

North Ayrshire Council  
21 June 2023

At a Meeting of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

**Present (Physical Participation)**

John Bell, Timothy Billings, Marie Burns, Eleanor Collier, Joe Cullinane, Anthea Dickson, Stewart Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Jean McClung, Matthew McLean, Louise McPhater, Davina McTiernan, Donald Reid, Donald L. Reid, Chloé Robertson and John Sweeney.

**Present (Remote Electronic Participation)**

Scott Davidson, Todd Ferguson, Alan Hill, Amanda Kerr, Tom Marshall and Angela Stephen.

**In Attendance**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); A. Sutton, Executive Director (Communities and Education); M. Boyd, Head of Service (Finance); F. Walker, Head of Service (People and ICT); and A. Craig, Head of Service, R. Lynch, Senior Manager (Legal Services); J. Hutcheson, Senior Communications Officer, M. Anderson, Senior Manager (Committee and Member Services) and D. McCaw and S. Wilson, Committee Services Officer (Democratic Services).

**Chair**

Provost Dickson in the Chair.

**Apologies**

John Glover, Nairn McDonald, Jim Montgomerie, Ian Murdoch and Ronnie Stalker.

**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 Meeting held on 17 May 2023 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Referring to a point of order which had been taken at the last meeting immediately after the short comfort break which followed consideration of Item 11 (Questions), the Provost intimated that it would be her intention, in any future such circumstances, to ask for the sederunt to be taken prior to considering any points of order.

Noted.

### **5. Provost's Report**

Submitted report by the Provost for the period from 8 May – 11 June 2023.

The Provost highlighted the wide variety of community work which she had had the opportunity to see in recent weeks and, in particular, expressed her delight at the great opportunities there were for young people within the community.

Noted.

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

Submitted report by the Leader of the Council for the period for 8 May – 11 June 2023.

Noted.

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

Submitted for noting the Minutes of meetings of committees of the Council held in the period 2 December 2022 – 7 June 2023.

The Provost allowed a question of clarification from Councillor Donald Reid on a recent Special Meeting of the Cabinet and the mechanism for dealing with a call-in from this meeting given the summer recess period.

The Chief Executive confirmed, in terms of Standing Orders, that the call-in would be considered at a Special Meeting of the Audit and Scrutiny Committee and, on behalf of officers, apologised if the Member had been erroneously advised otherwise.

Noted.

## **9. Appointment to Outside Body**

The Council was invited to note the resignation of Councillor Davidson from the COSLA Environment and Economy Board and consider a nomination to fill the vacancy.

Councillor Gurney, having been duly proposed and seconded, was nominated to fill this vacancy. There being no other nominations, Councillor Gurney was duly appointed.

Accordingly, the Council agreed as follows:

- (a) to note the resignation of Councillor Davidson from the COSLA Environment and Economy Board, effective from 13 June 2023; and
- (b) to approve the appointment of Councillor Gurney to fill this vacancy with immediate effect.

## **10. North Ayrshire Council Plan 2023-28**

Submitted report by the Chief Executive on the Council Plan 2023-28. The draft Council Plan was attached at Appendix 1 to the report. Details of the engagement/consultation approach and responses were set out at Appendix 2 to the report.

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

- the anticipated cost of achieving the Council's net zero ambition by 2030 and the mechanisms for apprising Elected Members of the cost; and
- whether the Council Plan would require to be amended in the event of Integration Joint Boards being taken outwith the locus of Councils.

Councillor Burns, 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 as follows:

- (a) to approve the Council Plan 2023-28 attached at Appendix 1 to the report; and

- (b) to note that (i) the Performance Management frameworks, including delivery plans, would be approved by Cabinet and thereafter considered by the Audit and Scrutiny Committee and (ii) progress reports on the delivery of the Council Plan would be submitted twice per year to Cabinet and thereafter considered by the Audit and Scrutiny Committee.

Councillor Davidson joined the meeting during consideration of this item.

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

Submitted report by the Head of Service (Democratic) on Boundaries Scotland's 2023 Review of Scottish Parliament Constituency Boundaries. The draft consultation response was set out at Appendix 1 to the report. The proposed and existing boundaries of Cunninghame South were illustrated at Appendices 2 and 3 to the report.

