"What is the current total projected cost for the Irvine High Flats demolition project, including relocation of residents etc.?"

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

"Will the Portfolio Holder for Place inform Members of all meetings held and correspondence received between himself and NAC officers pertaining to the demolition of the sandstone wall at Caledonia Primary School, Saltcoats prior to the decision being agreed to demolish the said wall?"

**(o) a question by Councillor McNicol to the Leader of the Council in the following terms:-**

“In an article published in the Ardrossan and Saltcoats Herald issue dated 22<sup>nd</sup> August the Leader of the Council is quoted as stating the following:-

“I will continue to support GMB’s campaign (The company Mitie to pay the Living Wage for Janitors and Cleaners in the 4 North Ayrshire Council’s PPP Schools) and hope they will support my efforts to get the Scottish Government to help the Council buy out the PPP contracts, something that they have refused to do when I have asked.”

Will the Leader of the Council update Members on what efforts he has taken to get the Scottish Government to help the Council buy out the PPP contracts. Who has he met with from the Government and who has he sought Finance from?”

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

“This year the ferry service to Arran has been hit by significant numbers of delays and cancellations due to technical issues. These are symptoms of an ageing fleet and the lack of a coherent vision for what a modern ferry service should look like. One has to acknowledge that money from the Scottish Government is being thrown at the ferry services, but it is clear that without a clear strategy costs are getting out of control, we are not getting value for the money spent, and the people and businesses who rely on the services are suffering.

Will the Leader undertake to take forward to the Scottish Minister for Transport the following message:

There needs to be a complete overhaul of how the management structure of the ferry services works. There needs to be a coordinated strategy for Scottish ferry services that includes 1 - a timetable for building replacement vessels to standardised designs that are able to work across the network, and 2: plans to refurbish and renew ports to be able to accommodate ferries from across the network.”

**(q) a question by Councillor Montgomerie to the Leader of the Council in the following terms:-**

“I would like to ask the Leader of the Council for an update on the replacement of Ardrossan Academy.”

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

“Why are there no Independent or Conservative Members on the Recruitment Committee?”



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

"An Environmental Impact Assessment was not considered necessary for the creation of the Caisson Gate and other work to the Hunterston Basin as each individual oil rig would require both a decommissioning statement and an EIA.

Does this mean that work to the basin for which planning permission has now been granted, can not commence until the first oil rig has been through this process and an EIA produced for the entire process?"

**14.1 Motions**

In terms of Standing Order 13, submit:-

**(a) a Motion by Councillor Miller, seconded by Councillor Sweeney, in the following terms:-**

"That the Council supports Poppyscotland's Count Them In Campaign which aims to see the inclusion of an Armed Forces question in the next Census in 2021. Notes that there is currently very limited information about where our veterans now live and what support they may need. Believes that gathering this information through the Census will allow for an improved understanding of this unique community and ensure that the Council, alongside others, can ensure we are fully meeting the needs of our serving personnel, veterans and their families. Instructs the Chief Executive to write to Poppyscotland, the local constituency and regional MSPs within the local authority area to inform them of Council's support".

**(b) a Motion by Councillor Hill, seconded by Councillor Dickson, in the following terms:-**

"That Council instructs Officers to establish a short term Member/Officer working group to investigate the support provided to community groups, clubs and societies organising events across North Ayrshire and the challenges that they face.

The working group to report back to a future Council meeting outlining positive proposals surrounding the support, funding, licensing, permissions and other issues affecting local people and groups organising events and festivals across our communities."

**(c) a Motion by Councillor Gurney, seconded by Councillor McClung, in the following terms:-**

"Given the Scottish Government's continued investment in educational infrastructure, Council instructs the Administration to prioritise a new Ardrossan academy during its consideration of the capital budget and to explore all funding opportunities available to realise this long overdue project."

**(d) a Motion by Councillor Marshall, seconded by Councillor McNicol, in the following terms:-**

“Council expresses regret at the failure of the Administration to allow the Conservative and Unionist Group and Independent Members representation on the Staffing and Recruitment Committee that will appoint the new Chief Executive.”

**(e) a Motion by Councillor Brahim, seconded by Councillor Larsen, in the following terms:-**

“Council values the EU citizens who made Scotland their home and recognises the positive contribution EU citizens make to the economy, communities and public services in North Ayrshire, Scotland and the UK. Council regrets that, more than two years after the Brexit vote, approximately 235,000 EU citizens – including 36,500 children – still face insecurity about their right to continue to live and work here once the UK leaves the EU on 29 March 2019.

Council condemns the UK Government’s decision to subject EU citizens who have already lived in and contributed to North Ayrshire, Scotland and the UK often for many years, to a mandatory application process test and to force them to pay a charge to retain the right to live and work here through so-called “settled status”.

Council therefore supports the Scottish Government’s continued efforts to press the UK Government to change their policy on this matter and to meet any settled status fees for EU citizens working in our devolved public services.”

**(f) a Motion by Councillor Hill, seconded by Councillor Larsen, in the following terms:-**

“North Ayrshire Council congratulates Renfrewshire Council on its commitment to ensuring that all secondary school pupils receive CPR training during their time in education.

The Council instructs our Education Department to bring forward plans to ensure that both CPR and defibrillator training are offered to every pupil across our secondary schools.”

## **14.2 Motions**

In terms of standing Order 22, submit:-

### **(a) a Motion by Councillor McNicol, seconded by Councillor Barr, in the following terms:-**

"The the Council amend Section 13 of the Scheme of Administration to read:-

"Staffing and Recruitment Committee

Constitution

Six members of the Council, namely the Leader of the Council, a member of the Administration, the Leader and a member of the Opposition, a member of the Conservative and Unionist Group and a member of the Independents. shall constitute the membership of the Committee. The Cabinet Member holding the relevant service portfolio relating to that particular Chief Officer appointment shall also be a member of the Committee for business relating to that appointment only. Each member will have a named substitute who may attend meetings in their place when necessary."

Council is requested to suspend Standing Orders in order to consider this motion at the meeting of 19 September 2018."

## **15 Urgent Items**

Any other items which the Provost considers to be urgent.

### **Webcasting**

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, the Provost will confirm if all or part of the meeting is being filmed.

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Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers and using the press or public seating area, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [committeeservices@north-ayrshire.gov.uk](mailto:committeeservices@north-ayrshire.gov.uk).

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## North Ayrshire Council Sederunt

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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: