

North Ayrshire Council  
15 May 2024

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, Marie Burns, Eleanor Collier, Joe Cullinane, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Robert Foster, Scott Gallacher, Cameron Inglis, Mary Hume, Margaret Johnson, Christina Larsen, Shaun Macaulay, Jean McClung, Tom Marshall, Ian Murdoch, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Donald Reid, Ronnie Stalker, Angela Stephen and John Sweeney.

**Present (Remote Electronic Participation)**

Tony Gurney, Alan Hill, Amanda Kerr, Donald L. Reid and Chloé Robertson.

**In Attendance**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); D. Hammond, Executive Director (Communities and Housing); A. McClelland, Head of Service (Education), M. Boyd, Head of Service (Finance), F. Walker Head of Service (People and ICT); A. Craig, Head of Service (Democratic), R. Lynch, Senior Manager (Legal Services); M. McColm, Senior Manager (Communications), and H. Clancy, C. Stewart and S. Wilson, Committee Services Officer (Democratic) (Corporate Services).

**Chair**

Provost Dickson in the Chair.

**Apologies**

Timothy Billings, Scott Davidson and Jim Montgomerie

**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.

**2. Apologies**

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

### **3. Declarations of Interest**

There were no declarations of interest in terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

### **4. Previous Minutes**

The accuracy of the Minutes of the Ordinary Meeting held on 27 March 2024 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 18 March 2024 - 5 May 2024.

Noted.

### **6. Leader's Report**

Submitted report by the Leader of the Council for the period for 18 March 2024 - 5 May 2024.

Noted.

### **7. Council Minute Volume**

Submitted for noting the Minutes of meetings of committees of the Council held in the period 13 March 2024 - 7 May 2024.

Noted.

### **8. Report of the Returning Officer – Kilwinning By-Election**

Submitted a report by the Returning Officer advising on the outcome of the North Ayrshire Council Ward 6 Kilwinning By-Election and on the Declaration of Acceptance of Office by the new Elected Member, Mary Hume, for that Ward.

Noted.

The Provost formally welcomed Councillor Hume to the Council.

Councillor Chloé Robertson joined the meeting at this point.

## **9. Composition of Political Groups following the Kilwinning By-Election**

Submitted a report by the Chief Executive on the change in the composition of the Opposition Groups following the Kilwinning By Election.

Accordingly, the Council agreed to note the changes in the composition of the Opposition Groups and that the Labour Group forms the main opposition with its leader being the Leader of the Opposition who is remunerated as a Senior Councillor.

## **10. Boundaries Scotland: 2023 Review of Scottish Parliament Boundaries**

Submitted a report by the Head of Service (Democratic) on the Boundaries Scotland's 2023 Review of Scottish Parliament Constituency Boundaries.

Councillor Burns, seconded by Macaulay moved approval of the recommendations set out in the officer's report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed to (a) note Boundaries Scotland's 2023 Review of Scottish Parliament Constituencies and the amended proposals for the alteration of the constituency boundary for Cunninghame South following consideration of initial consultation responses; (b) accept the revised proposals; and (c) receive further updates as the Review progresses.

## **11. Seagate Castle – Preservation and Conservation Works**

Submitted a report by the Executive Director (Place) seeking approval for an allocation of £236,420 from the Irvine Common Good to carry out stabilisation and conservation works at Seagate Castle, Irvine.

A Member asked a question, and received clarification, on annual payments from the Common Good Fund.

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

Accordingly, the Council agreed to approve an allocation of £263,420 from the Irvine Common Good to carry out stabilisation and conservation works at Seagate Castle, Irvine.

## **12. Congratulatory Motion**

In terms of Standing Order 15.3, submitted the undernoted motion, duly proposed and seconded, which sought to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:

"The Kilwinning Scouting movement are rightly proud of King Scout Katie Roy and our Silver Wolf Recipient Mr Alister Kerr (Ned) who took part in the Scouts day of Celebration Event held at Windsor Castle on Sunday 21st April 2024.

The event celebrated young people achieving the Top Award and amazing Adult volunteers that support the young people in the Scouting movement.

I'm told both Katie and Alister had a really special day with Katie parading in front of the Chief Scout Bear Grylls.

A wonderful day to celebrate the Scouting Achievement of Katie and Huge Commitment to Kilwinning Scouts of Alister who are both fantastic Scouting Ambassadors.

North Ayrshire Council acknowledges this tremendous achievement for both Katie and Alister and sends its congratulations to both."

There being no dissent, the congratulatory motion was declared carried.

### **13. Questions**

In terms of Standing Order 14, submitted:

- (1) a question by Councillor Marshall to the Cabinet Member for Communities, Housing and the Islands in the following terms:

"Does the Portfolio holder agree that School librarians:

1. deliver an extensive programme to support literacy across the curriculum;
2. assess reading ages through a test when pupils arrive in S1;
3. deliver the Learning to Learn programme to help pupils learn how to study; and
4. ensure that the library is a valuable resource in every school from juniors using it to borrow books to being a safe study space for seniors where they can be assisted in research and applying for university and further agree that School Librarians are essential to improving attainment in literacy?"

Councillor Hill thanked the Member for his question and responded by expressing the view that libraries make a valuable contribution to young people's learning and development and referred to concerns by parents and pupils received following the decision taken at the 28 February 2024 Council meeting.

In terms of Standing Orders 23.1, Councillor Hill, seconded by Councillor Macaulay, intimated that they wished to move a suspension of Standing Orders to allow consideration of a motion on the redesign of the Library Service.

On a point of order in terms of Standing Order 15.4, Councillor Foster sought clarification on the relevant standing orders of the motion.