Councillor Burns, 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 as follows:

- (a) to note (i) the Boundaries Scotland's 2023 Review of Scottish Parliament Constituencies and (ii) the proposals for the alteration of the constituency boundary for Cunninghame South, as outlined in the report and illustrated at Appendix 2 to the report;
- (b) to approve the proposed consultation response set out at Appendix 1 to the report; and
- (c) to receive further progress updates on the Review.

## **11. Review of North Ayrshire IJB Scheme of Integration**

Submitted report by the Chief Executive on the requirement to review the Scheme of Integration between North Ayrshire Council and NHS Ayrshire and Arran.

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

- the current Risk Register assessment of the likelihood of Integration Joint Boards being taken out of the scope of local Councils; and
- whether, given the current uncertainty around the proposals for a National Care Service, the requirement to conduct the review might be relaxed by the Scottish Government or else challenged legally by the Council.

Councillor Johnson, seconded by Councillor Larsen 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 as follows:

- (a) to note the requirement to review the Scheme of Integration between North Ayrshire Council and NHS Ayrshire and Arran; and
- (b) to receive further updates on the progress of the review.

## **12. North Ayrshire Council Unaudited Annual Accounts 2022/23**

Submitted report by the Head of Service (Finance) on the unaudited Annual Accounts for the year to 31 March 2023. A link to the full set of accounts was provided within the report.

Councillor Larsen, seconded by Councillor McTiernan, 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 as follows:

- (a) to approve the Annual Accounts for 2022/23, subject to audit;
- (b) to note that Audit Scotland planned to complete its audit of the Accounts by mid-September 2023, and would present its annual audit report to the Council's Audit and Scrutiny Committee on 26 September 2023; and
- (c) to authorise the Audit and Scrutiny Committee to consider, and approve for signature, the audited annual accounts within the required timeframe.

## **13. North Ayrshire Council Charitable Trusts: Unaudited Trustees' Annual Report 2022/23**

Submitted report by the Head of Service (Finance) on the unaudited Trustees' Annual Report for the year to March 2023, for approval by the Council as trustees. The Annual Report was set out at Appendix 1 to the report.

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

- the work being done to promote applications to the Charitable Trusts, in particular the Kilwinning Town Trust;
- the level of detail provided within the report and whether further information could be included in future reporting on the activities which had been undertaken by local groups using funding from the Trusts; and

- whether future reporting could include information on plans to promote the Trusts.

The Head of Finance undertook to (i) liaise with the Locality Partnership team on the provision of information to Elected Members on the work being done to promote applications to the Charitable Trusts; (ii) provide Elected Members with further detail on the financial activity which sat behind the summary tables set out in the appendix to the report; and (iii) seek to include information in future reports on the work being done by the Locality Partnership team to promote applications to the Trusts.

Councillor Larsen, seconded by Councillor McTiernan, 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, as Trustees of the North Ayrshire Council Charitable Trusts, to approve the Annual Report for 2022/23, set out at Appendix 1 to the report, subject to audit.

#### **14. Treasury Management and Investment Annual Report 2022/23**

Submitted report by the Head of Service (Finance) on the Management and Investment Annual Report and Prudential Indicators for 2022/23. The Annual Report was set out at Appendix 1 to the report.

Councillor Larsen, seconded by Councillor McTiernan, 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 note (i) the Treasury Management and Investment Annual Report for 2022/23 set out at Appendix 1 to the report and (ii) the Prudential and Treasurer Indicators contained therein.

#### **15. School Meal Debt**

Submitted report by the Executive Director (Communities and Education) on options in response to the Council motion of 17 May 2023 to "scrap all school meal debt by the start of the 2023/24 school year".

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

- the accuracy of anecdotal evidence that young people had been declined lunch because there they had no credit of their school meal card, which was at odds with the Council's commitment that no child should be left hungry; and
- the extent to which the scrapping of school meal debt would put pressure on other school funding and projects, such as the resurfacing of sports pitches.

The Executive Director (Communities and Education) undertook to meet Members to explore any anecdotal evidence of a child being refused a school meal due to lack of credit.

Councillor Macaulay, seconded by Councillor Burns, moved approval of Option 1 as set out in the officer's report.

As an amendment, Councillor Billings, seconded by Councillor Inglis, moved approval of Option 2 as set out in the officer's report.

