

North Ayrshire Council
1 November 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, Marie Burns, Eleanor Collier, Joe Cullinane, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Scott Gallacher, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Davina McTiernan, Ian Murdoch, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker and Angela Stephen.

Present (Remote Electronic Participation)

Timothy Billings, Scott Davidson, Amanda Kerr and Jim Montgomerie

In Attendance

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); A. Sutton, Executive Director and R. Leith, Head of Service (Connected Communities) (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); M. McColm, Senior Manager (Communications), M. Anderson, Senior Manager (Committee and Member Services) and H. Clancy, C. Stewart and S. Wilson, Committee Services Officers (Democratic Services).

Chair

Provost Dickson in the Chair.

Apologies

Robert Foster, John Glover, Louise McPhater and John Sweeney.

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

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, the Provost declared an interest in Agenda Item 15(2) (Motions) on the grounds that a member of her family was employed by one of the organisations referred to in the motion. The Provost intimated her intention to vacate the Chair and leave the meeting during consideration of this item of business, taking no part in its determination.

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Meeting held on 13 September 2023 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 4 September – 22 October 2023.

The Provost highlighted the role of community leaders who worked on various community events over the course of the year and commended the efforts of those who raised money for charities and who kept traditional heritage and musical skills alive.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 4 September – 22 October 2023.

Noted.

7. Council Minute Volume

Submitted for noting the Minutes of meetings of committees of the Council held in the period 22 May – 4 October 2023.

Noted.

8. Community Planning Partnership Board: Minutes of Meeting held on 14 September 2023

Submitted report by the Executive Director (Communities and Education) on the Minutes of the Community Planning Partnership (CPP) Board held on 14 September 2023. The CPP Board Minutes were attached as an appendix to the report.

The Chief Executive highlighted the Local Outcomes Improvement Plan 'Work' priority which had been the focus of the CPP Board meeting and the ongoing efforts of partners in seeking to support more people into work and reduce levels of unemployment in North Ayrshire.

Noted.

9. 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:

“19th Ayrshire Scout Awards

The Kilwinning Scout Group (19th Ayrshire) Camp held at Lapwing Lodge in September were able to thank and celebrate a variety of top Adult Scout Awards.

We would like to ask Council to recognise the enormous achievements by two members of the Scout Movement from Kilwinning.

Katie Roy was presented our first ever King Scout Award in the District. Katie was self-driven to achieve all aspects of her award with distinction. Katie has represented Scotland and Great Britain at worldwide camps, she also gives her time to help fellow scouts and volunteering in the community.

Active Group Scout Leader Alister Kerr – Ned - was presented his Silver Wolf Award by Katie.

The Silver Wolf Award is the Highest Award in Scouting for an adult member.

His award is based on a lifetime commitment to Active Scouting in his hometown of Kilwinning. The Kilwinning and wider Scouting movement has had the benefit of 55 years' service by Alister. The movement is indebted to him and his impact on our young people for those 55 years can never be repaid in these few words. Thank you, Ned.

In addition, we would like to note our thanks to John Allison, current District Commissioner, John took up this role in January this year. John's commitment to young people, be it in teaching, football coaching or Scouting over many years, must also be acknowledged at this time. Anyone who knows him will already know he takes people with him and all he ever wants is what's best for our young people in North Ayrshire.

Congratulations to both award winners, John on his senior role in Scouting and everyone else involved in Scouting in North Ayrshire for dedication to our communities. A huge thanks.”

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

10. Council Tax Multipliers – Scottish Government Consultation

Submitted report by the Chief Executive to resolve the Council's position on any response to the Scottish Government's consultation on Council Tax Multipliers. The report to Cabinet on 29 August 2023 was set out at Appendix 1 to the report. The call-in requests submitted to the Audit and Scrutiny Committee on 12 September 2023 were contained at Appendices 2A and 2B, and officer comments on the respective call-in requests provided at Appendices 3A and 3B. The Minutes of the Audit and Scrutiny Committee of 12 September 2023 and those of the subsequent Cabinet of 19 September 2023, were included at Appendices 5 and 6 to the report, respectively.

Councillor Larsen, seconded by Councillor McTiernan, moved that the Council note the content of the officer's report and agree not to submit a consultation response in this matter, given that the Scottish Government's consultation period had now closed.

As an amendment, Councillor Billings, seconded by Councillor Marshall, moved as follows:

"North Ayrshire Council agrees that, given the expiry of the deadline for responses, not to submit a consultation response. The Council also agrees that it does not support the Scottish Government's proposals to increase the Council Tax multipliers for Bands E to H. Council Tax is a flawed taxation which these proposals would further exacerbate and cause financial harm to families struggling with the financial crisis."

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Gallacher, Inglis, Kerr, Marshall, McDonald, McLean, Montgomerie, D. Reid, Stalker and Stephen (15) and for the motion, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (12), Councillors Murdoch and D.L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed as follows:

- (a) given the expiry of the deadline for responses, not to submit a consultation response; and
- (b) that it did not support the Scottish Government's proposals to increase the Council Tax multipliers for bands E to H, Council Tax being a flawed taxation which these proposals would further exacerbate and cause financial harm to families struggling with the financial crisis.

11. Appointment to Committee

The Council was invited, in respect of the Audit and Scrutiny Committee, to note (i) the resignation of Councillor Murdoch as the Independent Member representative, effective from 11 September 2023 and (ii) the appointment of Councillor Donald L. Reid as Councillor Murdochs's replacement on the Committee, with immediate effect.

Noted.

12. Elected Member Attendance

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

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 exceptional circumstances surrounding Councillor John Glover's non-attendance at a meeting of the Council, Committee, Joint Committee, Joint Board or other body as a representative of the Council since missing the Hunterston Site Stakeholders Group meeting on 1 June 2023 and (ii) the likelihood that Councillor Glover's absence may extend beyond the six-month period; and
- (b) that (i) in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, Councillor Glover's failure to attend was due to a reason approved by the Council, such approval for non-attendance being granted until the scheduled meeting of the Council on 15 May 2024 and (ii) if required, a further update would be submitted to the May 2024 meeting of the Council.

13. Working Group on Local Representation

Submitted report by the Executive Director (Communities and Education) on the findings and recommendations of a short-life Working Group on Local Representation. Appendix 1 to the report provided a copy of a presentation illustrating the range of communities involved in participating in locality planning.

Clarification on the anticipated timescale for the presentation of the draft Participation Strategy was provided.

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

As an amendment, Councillor McLean, seconded by Councillor T. Ferguson, moved as follows:

“Council should not accept the report in its current form as it does not reflect the diversity of opinion held within group discussions. The working group should reconvene in order to resolve these issues.

The paper as currently presented has not addressed concerns raised by members at the meeting and some of the points within the original motion itself.”

Councillor Burns expressed a willingness to allow the Working Group to reconvene. On that basis and, in terms of Standing Order 16.5, with the agreement of her seconder, Councillor Burns agreed to withdraw her motion in favour of Councillor McLean’s amendment. This became the substantive motion.

There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed:

- (a) not to accept the report in its current form as it did not reflect the diversity of opinion held within Working Group discussions;
- (b) that the Working Group should reconvene in order to resolve these issues; and
- (c) as a result, that a further report be submitted to a future meeting of the Council.

14. B714 No. 1 Compulsory Purchase Order

Submitted report by the Head of Democratic Services on a proposed Compulsory Purchase Order (CPO) to facilitate the construction of Phase 1 of the B714 Upgrade. The relevant plans were set out in the Appendix to the report. Clarification was provided that further equalities impacts were to be completed and that active travel elements referred to in the report were not part of Phase 1 of the project in relation to which the CPO was being sought.

Councillor Gurney, seconded by Councillor McClung, moved approval of the recommendations set out in the officer’s report, subject to conclusion of satisfactory equalities impact assessments.

There being no amendment, the motion was declared carried.

Accordingly, the Council resolved, subject to conclusion of satisfactory equalities impact assessments, to make a Compulsory Purchase Order to be called “The North Ayrshire Council B714 No. 1 Compulsory Purchase Order 2023”, as detailed in the report and on the plans set out at Appendix 1 to the report.

15. Questions

In terms of Standing Order 14, submitted:

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

“Can the Cabinet Member provide an update into the planned walking and cycling route project for Cumbrae?”

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

“Progress continues to be made on the feasibility study and subject to the outcome of the study, concept design works for the route will follow.

Work undertaken to date includes a route options appraisal, topographical survey and ecological appraisal to understand route constraints. This has identified that, due to width constraints on the public road corridor, additional land would be required to enable the creation of an off-road route to national standards. Initial discussions have taken place with 7 of the 12 landowners and feedback has been largely positive.

Should landowner negotiations lead to a viable route alignment being identified, we will progress with concept design drawings identifying proposed alignments and options. Public engagement would commence at this stage to obtain views from Elected Members, the local community, stakeholders and other interested parties to inform the design process. The output from this would inform the development of updated concept design drawings. The current programme aims to complete the concept design work and initial engagement by April 2024.”

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

“In recent months, the Cabinet has consistently supported increasing Council Tax bands by up to 22%. At the Audit and Scrutiny Committee, the Cabinet Member said “in the absence (of the ability to raise more revenue to fund vital Council services) we would likely be looking at deeper cuts.”

Can the Cabinet Member tell us, in light of the First Minister’s plans to freeze Council Tax, what services the Administration will target with these ‘deeper cuts’ - will they target schools, social care, economic development, waste collections or do they intend to target other vital services?”

Councillor Larsen thanked the Member for her question and responded by advising that, although the First Minister had announced that the Scottish Government would fund a Council Tax freeze, the details were not yet known and she was not, therefore, in a position to discuss the impact.

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

“When will work be completed on the reconfiguration of Fort Street and the Pierhead in Largs?”

- (a) How much has the project cost so far?
- (b) What is the projected final cost of the project?
- (c) Does the Cabinet Member think the project is value for money?
- (d) Why was the Coach Drop Off & Pick Up Point removed from the Pierhead area?
- (e) Why are North Ayrshire Council advising coaches to use the service bus stops as alternatives to a designated Pick Up & Drop Off Point?
- (f) When will the safety bollards be replaced to prevent motorists from thinking this part of the Prom is a continuation of the road?”

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

“The works at Fort Street and the Pierhead form part of the Bus Stop and Queuing Facilities improvement project at Largs and on Cumbrae funded by SPT’s Capital Programme. Whilst carrying out the construction works in Largs, an unrecorded stone culvert that was silted up, was identified. This required to be reconstructed.

The works in Largs are largely complete, and officers are monitoring the performance of the reconstructed culvert over the winter months. The performance of this will determine the remaining extent of works required. If the culvert performs satisfactorily, it is anticipated that the remaining short length of footpath, drop kerb and re-erection of bollards will be completed in March 2024. If there are issues with the culvert, agreement will require to be obtained for an outfall on the beach. Timescales for the consent would determine timescales for completion. Officers are not currently aware of any issues with the culvert’s operation.

- (a) The total project (Largs and Cumbrae elements) cost to date is £230,700 (from 2019 to present). The construction costs at Largs are £73,723 to date with an additional expenditure of £35,049 for the culvert replacement works. The balance of £121,928 has been spent on the following for both the Largs and Cumbrae works: initial option development, traffic surveys, topographical surveys, consultation on feasibility designs, project management, detailed design, detailed design consultation, amendments informed by stakeholder consultation.
- (b) The projected final total cost is approximately £240,000 which is inclusive of the design and feasibility costs for the Cumbrae improvements.
- (c) I am not a civil engineer, but we are all aware of inflation, and construction costs have not been immune to that. However, given this is a joint project funded by SPT, who have raised no objections, I am content that the costs are in line with norms.
- (d) The footway outside Costa required to be widened to improve access for pedestrians to and from the ferry terminal. This required the removal of the coach drop off point due to the limited space available. The removal of this was proposed through the consultation process which informed the final design.
- (e) The service bus stops are suitable and available for use for drop-off and pick-up of passengers by coaches, as is the case for other bus services. Officers are not advising coaches to park in the bus stops. Officers will support bus operators to help identify an appropriate area to park when not actively picking up and dropping off passengers.
- (f) It is anticipated that the bollards will be replaced when works are complete currently programmed for March 2024.”

As a supplementary question, Councillor Murdoch referred to a number of concerns he had in respect of the project and asked whether the Cabinet Member (i) could provide a guaranteed date for completion of the project and (ii) would assist in finding solutions to the problems created/not solved by the project.

Councillor Gurney responded by advising that completion timescales for construction were difficult, particularly when there were unforeseen works, and he suggested that the Member would not have wanted the issue of the culvert simply to have been ignored. The Cabinet Member accepted the Member's concerns about the project as his opinion but disagreed with the points made. Councillor Gurney declined to provide a guaranteed completion date, but confirmed that the job, including in relation to the culvert, would be finished appropriately.

(4) a question by Councillor McLean to the Leader of the Council in the following terms:

“Is the Verity House Agreement worth the paper it’s written on?”

The Leader thanked the Member for his question and responded as follows:

“Yes, I absolutely think that the Verity House Agreement is worth the paper it’s written on. We are very much at the start of a process and everyone is committed to making it work. There will be ‘bumps along the way.’ There have and always will be tensions between national and local government, regardless of which party is in power, and the Verity House Agreement gives us a process through which to navigate and negotiate our way through those tensions. At the COSLA Leaders’ meeting last week, we had a positive discussion on our priorities for the future and we will approach discussions with the Scottish Government constructively.”

As a supplementary question, Councillor McLean quoted parts of the Verity House Agreement, including in relation to working together, engagement, mutual trust and respect, and consultation and collaboration, and suggested that the First Minister’s party conference speech had broken the spirit and letter of the Agreement. Councillor McLean asked whether the Leader considered the Agreement was worth even the eight pence it had cost for him to print a copy.

Councillor Burns responded by expressing the view that the First Minister was entitled to speak at his party conference to offer funding for a Council Tax freeze in a cost-of-living crisis. The Leader asserted that, ultimately, the decision about setting Council Tax was a matter for each and every Council.

(5) a question by Councillor Donald Reid to the Cabinet Member for Finance in the following terms:

“What would the Cabinet Member for Finance consider as a ‘fully funded Council Tax freeze’:

* the equivalent of a 3% increase?

* the equivalent of a 5% increase (reflecting last year’s increase)?

* the equivalent of September’s rate of inflation (and would they consider it to be at the rate of CPI or RPI)?

* a % increase plus the additional levy on second homes that had previously been proposed?

* a % increase, plus the second home levy and the equivalent of the proposed changes to bands E-H?

* or funding the full projected budget deficit for 2024/25, including inflationary, pay and all other budget pressures?”

Councillor Larsen thanked the Member for his question and responded by advising that COSLA was in discussion with the Scottish Government. The Cabinet Member declined to speculate on the outcome of those discussions as she did not feel that would be helpful.

As a supplementary question, Councillor Donald Reid expressed the view that his original question had not been answered, and asked whether the Cabinet Member thought the Council or the Scottish Government should decide the Council's budget and whether or not there should be a Council Tax freeze.

Councillor Larsen responded by asserting that she had answered the Member's original question. The Cabinet Member confirmed that Council Tax would be decided by the Council but declined to pre-empt the outcome of ongoing discussions between COSLA and the Scottish Government.

(6) a question by Councillor T. Ferguson to the Provost in the following terms:

“Can the Provost provide an update into the planned activities in North Ayrshire and Arran for Remembrance Day 2023?”

The Provost thanked the Member for his question and responded in the following terms:

“Various Remembrance Sunday Parades and Service will take place in our local communities throughout North Ayrshire. The majority of the events are arranged by the local branches of the Royal British Legion Scotland and in some cases the local churches. I will attend the Remembrance Day Parade and Service in Irvine and the Depute Provost will attend Services in Saltcoats and Stevenston.

On Armistice Day on 11 November a short service will take place in the Memorial Garden, Burns Street, Irvine where a two-minute silence will be observed at 11.00 a.m. All Elected Members have been invited. A two-minute silence will also be observed in Council offices.

Wreaths are available to Elected Members who may wish to lay a wreath at a Remembrance Sunday service taking place in their ward, one wreath will be available for each event.”

As a supplementary question, Councillor T. Ferguson referred to Poppy Scotland's 'Light Up Red' campaign and asked whether the Provost would show support for the campaign by arranging for Cunninghame House to be lit up.

The Provost responded by advising that she did not believe it was possible to light up Cunninghame House, but that there were three public buildings, namely Kilwinning Abbey, the Portal and Saltcoats Town Hall, which occasionally sought permission to be lit up on particular occasions. The Provost indicated her willingness to follow up on the possibility of the three public buildings mentioned being lit up in support of the campaign.

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

“Does the Leader of the Council agree with the COSLA presidential team who publicly stated, "It has been shown that previous Council Tax freezes have been regressive, having no impact for the poorest in society and eroding the Council Tax base, compounding councils' ongoing underfunding”?

The Leader thanked the Member for his question and responded in the following terms:

“The role of the COSLA presidential team is to present the collective view of COSLA Leaders, as determined by a majority vote from a Leaders' meeting. I accept that process and I am not going to undermine it by making any direct comment on COSLA statements. I am not sure if Councillor Bell supports the Council Tax freeze, but his Scottish party leader certainly does. I am not sure of his UK leader's position this week, but I have certainly had feedback from constituents who support a Council Tax freeze, as I am sure, Anas Sarwar has.”

As a supplementary question, Councillor Bell indicated that, while he was in favour of keeping Council Tax as low as possible, he was also in favour of maintaining public services which had been subject to cuts in recent years, and asked the Leader if she agreed that there were a lot of choices that could be made with the money otherwise allocated to a Council Tax freeze.

The Leader responded by agreeing that there were choices but confirmed that she agreed with the choices being made.

(8) a question by Councillor Marshall to the Leader of the Council in the following terms:

“A recent article in the Times gave me thought for concern when it reported that the Financial Conduct Authority (FCA) broke data protection rules by “intercepting and diverting” emails.

Can you please tell me who, apart from Member Services, has access to or is able to intercept or divert any Members' emails?”

The Leader thanked the Member for his question and responded in the following terms:

“Emails to Members are routed by the email system direct to them as the intended recipient. Employees in Members’ Services have access to those emails granted by individual Members to enable those employees to assist them for administrative purposes only. Should Members wish to restrict this access to their individual inboxes, they can do so. Employees in Members’ Services do not divulge the content of Members’ emails to officers and act on the instructions of the Member concerned in relation to mailbox management. Other than that, there is no policy or practice in place to intercept or divert Members’ emails. Whilst there is technical capability for IT Services to access email across all email inboxes in the Council this is not and will not be used by the organisation unless there is a regulatory or legal requirement to do so.”