The Monitoring Officer confirmed that the Standing Orders 15.1 and 25.1 required to be suspended to allow consideration of the motion.

There being no amendment, the motion was declared carried.

Accordingly, the Council having agreed to proceed with suspension of Standing Orders to allow consideration of a motion, Councillor Hill, seconded by Councillor Macaulay moved that Council agrees to delay the current implementation of the school library redesign, planned for Aug 24, to allow further work to be done on the development and communication of the replacement model. Implementation will be delayed until January 2025 at a cost of £100k which will come from the renewable energy contribution agreed by council. A paper setting out the new operating model will be brought back to council at the earliest opportunity.

A Member asked a question of clarification in respect of the motion, with regard to the delay of the implementation to January 2025.

There being no amendment, the motion was declared carried.

Following suspension of standing orders and the motions following thereon, resumption of business as per the published agenda commenced.

As a supplementary question, Councillor Marshall asked why parents and pupils were not consulted on the Library Service redesign prior to the decision being taken.

Councillor Hill responded by advising that the proposals considered by Council at the 28 February 2024 meeting had staffing implications therefore undertaking public consultation was not appropriate prior to the decision being taken.

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

"To ask the Cabinet Member why the administration agreed to replace the hot light tea in early years with a cold "late lunch" for the remainder of this term?"

Councillor Maculay thanked the Member for his question and highlighted elements of the following written response:

"Whilst we complete service redesign processes, a temporary menu change has been implemented in our early years establishments as part of our afternoon service. The temporary menu change is in accordance with current Scottish Government guidance and offers a healthy balanced diet with a range of tastes and textures. Hot meals will return for afternoon sessions in August."

As a supplementary question, Councillor McDonald asked what engagement took place with families affected prior to the change being implemented, that the food provision met nutritional standards and whether there were any associated financial savings as a result of the menu change.

Councillor Macaulay responded by undertaking to advise Councillor McDonald on the financial implications and advised that the menu, which meets Scottish Government guidance on nutritional standards, was put in place due to the service redesign and to allow transition of new staff.

(3) a question by Councillor T. Ferguson to the Cabinet Member for Communities, Housing and the Islands in the following terms:

"To ask the cabinet member for Finance to provide an update on the recent fire at Fenix Battery Recycling Plant in Kilwinning?"

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

"Following the serious fire incident at the Fenix Battery Recycling Plant last month, and the prompt emergency services response, the incident is now in what is termed the recovery phase. A multi-agency Recovery Group, chaired by the Executive Director (Housing and Communities), has met on a regular basis to assess the consequences of the incident, consider appropriate recovery planning and monitor progress by those responsible for the site. This work sits alongside Scottish Fire & Rescue's ongoing investigation of the incident.

A notice under Section 29 of the Building (Scotland) Act has been served on the owners of the property instructing them to make the building safe and the site is now fully in their control to proceed as required, whilst ensuring all statutory requirements are being met.

The owner has appointed specialist contractors who are at present preparing proposals for the waste removal and demolition phase. Currently the site has 24 hour security, and dust mitigation equipment has been deployed for use as and when required. The work on site is likely to be ongoing for some time, and the current multi-agency approach to engaging with the site owner and their representatives will continue as required, with the Scottish Environment Protection Agency playing a key regulatory role."

As a supplementary question, Councillor Ferguson referred to a previous licence transfer from the Scottish Environment Protection Agency (SEPA) to Fenix in 2022 for the Kilwinning site, and whether SEPA advised the Council at any stage that Fenix had previously been refused a licence on the grounds of competency.

Councillor Hill responded by undertaking to advise Councillor Ferguson of the relevant licence application details. He further advised that enforcement notices had been served on 13<sup>th</sup> May 2024 instructing the removal of both damaged and fire damaged batteries from the site in Kilwinning.

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

"I have noted that the ambient snack provision is now under way in our schools. One school has tweeted that they have been fundraising and organising equipment to support the distribution of the ambient snacks. In the roll out of this scheme, was no allowance made for equipment to facilitate the distribution of those ambient snacks taking account of allergies and hygiene requirements?"

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

"Light equipment has been provided to allow the efficient distribution of the healthy mid-morning snacks to all primary school children. A serving trolley was supplied to every school with the exception of a couple of schools on the Isle of Arran where it was not required. No school is required to purchase equipment required for this snack provision."

As a supplementary question, Councillor Reid referred to allergy and hygiene requirements with regard to handling of ambient snacks and the impact of wasps and insects when the snacks are being eaten in an outside environment.

Councillor Macaulay responded by undertaking to raise the distribution issue with the schools in question.

(5) a question by Councillor Marshall to the Cabinet Member for Communities, Housing and the Islands in the following terms:

"Since the retirement of the main KA Leisure employee (on Arran) over 18 months ago, KA Leisure has not been able to employ anybody to fill the role. This has meant that on Arran the gym is closed, and community facilities are only open by special arrangement with staff having to come over from the mainland.

Will the Cabinet member commit to working with officers to find a different model of operation for the community facilities at Arran High School which will enable them to be open for regular gym and community events?"

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

“Council officers are aware of the current situation and continue to be actively engaged with KA Leisure to identify a more sustainable resolution. A range of options are being investigated to make the best of use resources available on the island, including where Council officers may potentially be able to assist and support.”

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

"Given the recent report that Canmore Children's house was given a weak grade on the quality of support for children and young people's rights and wellbeing, is this the SNP Administrations way of keeping the Promise to care experienced people?"

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

“Our Children's Houses are homes for our young people, in which we aspire to provide a safe, caring space. To bring negative headlines and connotations associated with a Children's House, can have a profound impact on the young people and staff alike. Cllr Foster as Chair of the IJB in the previous administration knows he could have raised his concerns with officers within HSCP.