There followed summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean, D.L. Reid and Stephen (9) and for the motion, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McPhater, McTiernan, D. Reid, Robertson and Sweeney (19), and the motion was declared carried.

Accordingly, the Council, having considered the options presented, agreed to implement Option 1 as set out in Section 2.18 of the report.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 3.10 p.m. for a short comfort break. The meeting reconvened at 3.25 p.m. with the same Members and officers present and in attendance.

## **16. Questions**

In terms of Standing Order 14, submitted:

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

“According to the Corporate Health and Safety Group Meeting dated 25 May 2023, Appendix 1 records Aggression and Violence Incidents in NAC Secondary Schools in Quarter 3 as 52 compared to 31 last year a rise of almost 70% in a comparable quarter. How many of these incidents involve teaching staff and what steps are being taken to address this problem?”

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

“The way the statistics are recorded means that all incidents are collated into one figure. To break this down, the three categories are:

- Physical violence
- Threatening/intimidating behaviour
- Verbal abuse

The figures for the first two categories remain at similar levels. The rise reflects rising numbers of cases of verbal abuse being recorded with 7 recorded in Q3 of 2021 and 24 recorded Q3 2022.

A working group has been convened, comprising a range of local authority and school staff to work in partnership with trade union colleagues. This reflects the commitment of the Education Service to analyse, learn from and respond to incidents which happen in North Ayrshire schools.”

As a supplementary question, Councillor Marshall referred to the possibility of under-reporting of incidents in the interests of the school’s reputation and to avoid exclusions, and asked whether Head Teachers were under pressure to reduce the number of incidents of violence being reported.

Councillor Macaulay responded by asserting that the opposite was the case and that the introduction of a new reporting system would make it easier for incidents to be reported, including via mobile ‘phone and tablet, so future practice could be informed by incidents and near misses and support could be provided to staff.

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

“The Cabinet Member for Green Environment and Economy made a strong and robust argument in favour of Town Centre parking charges back in February, despite the campaign waged against them by local businesses and residents. Given his and the SNP Administrations unequivocal vote to impose parking charges on people shopping in North Ayrshire Towns, does the Cabinet Member believe it is fair that he has claimed parking costs on his Council expenses?”

In terms of Standing Order 14.4 and in the absence of Councillor Montgomerie, Councillor Foster requested that the question be taken as read.

Thereafter, in light of Councillor Montgomerie’s absence, the Provost intimated her intention not to exercise her discretion in terms of Standing Order 14.4 to allow a supplementary question to be asked.

Following a point of order by Councillor Foster, in terms of Standing Order 12.2, Councillor Gurney was invited to apologise for a reference in his opening remarks to Councillor Montgomerie’s absence from the meeting.



Having so apologised, Councillor Gurney continued to respond by intimating that he regarded part of the question which referred to him having made a “strong and robust argument” as a compliment, noting, however, that it was also an argument which had been made by Councillor Montgomerie whilst he was in Administration, further noting that his position had altered now that he was in Opposition. The Cabinet Member asserted that, although the previous Administration had declared a climate emergency, Councillor Montgomerie’s choice was now that walkers, cyclists and those who could not afford a car got to subsidise car owners.

Councillor Gurney referred to the appropriateness for both employees and Elected Members to claim expenses incurred in the course of their duties to ensure that they did not incur additional costs. He referred also to the publication of Members’ Expenses, noting the level of those claimed by Councillor Montgomerie in relation to telephone expenses.

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

“According to recently released Public Health Scotland statistics, between 2017 and 2021 there were 111 deaths by suicide in North Ayrshire. Can the Cabinet Member for Health and Social Care please give an update on what work has been undertaken by NAC to reduce the number of deaths by suicide?”

Councillor Johnson thanked the Member for her question and referred to the following written response:

“Every death by suicide is a tragedy. There are evident challenges in reducing suicide and as such an extensive range of work is being undertaken in North Ayrshire across the whole system in response to this.

Examples of focussed areas of work and multiagency forums include:

- Strategic Suicide Prevention Group - chaired by the Independent Chair of Adult Support and Protection and Child Protection Committees. This group oversees and provides direction across a range of agencies.
- North Ayrshire Young Peoples Suicide Taskforce - established in 2017 in response to a number of deaths by suicide by young people, includes representation across a number of agencies including education, health, social care, police and public health. This group was formed primarily to develop a co-ordinated response by agencies following the death by suicide of a young person within North Ayrshire. A key development from this group has been the co-ordination of a Crisis Response Plan which is reviewed and updated in response to any death.