As a supplementary question, Councillor Marshall thanked the Leader for the reassurance provided and asked whether there were any other rules which applied, around the use of electronic media, such as WhatsApp.

The Leader responded by suggesting that more context was required for the question but confirmed that she was happy to discuss the matter further with the Member. Councillor Burns indicated that, as far as she was aware, there was no formal use of WhatsApp to conduct Council business.

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

“Inverclyde Council rolled out free school meals to all primary school pupils from August 2023. Given that the Administration in North Ayrshire has consistently voted against expanding free school meals, can the Deputy Leader tell us what is the difference between Inverclyde Council and North Ayrshire Council?”

Councillor Macaulay thanked the Member for his question and responded by advising that decisions about Inverclyde were made by Inverclyde Councillors and those relating to North Ayrshire made by North Ayrshire Councillors. The Cabinet Member asserted that the principle of free school meals was supported by the Administration and indeed that it was the SNP which had introduced universal free school meals for primary 1-5 and committed to expand on that. Councillor Macaulay expressed the view that, to date, proposals brought forward by Labour had been ill-thought-out and carried significant risk to the Council, and that, unlike the Administration, Labour as the Second Opposition had no need to face the financial reality of proposals. The Cabinet Member concluded his response by confirming a willingness, as part of the budget-setting process, to work with any councillor to develop workable and sensible proposals.

As a supplementary question, Councillor McDonald asserted that North Ayrshire had once been one of Scotland's most progressive Councils but this was no longer the case, and asked when the Cabinet Member expected the Council to start seeing the current Administration delivering on its promises.

Councillor Macaulay responded by indicating that he had, on a number of occasions, reiterated the proposals being taken forward to meet the priorities of North Ayrshire. The Cabinet Member expressed the view that the Member appeared keen to say that the SNP had cut services 'to the bone', while at the same time being triumphalist about everything which the Council had managed to achieve. Councillor Macaulay concluded his response by undertaking, as part of the forthcoming budget-setting process, to focus on supporting those most in need and taking forward ambitious proposals for the people of North Ayrshire.

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

"Can the Cabinet Portfolio holder for Education advise what guidance is in place to address the use of mobile phones in schools?"

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

"North Ayrshire Council provides policies and procedures to support schools with a range of operational and strategic matters relating to the provision of education. In terms of how schools manage the use of mobile phones, a Standard Circular has been produced which advises that schools should develop their own policy on pupil use of mobile devices taking account of some key principles, including:

- The use of mobile phones in class time is unacceptable.
- Possession of a mobile phone during a prelim or other examination should be prohibited.
- Taking photographs of staff or pupils without consent should be prohibited.
- All emergency contact between home and school should be through the school office rather than by mobile phone.
- As with all valuable items of equipment, parents should be made aware that no liability can be accepted for loss of or damage to mobile phones which are brought to school.
- The school policy should be drafted in consultation with parents, pupils, staff and the Parent Council.
- Head Teachers may wish to include specific reference to mobile phone use in school handbooks and behaviour policies.
- Head Teachers should use staff handbooks to remind all staff of GTC Scotland guidance that staff should not use texting, at any time, to communicate with individual pupils.

These guidelines are intended to offer Head Teachers consistent guidance whilst also allowing sufficient flexibility to tailor their policies to local circumstances.

It is recognised that mobile devices (including tablets and the current trial of “bring your own device”) can enhance the learning experience, provided that clear protocols around their use are in place. It is anticipated that the next update to the Standard Circular will include specific principles around the managed use of mobile devices in a curricular context, as this technology is rolled out and extended into various schools across the Education Service.”

As a supplementary question, Councillor T. Ferguson referred to a similar answer which had been provided in February 2019, and asked if the Cabinet Member agreed that this matter should now be revisited in light of shifts in attitude since then, including a United Nations report which recommended banning smart phones in schools, the decision by France and the Netherlands to ban the use of mobile phones in their school estate, and the Cabinet Secretary for Education and Skills’ intention to look at tightening restrictions around mobile phone usage in schools.

Councillor Macaulay responded by advising that the Council was currently in a review process and was trying to keep up to date with the best use of technology in schools. The Cabinet Member expressed the view that, if the key principles outlined in his response were followed, there should be no issues, but that the review process would take into account the challenges being faced by schools.

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

“To ask for a total of the Council’s usable reserves?”