The Care Inspectorate report outlines a number of positives, which the Children's House will be proud of, including evidence of warm, nurturing relationships, and, despite difficult circumstances, many of which are out with the Children's House control, for example the matching in process- for young people requiring placements, concerted efforts by staff to provide individual time and support to young people and the overall commitment and efforts of staff and management.”

As a supplementary question, Councillor Foster asked the Cabinet Member to give her view on the potential impact of children's homes being overcrowded?

Councillor Johnson declined to respond further.

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

"To ask the cabinet member for Green Environment and Economy, does he believe that the current road management and maintenance plan is fit for purpose and sustainable in its current form?"

Councillor Gurney thanked the Member for his question and responded by advising the plan is fit for purpose, run by dedicated officers in accordance with the asset management plan and delivering the maximum return on investment with fewer roads generally requiring maintenance over the last 6 years. On the matter of sustainability, Councillor Gurney referred to ongoing budget challenges and funding allocations from the Westminster government as well as the inflationary costs of materials and



construction citing an example of the rough stone used in roads contracts having increased in cost by 20% in the last year.

As a supplementary question, Councillor McLean referred to the growing number of electric and hybrid vehicles on the road which he asserted are heavier than a standard internal combustion vehicle and asked if the current maintenance plan needs a refresh.

Councillor Gurney responded and referred to the weight of traffic on the road with regard to heavy goods vehicles and undertook to pass Councillor McLean's comments onto officers to ensure that this was accounted for in the maintenance plan.

On a point of order, Councillor Cullinane asked and received clarification on the application of Standing Order 14.4 relative to another Member asking a question to Council which had been submitted by another Member.

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

"To ask the Cabinet Member for a breakdown of the assessed maintenance backlog for Kilwinning schools?"

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

"Other than the routine repairs and maintenance issues to be expected across any large property portfolio, there is no assessed backlog maintenance - rather there is property condition information that helps shape our building lifecycle investment planning."

As a supplementary question, Councillor Cullinane referred to the maintenance backlog of the estate asked if the Cabinet Member agreed that proactive investment in the infrastructure is preferable to reactive maintenance.

Councillor Gurney responded and referred to the building lifecycle investment planning regime and condition surveys designed to capture the investment needs across the estate with budget being allocated on a priority basis.

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

"Given that the Portfolio holder takes a keen interest in the performance of football League Tables can he explain why in the 2024 Times Newspaper's League Tables of Scottish school's performance based on the number of pupils achieving 5 Highers, there are now no NAC schools in the top 50?"

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

“This question is based on a league table created annually by the Times newspaper which focuses on a narrow interpretation of successful attainment, measuring only the percentage of pupils who achieve more than 5 Highers. School education is about a wide range of qualifications and experiences and success should not be measured solely on one benchmark.

The Education Service reports annually to Cabinet on the attainment outcomes of leavers in North Ayrshire, and how this performance relates to the Virtual Comparator and the national picture. A report will be presented to Cabinet in May which gives specific details about the current picture across the range of attainment measures.

With reference to the benchmark of 5 qualifications at SCQF Level 6 (including Higher) or better, 35% of NAC learners left with at least 5 level 6 qualifications or better in 2023. This is above the virtual comparator (of young people with similar characteristics to our learners from schools across Scotland).

A nationally agreed set of measures called “Stretch Aims” has been produced and this will form the basis of local and national reporting on attainment moving forward.

It is important to stress the wealth of courses now on offer to young people across the senior phase in our schools. Carefully planned options in the senior phase ensure that appropriate pathways are available to support the needs and aspirations of ALL pupils, and not only those who would have traditionally followed qualifications at Higher level. Schools are increasingly offering diverse options, which include vocational learning through Foundation Apprenticeships and other qualifications at levels 4-7 of the Scottish Credit and Qualifications Framework. This ensures that our learners are equipped with the skills and qualifications to go on to a positive post school destination (in 2023, 96.5% of NAC leavers entered a positive destination – this is our highest figure to date and is above both the virtual comparator and the national figure).

Our leavers are now more likely leave school with a broad range of qualifications. This is likely to include some Highers in many cases, but also a blend of new alternative qualifications which the Times does not include in its league table.

We believe that the simplistic method of ranking schools in a league table format is outdated and does not properly reflect or acknowledge the overall achievements of our hard-working learners throughout our schools in North Ayrshire. Schools across the authority continue to make very good progress in raising attainment and achievement across the board.

Reference: Equivalent  
SCQF Level 4 = National 4  
SCQF Level 5 = National 5  
SCQF Level 6 = Higher  
SCQF Level 7 = Advanced Higher."

As a supplementary question, Councillor Marshall referred to statistics which he asserted demonstrated a decline in attainment and asked if a formal Education Committee to discuss Education matters in depth would be better than the current arrangements.

Councillor Macaulay referred to the working group set up to discuss committee structures which would report to Council in due course. He further advised on the positive impact that North Ayrshire's Education Service had on our young people and highlighted the importance of equity in education and that poverty was the biggest driver in pupils not being able to meet their full potential.

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

"Does the Cabinet Member for Education believe that North Ayrshire Council is providing a satisfactory Early Years Service?"

Councillor Macaulay thanked the Member for his question and referred to the excellent Early Years Service that North Ayrshire provides giving our pupils the best start in life.

As a supplementary question, Councillor Sweeney referred to changes to the working model with staff and children arriving at the same time and asked if this practice is safe and sustainable?

Councillor Macaulay responded and advised he would be happy to look into this further with Councillor Sweeney and the Head of Service for Education.