- The Suspected Death by Suicide Review Group was established in January 2022, to undertake an early review of suspected deaths by suicide and to respond in partnership to any support and follow up as well as considering issues and trends which may be emerging and which will help target work and training. It can also identify key services, groups or communities which may have been impacted and help provide resources, information and support.
- North Ayrshire has been fortunate to be part of the National Pilot for a Suicide Bereavement support service delivered by Penumbra which supports families impacted by suicide.
- Locally in North Ayrshire the Choose Life Manager and Suicide Prevention Lead continues to offer training and awareness raising across a range of settings.

An update report was presented to the IJB in May this year, and this report can be accessed by members and the public to provide additional information on this critical area of work.

In September 2022, The Scottish Government and COSLA launched their new joint National Suicide Prevention Strategy; “Creating Hope Together”.

The Pan Ayrshire Suicide Prevention Group held a launch stakeholder event in December 2022 with the purpose to creating a new Ayrshire Strategy. The event was held in North Ayrshire supported by NHS Public Health and the pan Ayrshire group are following up on the requirements to deliver this plan locally and to build on the work already underway in North Ayrshire.”

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

“Pre-Inspection bully surveys have highlighted issues with bullying in Greenwood Academy and the lack of confidence parents and carers have in the school to handle any problems that have been raised by a child. What can the Cabinet Member do to reassure all parents in North Ayrshire that all schools and staff are equipped to deal with bullying in schools?”

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

“The issue of bullying is taken very seriously by Greenwood Academy and all schools in North Ayrshire.

Referring specifically to Greenwood Academy, it should be noted that pre-inspection questionnaires are one source of information used in an inspection. The overall inspection feedback was very positive about the work being undertaken in the school. Greenwood Academy carried out a full consultation with all stakeholders, which included parents, regarding bullying in April 2021 and launched their new Anti-bullying policy in May 2021. Parents were surveyed and their views shaped the policy along with other stakeholders.

The school celebrated Anti-bullying Week and revisited the policy with pupils in November 2022. This was discussed during HWB/Reg across every year group. The policy was reviewed again when the school were working towards the LGBT Silver Charter this session.

The school believes that pupils are now clearer about how to report bullying and they are proud to have introduced the Mentors in Violence Prevention Programme (MVP) this year with S1. This will be rolled out further in 2023/24. PSE inputs focus on developing positive peer relationships and this year the Area Inclusion Worker has reinforced this with P7 in partnership with S1 volunteers. The above demonstrates Greenwood Academy's ongoing commitment to making further improvements in this area.

In line with our ongoing commitment to taking this important matter seriously, similar work focusing on minimising or preventing and responding to bullying behaviours is taking place across all schools in North Ayrshire."

(5) a question by Councillor Foster to the Leader of the Council in the following terms:

"NHS Ayrshire and Arran has not set a balanced budget for 2023/24. As the Council's representative on the local health board, what assurances can the Council Leader give that the health board has a plan to sustain and indeed improve health services for the people of North Ayrshire?"

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

Councillor Burns thanked the Member for his question her answer in the following terms was taken as read:

"NHS Ayrshire and Arran considered the Revenue Plan for 2023/24 at its meeting on 28 March 2023. Unlike the Council and the IJB, the NHS Board does not have a legal obligation to balance its budget and the Board has a budget deficit of £56.4m which has increased annually over the last few years.

The budget which was set by NHS Ayrshire and Arran constitutes its spending plan for Health Services across the area during the current financial year. The Board has a baseline budget of £850.2 million for 2023/24 and further earmarked funding for specific purposes of £131.0 million, giving £981.2 million of revenue funding to deliver services either directly or via services delegated to the three Integration Joint Boards.

Given the Health Board has not yet set a balanced budget I cannot provide any assurances at this time of the impact on health services, the implications of addressing the budget gap is subject to ongoing discussions at both a local and national level.”

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

“What has made the Member change their mind regarding investment zones?”

Councillor Gurney thanked the Member for his question and responded that he was unable to answer as he was not aware of having changed his mind on the proposals.