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

“The Council’s usable reserves total £136.741m. They include the Council’s unearmarked reserves of £8.053m, with the remaining balance specifically earmarked for a range of purposes, including the Housing Revenue Account reserves to support the HRA Business Plan and the loans fund reserve to support delivery of the capital programme.”

As a supplementary question, Councillor McDonald referred to an expected multi-million pound ‘windfall’ arising from changes to Strathclyde Pension Fund, and asked whether the Cabinet Member could confirm that the unexpected sum from Strathclyde Pension Fund would be used for sustainable investment in communities.

Councillor Larsen responded by advising that the Council was not yet in receipt of the monies from Strathclyde Pension Fund and she was not, therefore, in a position to discuss it.

(12) a question by Councillor McLean to the Leader of the Council in the following terms:

“Do you believe that the current Scot Government administration should stop spending its budget on reserved matters, and show proper respect to local Elected Members and officials, by using this money to fund truly sustainable local government?”

The Leader thanked the Member for his question and responded in the following terms:

“I find it ironic that a Conservative councillor is challenging the Scottish Government on funding truly sustainable local government when we have an increasing number of English councils on the verge of bankruptcy. Public services across the UK are on their knees after 13 years of Tory austerity and an ideological commitment to minimise public spending. That applies to the devolved administrations in Scotland and Wales and to English public services across the country. So, if he wants to show proper respect to local government, maybe he should be having a word with his own party leadership. But, that it not what this question is about. If anything, it is about showing respect for a democratically elected Scottish Parliament, which his party seems increasingly unwilling to do.”

As a supplementary question, Councillor McLean asked what the Leader had done – whether as a councillor, a local government leader or even just as part of the Scottish National Party - to fight against this use of public funds in order to bring greater funding to local government.

The Leader responded by asserting that the question contradicted her original response and confirmed that she would not be fighting against something with which she agreed.

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

“As a signatory to the Verity House Agreement, does the Council Leader believe that the Scottish Government treats Local Government with ‘respect’ in light of the First Minister breaking the spirit and letter of the agreement by announcing a Council Tax freeze as part of his SNP party conference speech?”

The Leader thanked the Member for his question and responded in the following terms:

“I refer Councillor Montgomerie back to my previous response on the Verity House Agreement. Party leaders will make funding announcements at party conferences. His own party is not immune to that. I think that the important thing now is that discussion between COSLA and the Scottish Government is ongoing and I did say earlier that that is the case. And, ultimately, we need to remember that decisions on Council Tax will be for individual councils to make.”

(14) a question by Councillor T. Ferguson to the Cabinet Member for Health and Social Care in the following terms:

“Can the Cabinet Portfolio holder for Health and Social Care provide an update on the backlog of Blue Badge applications?”

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

“There are currently a high number of Blue Badge applications and renewals which the team are processing, with the average time from application to issue being around 12 weeks. There are nearly 10,000 existing Blue Badge holders in North Ayrshire and around 1,400 applications and renewals are in process. It is recommended that Blue Badge holders apply for their renewal 12 weeks before their current badge is due to expire. Transport Scotland set the timescale for applications to be processed within 12 weeks, and currently in North Ayrshire the HSCP are meeting this timescale. There has been an increase in the number of Blue Badge applications over the last few years and changes to the online application form and process have added to the workload of the team.

There are different criteria for eligibility for a Blue Badge, for example there is an automatic entitlement for individuals in receipt of specific benefits, whereas discretionary applications require a far greater degree of assessment input including for example Independent Mobility Assessments.

A number of steps have been taken forward by the HSCP to improve the current process and to raise awareness of the 12-week timescale for renewal, including:

- Clear communication for all renewal and first-time applicants with a letter issued on application
- Raising awareness on social media and other communication channels including the HSCP website

The service continues to explore other options including the issue of automated renewal reminders and any additional resources which may be required to ensure the 12-week processing timescale can be met.”

As a supplementary question, Councillor T. Ferguson asked if the Cabinet Member could provide reassurance that there would be no discrimination arising from the Blue Badge renewals process in the context of the forthcoming introduction of DPE (Decriminalised Parking Enforcement).

Councillor Johnson responded by undertaking to look into this matter and revert to the Elected Member.

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

“To seek an update on the 2023/24 pay settlement and future industrial action?”

In Councillor McPhater’s absence, and in terms of Standing Order 14.4, the question was asked by Councillor Cullinane.

The Leader thanked the Member for the question and responded in the following terms:

“The 2023/24 pay settlement has yet to be agreed. No notification of future industrial action has been received to date.”

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

“Does the Cabinet Portfolio holder for Finance believe that all ringfenced funding should be used for its intended purpose?”

Councillor Larsen thanked the Member for his question and responded by confirming that ringfenced funding was currently in place, but that COSLA was in discussion with the Scottish Government on the relaxation of this and the outcome was awaited.