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

"To ask the cabinet member for Green Environment and Economy to provide an update on plans to deliver the safer speed limit of 20mph by 2025 on all appropriate roads in built-up areas?"

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

“An assessment has been completed to identify roads suitable for the introduction of 20mph limits in residential and town centre areas.

Plans have been prepared indicating the proposals to reduce existing 30mph speed limits to 20mph where appropriate and maintain the 30mph speed limit at other locations. The nature of the road, frontages, and the strategic nature of roads has been taken into account in developing proposals. Draft proposals have been submitted to Police Scotland and Strathclyde Partnership for Transport (SPT) for initial comments, prior to finalising draft proposals for circulation and comment in June to Elected Members.”

As a supplementary question, Councillor Ferguson referred to the rollout of 20mph in Wales, the cost of the policy and if the rollout will be fully funded by the Scottish Government.

Councillor Gurney responded and advised the costs would be taken into account when finalising the proposals.

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

"The remodelling of early years is causing a significant concern for staff and families.

Can the Cabinet Member confirm how many early years practitioners will:

- (a) no longer have a contract following the review; and
- (b) be asked to move to a different early year's centre?"

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

“Given the lower than projected uptake of early years provision, mainly as a result of a declining birth rate, the budget for the Early Learning and Childcare expansion programme was reduced by Scottish Government by over £1.5m. We are currently in the final stages of the service redesign of our early learning and childcare provision to ensure we can deliver a high-quality service within the available financial envelope.

In response to part (a) of the question, at this time, 42 employees have come forward requesting to leave the service through voluntary early release (VER) and these have been granted, meaning that those staff will leave the service on 18 August 2024. All other employees have either been aligned to a post within their own or another establishment or have the opportunity to apply for one of the current vacancies. There are enough vacancies at a range of work patterns and grades within the service to be able to accommodate all remaining early years staff, should they wish.

In response to part (b), we are still working through the organisational change process so we are unable to provide a final number at this time. The service would be happy to provide the Member with this information following the completion of the service redesign.

In order to recognise the staff changes in ELC establishments from August, arrangements are being put in place prior to the summer holiday period for staff who are moving to a new work location to have the opportunity to visit to familiarise themselves with their new working environment, and to meet and begin to get to know the other staff and children in advance of the start of the new term in August.”

As a supplementary question, Councillor Cullinane referred to the workforce within Early Learning and Childcare and the growing number of pupils with additional support needs and asked if that had been factored into the process for remodelling the service and what additional support will be offered to pupils with additional support needs during the transitional phase.

Councillor Macaulay responded and recognised that any remodelling has a period of disruption, and that a transition period has now started to allow staff to become familiar with the establishments where they will be based. The service continues to offer additional support to children on a case by case basis. He further advised that if there was a specific case causing concern, that it be brought to the attention of the Head of Service so that it could be taken forward.

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

“Can the Cabinet Member for Green Environment and Economy tell me how many:

1. DPE FPNs have been issued?
2. how many have been paid in full, and how much was raised?
3. how many have been paid at the reduced rate; and
4. how many have not been paid on time?”

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

1. "Decriminalised Parking Enforcement involves the issuing of Penalty Charge Notices (PCN's) as opposed to Fixed Penalty Notices which are issued for littering and other offences. From 15 April 2024 to 30 April 2024 we issued 497 PCNs.
2. 218 have been paid and income of £10,900 has been realised.
3. 218 have been paid at the reduced rate.
4. None as the scheme started on 15 April 2024 therefore no payments are overdue."

As a supplementary question, Councillor McLean referred to erroneous information circulating on social media and asked about the process for tickets that have not been paid.

Councillor Gurney responded and advised that the Penalty Charge Notices should not be ignored and are enforceable. He referred to the charging and surcharge structure and that if not paid then the case will be passed to the Sheriff Officer for payment debt recovery which will cost the customer more than paying the fine in the first place.

Councillor Cullinane left the meeting at this point.

(14) a question by Councillor Hume on behalf of Councillor Cullinane to the Cabinet Member for Communities, Housing and the Islands in the following terms:

"To ask the Cabinet Member for an update on work to re-establish after school care provision in Kilwinning?"

Councillor Hill thanked the Member for her question and responded in the following terms:

"Following the ceasing of availability of out of school care provision in Kilwinning, parents were surveyed to seek out any interest in establishing a parent led service, similar to services provided in other localities. Officers then turned to approaching existing providers in other areas and were able to identify one provider who is interested in expanding their service to Kilwinning. Officers are working with this provider to help establish the additional capacity required, while they progress with other steps required including registration with the Care Inspectorate. Accommodation for the service has been identified within a local school.

More widely, funding to support rural and school aged childcare was made available through Covid Recovery funds and also via the Council's Child Poverty and Early Intervention Fund. These resources have supported existing services as they recovered from changing childcare needs as a result of altered work patterns. The funds have also enabled the provision of a specific post to help work with communities and providers to

address local issues, with a recruitment process currently underway. This will help to improve capacity to work with parents and communities to identify solutions.”

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

"To ask the leader for an update on where the council is with firework control zones?"

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

“A working group of officers has been established to consider the implementation of these new discretionary powers.

Officers have met with representatives from Police Scotland and Scottish Fire and Rescue Service to seek initial views on whether any Firework Control Zones (FCZ) are required in North Ayrshire. The evidence presently available does not appear to indicate a need to consider the proactive designation of an FCZ in North Ayrshire by the Council, however this may change in future. Discussions are ongoing with Police Scotland regarding the framework for information sharing for the purposes of FCZs. Officers have also met recently with representatives from the Scottish Government to discuss the approach being taken to the designation of zones and associated processes.