As a supplementary question, Councillor McLean referred to the Administration’s opposition to a motion on registering to become Scotland’s first Investment Zone and to a later response by Councillor Gurney in which said he would wait to hear more about Investment Zones, and asked whether this suggested a change from initial opposition to a more open-minded view.

Councillor Gurney responded by pointing out that the question had been about Free Ports, which arguably, in his opinion, encouraged tax avoidance, helped multi-nationals in tax havens and involved less regulation, including for emissions. Councillor Gurney suggested that proposals were not new, having been set up by the government of Margaret Thatcher 40 years ago, and that they had been so disastrous that they were removed by David Cameron’s government in 2012. The Cabinet Member concluded by asserting that he would always do what was best for North Ayrshire and that Free Ports did not fall into that category.

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

“With the resignation of the sixth Transport Minister to have held the position since the reformation of the Ardrossan task force in 2017, does the Council Leader believe the appointment of a seventh will have any impact on the Ardrossan Harbour project?”

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

Councillor Burns thanked the Member for her question and responded by confirming her previous position that she was disappointed that the work had made slow progress since the formation of the task force in 2017. She commented on the complexity of the project, the disruption caused by the pandemic, and the impact of inflation on project costs.

Councillor Burns commented that progress was now being made, referring to the recent Cabinet paper, the procurement timeline and the need to work together with partners to ensure continuation of progress. The Leader concluded by advising that the work would continue regardless of which Transport Minister was in post.

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

“To ask the Cabinet Member for Green Environment and Economy if the Council has been in contact with the owners of Rankins pub in Stevenston to ask what their intentions with the building are, as it is a blight on Stevenson town centre?”

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

“Officers within Regeneration Services identified that the former Rankins pub was sold in July 2022. A letter was issued to the new 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. No response or funding application has been received from the owner to date. Officers will make contact again with the owner to establish their intentions regarding the property and encourage, an application to the Repurposing Property Grant Scheme.”

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

“To ask the Cabinet Member for Health and Social Care what impact the NHS Ayrshire and Arran budget deficit will have on the IJB?”

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

“NHS Ayrshire and Arran considered the Revenue Plan for 2023/24 at its meeting in March 2023 and has a budget deficit of £56.4m.

The Scottish Government funding settlement requires the NHS Board to pass on an appropriate share of any increase in funding it receives to the IJB. The IJB is then required to make appropriate provision for the entirety of the delegated resource from the NHS Board and North Ayrshire Council.

Following resource allocation from both partner bodies, the IJB had a budget gap for 2023/24 of £6.215m and set a balanced budget in March 2023 through the delivery of planned savings and the non-recurring use of reserves.

The NHS budget deficit does not therefore have a direct impact on the IJB, due to the requirement to pass through an appropriate share of funding, and for the IJB set a balanced budget in line with the resource allocation. However, the Heath Board's financial position does reduce the opportunity for the IJB to seek any additional funding from the NHS Board and impacts on the service and financial pressures across the wider health and social care system."

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

"In May 2023, the Accounts Commission published the report 'Local Government in Scotland – Overview 2023. The report contained some dire warnings about the fragility of local services in Scotland and made a number of very challenging recommendation on how to mitigate the effects of under-funding of local authority services and the staffing difficulties we are currently experiencing. What approach does North Ayrshire Council's Administration intend to take to implements the Account Commission's recommendations?"

Councillor Burns thanked the Member for his question and referred to the following written response:

"The Accounts Commission report recognised the significant cost pressures facing councils which have been fuelled by high levels of inflation and set out a number of recommendations for both the Scottish Government and Councils. When we set the Budget back in March, this included an anticipated budget gap of over £16million for next year. This presents a significant challenge and in order to deliver a balanced budget will require a range of measures to address.