As a supplementary question, Councillor McLean made reference to UK agricultural funding which had been provided to the Scottish Government on a ringfenced basis, but which had instead been used as a saving within the relevant department. The Member asked if the Cabinet Member would be using this new-found financial flexibility around ringfenced funding in North Ayrshire’s budget and, if not, why not.

Councillor Larsen responded by advising that she could not speak for the Scottish Government but confirmed that the use of any local ringfenced funds would require to be approved by Council and the use of any national ringfenced funds would be for COSLA and the Scottish Government to approve.

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

“TCS-eco are a local business, based in Kilwinning, that produces reusable period products. In 2021, TCS-eco were not on the Excel Scotland procurement framework but the Council purchased products, up to the legal spending limit for suppliers not on the procurement framework, as part of piloting a home delivery service for period products. As demand for reusable products exceeded that spending limit, additional products were purchased from other suppliers off the framework, however, our business team supported TCS-eco to join the Excel Scotland framework at the next opportunity as part of our Community Wealth Building work. TCS-eco have been on the framework for over a year now, can the Cabinet Member advise us how much the Council has spent with TCS-eco since then?”

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

“There has been no spend with this local supplier since the time they have been on the Scotland Excel framework. The reason there has been no spend is simply due to there being no current demand for these particular products. I can advise awareness raising campaigns have very recently been undertaken to promote the use of these products. Moving forward if there is a change in demand then orders will be placed using this framework which includes this local supplier.”

As a supplementary question, Councillor Cullinane referred to recent social media posts by the Council and Young People’s Champion, which promoted reusable period products but referred to Hey Girls menstrual cups and not to TCS-eco products, and asked if the Cabinet Member agreed it would make sense to promote the local supplier. Councillor Cullinane asked if the Cabinet Member could find out from the Council’s Procurement team whether the Council had spent any funds with Hey Girls over the last year since TCS-eco had been included in the framework.

Councillor Larsen responded by referring to the Member’s specific mention of menstrual cups and advised that that TCS-eco did not supply this product, but Hey Girls did. The Cabinet Member advised that the Council was buying from another company as it provided a wider range of products and community benefit. Councillor Larsen agreed, however, that there was a balance to be struck and confirmed she was happy to ask the Business Development team to contact TCS-eco to establish what might be done to support them moving forward.

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

“In a report by Keep Scotland Beautiful, the streets of North Ayrshire were voted third dirtiest in the country. Can the Cabinet Member explain why this is and what they are going to do to clean up the streets of North Ayrshire?”

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

“Whilst the vast majority of residents and visitors behave responsibly, it is disappointing that a minority still engage in poor behaviour in terms of littering and environmental crime. Cleaning up discarded litter in streets and open space areas is a significant cost to the Council and is entirely preventable.

The Council has a Litter, Dog Fouling and Fly Tipping Prevention Strategy which focuses on Educating (communications, campaigns), Enabling (provision of bins) and Enforcement (the issuing of Fixed Penalty Notices to offenders). The strategy is being reviewed and an updated strategy will be published in late spring 2024. The Council is engaging with Keep Scotland Beautiful (KSB) to help facilitate workshop sessions with elected members and communities as part of this review. This will cover the implications of the new national Litter and Fly Tipping Strategy and also take account of emerging issues and themes such as littering from single use vapes.

In respect of the street cleanliness index score it is disappointing that the Council has not performed as well as in previous years. Since the audit was conducted a number of improvements have been implemented such as a review of the street cleaning schedules to identify littering hotspots and to respond to different demands post COVID, an increase in the number of internal street cleaning audits to locally monitor cleanliness, and the targeting of enforcement activities to identified littering hotspots. New larger capacity, gull proof bins are also being installed at busy coastal locations. We are also supported by a significant number of community volunteer groups who regularly carry out litter picks in their localities – and this support is very much appreciated.

The most recent audit for 2023/24 produced a score of 90.1%, which is a significant increase from the 2022/23 score of 84.6%, which indicates a positive direction of travel as we continue to tackle the blight of irresponsible littering.”

Councillor Gurney supplemented his written response by reiterating that litter did not just appear, but that people dropped it. The Cabinet Member urged adults and children to use the bins provided.

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

“There is a growing concern about the level Scottish Government funding to care homes and the financial stability of care homes across Scotland.

Can the Cabinet Member tell me how the HSCP is ensuring that our local care homes remain financially viable whilst also being able to continue to provide appropriate levels of care to our vulnerable elderly residents?”

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

“Local Authority placements to Older People’s Care homes are funded from the HSCP budget. The weekly rate paid for a care home placement is agreed nationally as part of the National Care Home Contract (NCHC) which has been in place for the last 15 years. This contract is facilitated by Scotland Excel on behalf of Local Authorities and is negotiated annually between provider representatives and COSLA.