A process is being developed to enable communities to request that the Council considers implementing a Firework Control Zone which would be submitted along with reasons and evidence to support the request. A Members’ briefing will be provided once the application process has been finalised.

There are ongoing reports being brought to the Police and Fire and Rescue Committee regarding Operation Moonbeam, which is the collaborative response to the delivery of community safety in the leadup to Bonfire Night delivered by the local authority, Police Scotland and Scottish Fire and Rescue Service. Regular updates are provided to the Police and Fire and Rescue Committee regarding the planning for bonfire night in North Ayrshire. Reports evidence a proactive engagement with communities in North Ayrshire regarding firework safety and clean-up operations.”

Councillor Cullinane rejoined meeting during this agenda item.

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

"What engagement has the administration had with pupils campaigning against cuts to school libraries?"

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

“Following approval of the redesign of the school library service at the full Council meeting on 28th February, officers have been working to develop the revised delivery model in consultation with affected staff.

Members of the Administration have received and responded to questions from pupils regarding the changes.

The next stage will involve further engagement with the school community prior to implementation of the new model at the beginning of the 2024/25 academic year.”

As a supplementary question, Councillor McDonald asked if the Cabinet Member will commit to meeting with the pupils affected before the summer recess.

Councillor Macaulay responded and advised he would be happy to meet with pupils and Parent Councils to discuss how to take the model forward.

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

"To ask the Portfolio holder for Education, what is the number of formal exclusions and informal exclusions in NAC Schools over each of the last 3 Academic years?"

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

“The aggregate numbers of incidents of temporary exclusions recorded on the school management information system (and therefore on the pupils’ record) over the last 3 years and the current academic session (to date) is provided in the table below:

School type	2020/21	2021/22	2022/23	2023/24 (to date)
Primary	21	12	50	19
Secondary	152	309	321	314
ASN	0	1	14	2
<b>Total</b>	<b>173</b>	<b>322</b>	<b>385</b>	<b>335</b>

There is no concept of an “informal” exclusion in school statistics.”



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

"Kilwinning Councillors learned from the local press of concerns over a children's home in the ward including reported overcrowding, vulnerable users being placed in the wrong setting and a lack of maintenance. Whilst There were some positives, the report focused on the issues which appear to have been known and indeed may have been reported on earlier. Why was there no communication with elected members on the concerns raised by the Care Inspectorate and what actions are going to be taken to improve matters?"

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

"The Care Inspectorate inspection took place over two days from 10<sup>th</sup> February, the Council received the final inspection report on 16<sup>th</sup> April and all Elected Members were provided a briefing on 26<sup>th</sup> April from the HSCP Director. This briefing was issued not only to advise of the inspection report, findings and outcomes and reassurance of the improvement plans which are being progressed by the service, but also to put the findings into context with the wider pressures for the Children's Care system.

Cllr Reid and other elected members will appreciate that our Children's Houses are home for our young people and aspire to provide a safe, caring home for young people. Any negative headlines or connotations associated with a children's house can therefore have a profound impact on the young people and staff. Members can be assured that the service have submitted a robust improvement plan to the Care Inspectorate and have met with the inspectorate to discuss the same. Examples of actions include a new admissions procedure, a staffing needs assessment, a strengthened approach to staff learning and development and all outstanding maintenance work has been completed. The service are required to meet the improvements by 30 June 2024 and are confident that plans are in place to meet the requirements."

As a supplementary question, Councillor Reid advised he would have preferred to hear from officers of any concerns of Children's homes and not from the press.

At the invitation of the Provost, the Chief Executive provided further clarification on the timescales for reporting this story in the press and that officers always endeavoured to provide Elected Members with information as quickly as possible and would continue to do so.

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

"Can the Cabinet Member for Green Environment and Economy give me an update on NAC RAAC investigations? And has any more RAAC been found?"

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

“Following the completion of a desk-top review of our non housing estate and physical inspections of ‘in scope’ properties (those with flat-roofs and built between the 1950’s and 1990’s), 2 locations were found to contain RAAC; The Physical Education block at Ardrossan Academy and the main storage shed at Mid-Dykes Streetscene Depot. Following discovery of the material, contingency plans were put in place. Further investigations were carried out and, mitigation strategies developed, design work undertaken, and contractors appointed to undertake remedial work.

For Ardrossan, works have been progressing well, with final works including finishes and lighting reinstatement due to complete imminently. It is anticipated the school will have access to the PE block by the end of this week.

For Mid-Dykes, the storage shed at the depot remains closed whilst feasibility and costs of mitigation measures are being finalised.

In respect of the Housing Portfolio, we have also undertaken a desk-top exercise to determine if any of our properties were at risk of containing RAAC.

The desk-based review did not identify the likely presence of RAAC in any of our homes. However, we are progressing a risk-based survey programme at “in-scope” locations to mitigate any potential risks.

One property from each in-scope building type (those with flat-roofs and built between the 1950’s and 1990’s), from each relevant street or close grouping of similar buildings, is being surveyed in the first instance. We have completed all surveys in the common areas of the first tranche of these surveys, and all-but 3 surveys within tenanted properties. We are now commencing surveying each of 138 remaining in-scope individual properties to ensure we are not relying on ‘property typing’ information alone. Timescales are dependent on tenant access, structural engineer, and asbestos surveyor availability; however, we are targeting to complete this by the end of summer.

No RAAC has been found in any of our Housing properties to-date and It should be noted that RAAC is an appropriate construction material where it has been properly designed, installed and maintained. If found to be in good condition, the actions required would be around communication and instigating a routine inspection schedule.”