The budget process for 2024/25 and beyond has already started and members will be provided with updates on progress and to get your input and feedback following the summer recess. It is recognised that in order to live within our available resources and to support investment in our key priority areas, as outlined earlier in the development of the new Council plan, we will likely be faced with difficult choices. A number of significant areas of focus are currently being progressed and they include:

- Further engagement with Scottish government in progressing a New Deal across a range of areas, including more fiscal flexibility to councils in areas like council tax, tourist visitor levy and non-domestic rates

- Similarly, more collaboration with Scottish Government for greater fiscal autonomy and developing joint outcomes across key areas of our budget which link to national policies and priorities, including the deployment of our learning resources and our health and social care funding
- Progressing our change programme across the areas of land and property, sustainability, Accessing our Council and Waste Services. The more financial efficiency we can generate in these areas, the greater level of protection we can provide to support our key priorities
- Development of our Workforce Planning programme in order to align our available resources to support our key priorities
- We also appreciate that using council reserves is not a sustainable solution, however, through the controlled and limited use of council reserves across the medium-term, this will provide vital financial flexibility to help navigate through the next few years and for this to run in parallel with more sustainable measures, and finally
- We will continue to work with our communities, partners, 3<sup>rd</sup> sector organisations and neighbouring authorities to look at the way we deliver services and for this to be considered within the context of the outcomes we aim to achieve.”

As a supplementary question, Councillor Billings asked whether the Administration would set out specific answers to the points made by the Accounts Commission, to allow Elected Members and the public to see how the Council would be addressing the recommendations across all of its services.

Councillor Burns responded by advising that there were no plans to make a formal response to the Accounts Commission recommendations. She indicated that responding to the points raised was a work in progress and that the approach to next year’s budget consultation would be the subject of further consideration, with the Accounts Commission recommendations taken into account.

The Leader concluded her response by acknowledging that the report had raised important questions around what local government was about and how it managed to deliver within the current financial envelope.

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

“In 2022, it was agreed to pilot on Arran the use of self-employed carers for people choosing self-directed care. Please could the Cabinet Member provide an update on this pilot, including the number of self-employed carers that the service makes payment to and the number of residents making use of this service?”

Councillor Johnson thanked the Member for his question and, in terms of Standing Order 14.1, requested that the following response be taken as read:

“The use of self-employed carers on Arran has been developed as a test of change which arose from the HSCP’s learning review into the application of Self-Directed Support (SDS) and in response to the particular challenges with access to care and support on Arran.

Self Employed Personal Assistants have not been supported in North Ayrshire due to complexities of HMRC, Tax, NI, holidays, insurance, and public protection concerns. With the development of a supportive policy and a balanced perspective on public protection it was agreed to explore if this development would be welcomed by communities.

A project group with representation from Social Work, Ayrshire Independent Living Network, In Control Scotland and Arran Community and Voluntary Service led on developing a policy which will support this approach and test of change.

There are 3 key aims, firstly a reduction of waiting times for support, secondly an increase in choice and control with people feeling they have more options and finally an increased confidence for staff in the offer of support options.

Practice guidance and the SDS systems have been amended, it is anticipated that this pathway will go live in July 2023 and will be supported with communications and guidance to allow residents can make an informed choice and understand the associated roles, responsibilities, and risks of using a self-employed PA.

As the pilot is due to launch in July 2023 there have been no self-employed carers to date, there have also not been any requests in the planning phase for support, if a request arose there would be due consideration of support for this arrangement given the work already progressed around policy and practice.”

As a supplementary question, Councillor Billings referred to the circumstances of an Arran constituent who had been paying for his own care as carers were not otherwise available, and asked if the Cabinet Member would work with him to find ways in which the Health and Social Care Partnership might be able to exercise more flexibility with regard to providing for people who could only find care through self-employed carers.

Councillor Johnson responded by expressing her willingness to work with Councillor Billings on this matter.



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

“Does the Cabinet Member believe that the current funding allocated the roads budget is sustainable, considering the recent report the Irvine Locality Partnership showing that there is a backlog of carriageway maintenance that is currently 7 times the annual roads budget allocated in 23/24?”

Councillor Gurney thanked the Member for his question and responded by referring to austerity, its impact on every aspect of the public realm, and the different approaches of the UK and Scottish governments.

On a point of order in terms of Standing Order 14.11, Councillor Billings challenged the accuracy of the Cabinet Member’s response. Specifically, Councillor Billings asserted that it was inaccurate to imply that the Scottish Government had not disproportionately cut funding to local authorities taking into account the level of grant funding it had itself received.

The Provost invited the Cabinet Member to modify his response in light of the point raised by Councillor Billings.

Councillor Gurney continued his response by observing that, in England, council funding had gone from £41 billion to £26 billion over the decade.

In the context of roads, the Cabinet Member advised that to keep the roads in their current condition cost £4.3 million per year. He referred to the decision at the recent budget meeting, which was approved across the Chamber, to invest £5.95 million this year, which was an extra £1.65 million, or almost 40% more. Councillor Gurney concluded by observing that the situation was actually improving.

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

“To ask the Portfolio holder for Green Environment and Economy to:

- a. Visit and sit for 30 minutes on the newly installed black seating benches either on the Seafront in Largs or in Ardrossan and rate their comfort on a scale of 1 to 10, with 1 being uncomfortable and 10 being comfortable.
- b. State the cost of one bench.
- c. State who placed the order for such and what other options were considered.
- d. Confirm that the benches meet relevant safety standards.”

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

Councillor Gurney thanked the Member for his question and responded to confirm that he had sat on the benches and, whilst he would not wish to sit on them for three hours, they were fine. The Cabinet Member also advised that he noted others sitting on the new benches m having chosen them in preference to the older benches which were also available. He further commented on the aesthetic appearance of the plethora of bench types clustered in one area.

In response to the remainder of the question, Councillor Gurney advised as follows:

“Part (b) asked me to state the cost of the new bench type and I have to apologise, but I cannot. Due to the recent letting of the contract, this information may be regarded as commercially sensitive. But I am happy to share the information with any Elected Member on a confidential basis outwith the meeting.

The Member has asked me to state who placed the order and I have to say I will not state that and I never will identify individual officers in this Chamber. I do not think it is for this Chamber to expose officers to public hearing.

Part (d) asks me to confirm that the benches meet relevant safety standards and I can confirm that they do.”

As a supplementary question, Councillor Marshall referred a recent local newspaper article which highlighted concerns about the quality of the benches and lack of consultation with local Members, and asked if the Cabinet Member would accept claims in respect of injuries arising from people falling through the benches.

Councillor Gurney responded by expressing disappointment that some people found the benches uncomfortable and clarified that local Members were not consulted on the bench style as this was an operational matter. The Cabinet Member advised that any claims should be addressed to the Council in the normal way.

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

“To ask the Cabinet Member how many cases of Japanese knotweed have been reported in Irvine in the past 2 years?”

In terms of Standing Order 14.4, Councillor Gallacher requested that the question and following written response be taken as read:

“We have recorded two new reports in that time.”

As a supplementary question, Councillor Gallacher asked about the treatment process for Japanese knotweed and how successful it was.

Councillor Gurney responded by advising that the two cases were on public land in Irvine and, having identified them, the Council would ensure they were treated. The treatment would involve weedkiller, as digging or cutting up knotweed would cause it to spread. Councillor Gurney indicated that the most effective time to do this was in August when the plant was just about to flower.

## **17. Motion**

In terms of Standing Order 15, submitted:

(1) a motion proposed by Councillor Kerr and seconded by Councillor Foster in the following terms:

"That the Council:

1. Notes the use of zero-hour contracts has risen over the last decade, meaning there is an increasing number of workers who do not have a guaranteed number of working hours each week.
2. Does not accept the rhetoric that zero-hour contracts provide 'flexibility' both for the worker and the employer, and instead notes that such contracts nearly always provide one-sided flexibility in favour of the employer.
3. Notes workers on zero-hour contracts face financial insecurity as a result of:
  - (a) the insecurity of not knowing how many hours they are working from week-to-week and, sometimes, from day-to-day
  - (b) getting too few hours to financially make ends meet
  - (c) spending money to be able to work and then being out-of-pocket when hours are cancelled (travel costs, childcare costs etc.);
  - (d) getting hours at the last minute and having to make urgent arrangements for childcare or other caring responsibilities, or cancel social plans
  - (e) the fear of refusing hours lest it results in fewer hours being offered or bullying and harassment from the employer.
4. Recognises any one of these issues can result in the interference and employer control of the worker's life outside of working time. This can result in debt, health issues because of household poverty and mental anguish and anxiety. This can not only affect the worker themselves, but the whole family unit.
5. Further notes
  - (a) that despite the government promising on numerous occasion new legislation to provide better security for workers on zero-hour contracts, it has failed to do so.