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

"To ask the Cabinet Member if the Council has been in contact with the owner of the former Rankins pub in Stevenston to ascertain their intentions for the building?"

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

“Officers previously issued a letter to the owner making them aware of support available via the Repurposing Property Grant Scheme and inviting them to share their intentions for the site with the Council. Officers within Protective Services have also tried to contact the owner several times this year, but no response has been received.”

(21) a question by Councillor T. Ferguson to the Leader of the Council in the following terms:

"To ask the Leader to provide an update on how many TVs have been procured by NAC in the last five years?"

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

“The Council’s procurement records indicate that a total of 144 TV’s have been purchased during this period.”

As a supplementary question, Councillor Ferguson referred to Headrigg Gardens Sheltered Housing being unsuccessful in sourcing a new TV for their lounge room and asked for the Leader to help move this forward?

Councillor Burns responded and advised this would be a matter for the Chief Executive.

At the invitation of the Provost, the Chief Executive advised that this matter would be investigated and progressed.

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

"How many purple bin lid replacement requests were made to the customer service centre in 2023-24 and how many have still to be actioned for repair?"

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

“For 2023/24 there were 2,283 requests for purple bin lid replacements and 1,529 have still to be actioned for repair.

After lengthy communications with the purple bin supplier seeking a remedy for the issue a resolution was agreed recently which has secured a quantity of replacement bin lids, at no cost. The Service are now able to progress the backlog of repairs and are prioritising these.”

As a supplementary question, Councillor Reid asked to make the process of requesting a purple bin lid replacement online?

Councillor Gurney responded that not all customers have access to use online facilities, but the request would be added to the online form in the coming weeks.

The allotted time of 60 minutes having expired, the Provost confirmed that the remaining questions and responses, as circulated in advance of the meeting, would be taken as read and included in the Minute.

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

Self-Directed Support (SDS) allows people to choose how their support is provided and gives them as much control as they want of their individual budget. Put simply SDS is the support a person purchases or arranges to meet agreed health and social care outcomes. Before SDS is granted there needs to be an assessment by social work.

I ask the Cabinet member to provide the following information:

1. How many persons in the North Ayrshire are currently awaiting an Assessment for SDS and of these how many are in Ward 1;
2. How many persons in the North Ayrshire are currently awaiting the result of an Assessment and of these how many are in Ward 1;
3. What is the average waiting time for the result of an Assessment;
4. On average how long does it take from the completion of the Assessment to the award of SDS;
5. What is the budget for SDS for the current financial year and how many persons are currently in receipt of SDS; and
6. In each of the previous 3 financial years much was spent in on SDS and how many persons were in receipt of SDS.

The written response by the Cabinet Member for Health and Social Care Partnership was as follows:

“As highlighted where there is a formal request to the HSCP to access care and support there is a process which to undertake an assessment of a person’s care needs. The assessment process is undertaken in consultation with the individual, and any other relevant stakeholders – for example carers, family members, GP etc and will take into consideration what their care and support needs are, and how these can be met.

Through this process of assessment, consideration will also be given to eligibility criteria which considers 4 categories of risk to help determine whether the person receiving the assessment is eligible to receive social care support. Where it is identified that a person has substantial or critical risks, then as part of the assessment process the service will advise of the options available through SDS and their choices will form the outcome of

the assessment. There are a variety of ways in which care and support is provided via each Self Directed Support Option, including services such as Day Care, Dementia Support, Care at Home, Community Supports and Respite.

There are 4 Self-Directed Support options as follows:

Option 1 - a direct payment which is a payment to a person or a third part to purchase their own support

Option 2 - the person directs the available support

Option 3 - the local council arranges the support

Option 4 - a combination of any of the above

As described, Self Directed Support covers the breadth of social care services the HSCP delivers. Therefore I am unable to respond directly to your questions without further clarity on your specific enquiries, I am confident however that HSCP officers will be happy to support with the provision of information if you would like to contact them directly.

The SDS agenda is complex and there have been challenges with implementation which are experienced across Scotland. I have asked the HSCP to support a members development session to ensure a shared understanding of the various options, how these are accessed, typical SDS provision in North Ayrshire, challenges linked to the delivery of SDS, Waiting List management and local actions that are in place to minimise the impacts of these challenges and promote SDS.”

(24) a question by Councillor Kerr to the Leader of the Council in the following terms:

"To ask for an update on the work of the Ardrossan taskforce since the last Council meeting?"

The written response by the Leader of the Council was as follows:

“The Taskforce has not met since the last Council meeting. The next meeting is currently scheduled for 16 May 2024. During the intervening period, the focus of the Ardrossan Task Force members has been on the preparation of the revised Outline Business Case. This has involved the coordination of feedback from partners and the scheduling of further iterations, with the final objective being a public announcement on the future of Ardrossan Harbour by summer parliament recess.”

(25) a question by Councillor McLean to the Cabinet Member for Communities, Housing and the Islands in the following terms:

“Does the Cabinet Member for Communities, Housing and the Islands believe that our community centres and associated associations are sustainable and to see if he is aware of any concerns raised with regard to their support?”

The written response by the Cabinet Member for Communities, Housing and the Islands was as follows:

“As the Member will know the council requires to find around £20m of revenue savings over the next few years. Sadly, therefore we do not have the resources available that we would like to have available to support our excellent community associations in the work that they do. We would all dearly like to provide greater funding to these bodies in order to support the much-needed work that they do in their individual communities.”

As a supplementary question received by 10am on the day following the meeting in accordance with Standing orders Councillor McLean asked the following question:

“I am aware that some centres are currently having their commitments and agreements with the Council reviewed in light of pressures they claim to be facing, is it the view of the cabinet member that any issues with regards to sustainability of centres lays primarily with those individual centres and associations themselves rather than any issue with regard to the overall policy or support provided by the authority?”

The written response by the Cabinet Member for Communities, Housing and the Islands was as follows:

“A few years ago, the SNP Group ran a successful campaign to stop the then Labour Administration from closing many of our community centres. To date we have managed to continue to support their work, but this is becoming more challenging financially with each passing year. It is fine to question the Administration and Officers about these matters however the real problem here is the continued austerity from the UK Government which has cut the funding to the Scottish Government which in turn has cut our available funding locally. The local Conservative Group are in a good position to challenge the current orthodoxy within their Party and seek to change tax and spend policies to ensure that more funding is available to support our local centres and the valuable work they do assisting their local communities and countering the Tory Cost of Living Crisis.”

(26) a question by Councillor T. Ferguson to the Leader of the Council in the following terms:

"What events are being planned to mark the 80th Anniversary of the Normandy Landings?"

The written response by the Leader of the Council was as follows:

“Community based groups in Largs and Skelmorlie have been supported in developing events and displays to mark the upcoming 80<sup>th</sup> anniversary. A display will be open to the public in Largs Museum sharing the story of the landings including the link to planning sessions for the landing at Vanduara in Largs.

The Secret Bunker in Skelmorlie will host a beacon lighting ceremony on the evening of 6<sup>th</sup> June.

Coastwatch Scotland are also hosting an event on 6<sup>th</sup> June in Irvine, close to their premises at Irvine Beach.

The information boards at Largs Promenade have been re-created and installed in the North Ayrshire Heritage Centre and will accompany a short film featuring local veterans sharing their stories of D-Day.

The anniversary will also be marked through the Council's Heritage Team's social media channels."

As a supplementary question received by 10am on the day following the meeting in accordance with Standing orders Councillor Ferguson asked the following question:

"To ask the Leader to liaise with the Education Department to ensure that there are appropriate 80<sup>th</sup> anniversary D-Day events and activities planned within our schools to remember the sacrifices of all the brave men and women who were involved in this first step towards the eventual liberation of Europe."

The written response by the Leader of the Council was as follows:

"I am sure the Education team are aware of the significance of this anniversary but will pass on Cllr Ferguson's comments."

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 3.25 p.m. for a short comfort break, reconvening at 3.45 p.m. with the same Members and officers present and in attendance.

#### **14. Motions**

In terms of Standing Order 15, submitted:

(1) a motion proposed by Councillor Gurney, seconded by Councillor Johnson, in the following terms:

"That the Council notes:

- The scientific consensus is clear that human activities are primarily responsible for accelerating global climate change, and that the climate crisis now represents one of the preeminent threats to global civilisation.
- The Intergovernmental Panel on Climate Change Sixth Assessment Report states that it is unequivocal that climate change has already disrupted human and natural systems and that societal choices and actions implemented in the

next decade determine the extent to which medium- and long-term pathways will deliver higher or lower climate resilient development.

- The International Energy Agency stated in its May 2021 report “Net Zero by 2050” that in order to reach that goal there should be no new oil or gas fields, or new coal mines, as of that moment.
- The Paris Climate Agreement is silent on coal, oil and gas, an omission with respect to the supply and production of fossil fuels (the largest source of GHGs) that needs to be collectively addressed by other means; and that global governments and the fossil fuel industry are currently planning to produce more than double the amount of coal, oil and gas by 2030 than can be burned if the world is to limit warming to 1.5°C and avert catastrophic climate disruption, and such plans risk undoing the work of our Council to reduce GHG emissions.
- A new global initiative is underway calling for a Fossil Fuel Non- Proliferation Treaty that would plan the end of new fossil fuel exploration and expansion, phase out existing production in line with the global commitment to limit warming to 1.5°C, and accelerate equitable transition plans globally.

This Council recognises that:

- Our entire community will be affected by the impacts of continued fossil fuel expansion and resulting climate change, but particularly those who also face socioeconomic and health inequities, including low-income families, those experiencing homelessness, people from ethnic minority groups, young and old, those experiencing mental and physical disabilities, and people with health conditions; and our youth and future generations have the most to lose from a lack of immediate action to stop fossil fuel expansion as they face major and lifelong health, ecological, social, and economic impacts from prolonged and cumulative effects of climate change, including food and water shortages, infectious diseases, and natural disasters. This change is already being seen with the necessary acceleration of extensive flood defences in many of our towns.

This Council believes that:

- New fossil fuel infrastructure and expanded reliance on fossil fuels exposes communities to untenable risks to public health and safety at the local and global levels; and that the economic opportunities presented by a clean energy transition far outweigh the opportunities presented by an economy supported by expanding finite fossil fuel extraction and use.

This Council resolves to:

- Reaffirm our commitment, as part of our climate emergency response, to a just energy transition and to ambitious investments in the green infrastructure and industries that will create jobs and rapidly decarbonize our economy; and recognises that it is the urgent responsibility and moral obligation of wealthy



fossil fuel producers to lead in putting an end to fossil fuel development and to manage the decline of existing production.

- Formally endorse the call for a Fossil Fuel Non-Proliferation Treaty and make that endorsement public.
- Call on the Scottish Government to also endorse the call for a Fossil Fuel Non-Proliferation Treaty.
- To write to COSLA and raise our serious concerns about the impact of the climate emergency on local authorities and the need for a planned phase out of fossil fuels, and to call on them to endorse the Fossil Fuel Non-Proliferation Treaty.”

In terms of Standing Orders 15.1 and 16.5, Councillor Gurney, as the mover of the motion and with the agreement of his seconder, agreed to withdraw his motion.