- (b) Zero-hour contracts are not only used in the private sector and some local authorities directly employ workers on such contracts.
6. Is proud to be a local authority that does not and will not use zero- hour contracts.
  7. Supports the work of Zero Hours Justice, an organisation which seeks to end exploitative zero-hours contracts by providing help for workers on such contracts, and supporting businesses and other organisations that either do not use zero-hours contracts or only do so in accordance to minimal criteria.

This Council resolves to lead by example, and to reaffirm our commitment to providing security to our workers by applying to the Zero Hours Justice Accreditation Scheme, and thus to become an employer that does not both directly employ our workers on zero-hour contracts, and indirectly employ workers on zero-hour contracts via agency or any third-party contractor.”

Councillor T. Ferguson queried the competence of the motion in terms of Standing Order 15.4 (vi), (vii) and (x).

At the invitation of the Provost, the Monitoring Officer confirmed the competence of the motion, advising that that any implications could be dealt with on an operational basis, failing which the matter would be brought back to Council in a report.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 4.10 p.m. for a short in order to seek to resolve a technical issue with the Chambers microphones. The meeting reconvened at 4.15 p.m. with the same Members and officers present and in attendance.

Councillors T. Ferguson and Marshall sought to raise a further point of order in respect of Standing Order 15.4. The Provost determined that the matter had been addressed in the Monitoring Officer’s previous response.

An amendment, proposed by Councillor Hill, seconded by Councillor Larsen, moved approval of the terms of the motion, subject to deletion of the text after “contracts” at the end of point 5(b) and the addition of the following:

“This Council resolves to lead by example, as evidenced by our Casual Worker Protocol in 2015 in conjunction with Trade Unions to define the key principles within North Ayrshire Council for casual workers.

The Council notes that the Chief Executive has already organised a review of existing casual/supply lists to ensure casual workers are utilised, managed effectively and where appropriate ensure the individual has the most relevant contract to their working arrangement. This review will be progressed by all Services, with HR support.”

In terms of Standing Order 16.5, Councillor Kerr, with the agreement of her seconder, expressed a willingness to alter the motion in terms of the amendment. In light of this, Councillor Hill, with the agreement of his seconder, agreed to withdraw the amendment in favour of the motion, as amended. There being no further amendments, the motion, as amended, was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note the use of zero-hour contracts had risen over the last decade, meaning there is an increasing number of workers who did not have a guaranteed number of working hours each week;
- (b) not to accept the rhetoric that zero-hour contracts provided 'flexibility' both for the worker and the employer, and instead note that such contracts nearly always provided one-sided flexibility in favour of the employer;
- (c) to note workers on zero-hour contracts faced financial insecurity as a result of:
  - (i) the insecurity of not knowing how many hours they were working from week-to-week and, sometimes, from day-to-day
  - (ii) getting too few hours to financially make ends meet
  - (iii) spending money to be able to work and then being out-of-pocket when hours were cancelled (travel costs, childcare costs etc.)
  - (iv) getting hours at the last minute and having to make urgent arrangements for childcare or other caring responsibilities, or cancel social plans
  - (v) the fear of refusing hours lest it resulted in fewer hours being offered or bullying and harassment from the employer.
- (d) to recognise any one of these issues could result in the interference and employer control of the worker's life outside of working time. This could result in debt, health issues because of household poverty and mental anguish and anxiety. This could not only affect the worker themselves, but the whole family unit;
- (e) to note that:
  - (i) despite the government promising on numerous occasion new legislation to provide better security for workers on zero-hour contracts, it had failed to do so and
  - (ii) Zero-hour contracts were not only used in the private sector and some local authorities directly employed workers on such contracts
- (f) to resolve to lead by example, as evidenced by the Council's Casual Worker Protocol in 2015 in conjunction with Trade Unions to define the key principles within North Ayrshire Council for casual workers;

- (g) to note that (i) the Chief Executive had already organised a review of existing casual/supply lists to ensure casual workers were utilised, managed effectively and where appropriate ensure the individual had the most relevant contract to their working arrangement and (ii) this review would be progressed by all Services, with HR support.”

#### **18. Urgent Items**

There were no urgent items.

#### **19. Provost’s Closing Remarks**

The Provost closed the meeting by wishing Members a good break over the summer recess and hoping that they would return suitably refreshed.

The meeting ended at 4.20 p.m.