(2) a motion by Councillor McTiernan, seconded by Councillor Johnson, in the following terms:

“That the Council:

- Stands in solidarity with the Women Against State Pension Inequality (WASPI Women).
- Believes the women have been treated appallingly by the UK Government and the Department for Work and Pensions.
- Supports the findings and recommendations of the Parliamentary and Health Service Ombudsman, which found 'maladministration' on the part of the DWP.
- Calls on the UK Government to acknowledge the financial and emotional burden its actions have imposed on WASPI women, and to fully fund compensation due to the women, without further delay.
- Council instructs the Chief Executive to write to Mel Stride MP, UK Secretary of State for Work and Pensions, intimating the Council's position and requesting that the UK Government confirms it will act without delay to right the wrong inflicted on WASPI Women.

A Member asked a question of clarification about whether the motion was intended to include all WASPI women or only those affected by maladministration.

There being no amendment, the motion was declared carried.

(3) a motion by Councillor Marshall, seconded by Councillor T. Ferguson, in the following terms:

The CalMac ferry services to our islands of Arran and Cumbrae continue to offer poor value for the residents, tourists and taxpayer alike and contrary to the aims of the Island Plan contribute to the decline in population of both Islands.

Both the Arran and Cumbrae ferry services underperform in terms, of reliability, capacity, and frequency and in so doing threaten the Tourist economies of both Islands.

The contract for the Clyde and Hebrides Ferry Services (CHFS) which are operated by CalMac is due to be retendered in September 2024.

We move that the Chief Executive write to the Scottish Government and the Transport Minister to express our view that the present contract for the Clyde and Hebridean Ferry Service should not in its entirety be directly awarded to CalMac but should be unbundled to seek a competitive tender for the Clyde Island Ferry Services and in so doing provide better access to the Islands thereby ensuring that islanders lifestyle can be improved, population decline reversed and the tourist economy reinvigorated.

Members asked questions of clarification of the mover of the motion in respect of the privatisation of the ferry service and the reference to poor value of the current service.

As an amendment, Councillor Cullinane, seconded by Councillor Bell, moved the direct negative.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Burns, Collier, Cullinane, Dickson, Foster, Gurney, Hill, Hume, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McPhater, McTiernan, D. Reid, Robertson and Sweeney (20) and for the motion, Councillors S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean, Murdoch, Stalker, Stephen (9), Councillor D.L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed not to proceed.

(4) a motion by Councillor McClung, seconded by Councillor Reid, in the following terms:

The release of helium balloons and sky lanterns has increased in recent years, and both can cause significant harm to the environment, animals and livestock in particular.

Sky Lanterns can cause considerable fire risk, particularly during dry spells. They also pose a threat to animals, as they can cause injury, suffering, and death, through ingestion, entanglement and entrapment.

When eaten, the sharp parts of a Chinese Lantern can tear and puncture an animal's throat or stomach, causing internal bleeding. Likewise, helium balloons when they land, become a danger to any wildlife, farmed animals or companion animals that may happen to find them before this debris is removed.

If ingested, the balloon can do irreparable, often fatal, damage to an animal's oesophagus and digestive tract and can cause suffocation. Scottish charity, Animal

Concern, have launched a campaign seeking support from Scottish local authorities to reduce the harm caused by these balloons and lanterns by placing restrictions on the release of sky lanterns and balloons on council-owned land and property.

Council agrees to support the Animal Concern Campaign and so imposes a complete ban on the release of Sky Lanterns and Helium Balloons from any and all of the land it owns. Information on this ban will be made available on the NAC website and will be intimated to any person seeking to book any public space owned by the Council.

A Member asked a question of clarification of the Monitoring Officer and was provided with further information in relation to a similar motion to a previous administration not being accepted.

There being no amendment, the motion was declared carried.

(5) a motion by Councillor Reid, seconded by Councillor Gurney, in the following terms:

“Council previously passed a motion on animal welfare; it is time to refresh that motion following changes in attitude and heightened concerns for animal welfare at touring or one off events and the potential funding for these activities.

*At a meeting of North Ayrshire Council at 2.00 p.m. on 19 September 2012*

*In terms of Standing Order 13 there was submitted:*

*(b) a motion by Councillor Oldfather, seconded by Councillor Burns, in the following terms:*

*"That North Ayrshire Council agrees to adopt a Policy banning the letting of Council owned sites to travelling circuses or similar organisations which utilise animals in the provision of entertainment."*

*There being no amendment, the motion was declared carried.*

Council asks that officers are instructed to carry out a review of council policy around the following principles:

- That council adopts a refreshed approach to limit and control the presence of animals for entertainment in our venues, highways, parks and open spaces, where it is legally possible to do so.
- That normally council would not support animals being out of their natural environments for events where there is no clear benefit of education, competition leading to national competitions or recognised need for a competitive event. Any approval for the presence of animals would require to account of animal welfare concerns including appropriate refuge from crowds.

- That pet shows for domesticated animals at community events would be permissible.
- That the policy would cover considerations of land and premises use permissions, grant giving/conditions and licence.

Council asks that the principles of the new draft policy and proposals for application, implementation and enforcement are considered by the Policy Advisory Panel to obtain detailed contributions from Members and that thereafter it is considered for adoption by Cabinet.”

A Member asked a question of clarification of the mover of the motion and the Monitoring Officer in respect of licences, the remit of the Licensing Committee and the implications for applicability and enforceability to include non-council land.

There being no amendment, the motion was declared carried.

## **15. Urgent Items**

There were no urgent items.

The meeting ended at 4.35 p.m.