In North Ayrshire all placements are funded in line with the NCHC agreed rates for residential and nursing care. Whilst provider representatives, including for example Scottish Care, have publicly communicated their concerns over the adequacy of funding and viability of the care home sector, it is also mutually accepted that the NCHC provides stability for care homes and commissioners.

It is the role of the Care Inspectorate as the regulatory body to assess and provide assurance over the quality of care for all registered care services. In North Ayrshire we work closely with the Care Inspectorate and other services to ensure we can support our care providers to provide a good quality of care. The position is closely and robustly monitored, the HSCP has Multi-Disciplinary Care Home Oversight arrangements in place, which were established over 3 years ago. The Care Home Oversight Group meets regularly, this allows the Partnership and other colleagues to maintain an enhanced level of support and oversight to Care Homes, ultimately seeking assurance of the quality of care provided. This provides a forum for escalation of any quality of care, safety and sustainability concerns, including financial concerns which may be highlighted by care home providers directly.

The Partnership facilitates regular Care Home Provider Forums and regular formal Contractual Meetings take place with individual providers, these include finance representatives. Whilst focussed on quality and standards of care being provided to residents, the meetings have allowed for the development of good working relationships between the Care Home Providers and the Partnership’s Teams. Providers can raise any issues or concerns they may have at the earliest opportunity which allows the Partnership to respond appropriately.”

As a supplementary question, Councillor Billings asked whether the Cabinet Member would be willing to investigate this matter further, as he believed there was an opportunity for concerns to be aired at the highest level and because the financial failure and instability of care homes ultimately impacted on the HSCP and the Council.

Councillor Johnson responded by confirming her willingness to meet with Councillor Billings to discuss the matter further.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 3.25 p.m. for a comfort break. The meeting reconvened at 3.30 p.m. with the same Members and officers present and in attendance, with the exception of Councillors Billings and Davidson, who had lost their remote connection to the meeting.

16. Motions

In terms of Standing Order 15, submitted:

- (1) a motion proposed by Councillor T, Ferguson and seconded by Councillor Gallacher in the following terms:

“That Council supports the ethos of the Wave Trust's 70/30 campaign to reduce child abuse, neglect and other adverse childhood experiences (ACEs) by at least 70% by the year 2030. Following the report presented to Council in June 2019, Council asks officers to bring a further report on progress to a future meeting of the Cabinet. This report will provide an update on how North Ayrshire Council and wider CPP partners are progressing the ambition to reduce childhood abuse and trauma in our local communities and to embed a trauma-informed approach across services. Council:

- Notes the ambitions of the national campaign to make Scotland the first Adverse Child Experiences (ACE) aware Nation.
- Notes that in 2018 this Council agreed to be ‘trauma informed:
 - to use the learning and research on Adverse Childhood Experiences (ACEs) to inform change in practice and thus be better able to reduce the negative effects of ACEs on the lives of all with whom we come in contact;
 - to work with other partners across Ayrshire to have a consistent approach to working to implement trauma informed practice;
 - commit to give officers and staff an opportunity to view the documentary ‘Resilience’ which has been the catalyst for change;
 - and to contribute to Ayrshire becoming recognised as a Centre of Trauma Informed Excellence”
- Notes that North Ayrshire Council cannot achieve these ambitions alone, there is a wider CPP responsibility and multi-agenda approach required in addition to the support of our wider communities
- Notes that supporting an early intervention approach to investment in promoting safe, stable and nurturing relationships and environments can have a positive impact of a broad range of challenges and on the development of skills that will help children and young people reach their full potential
- Continues to support and promote a trauma-informed, ACE awareness ethos to have a positive impact on both individuals and society as a whole

- Supports all frontline staff across the Council and CPP partners to be encouraged to take up opportunities for continued professional learning sessions on Adverse Childhood Experiences (ACEs)
- Acknowledges that Adverse Childhood Experiences can and do impact on learning, attainment and future prospects for children and young people.
- Seeks assurance that Trauma Informed learning is taking place across our early years and school settings to support children and young people.”

There being no amendment, the motion was declared carried.

Having declared an interest in the following item of business, the Provost duly vacated the Chair at this point and left the meeting during its consideration, taking no part in the determination.

The Monitoring Officer sought, and received, confirmation that, in the absence of the Provost and Depute Provost and in terms of Standing Order 6.6, the Council unanimously appointed Councillor Gurney to the Chair for the following item of business.

Accordingly, Councillor Gurney assumed the Chair at this point.

- (2) a motion proposed by Councillor McLean and seconded by Councillor Inglis in the following terms:

"Council agrees with the House of Lords Select Committee on the Constitution, that devolved administrations should immediately stop any improper spending and utilise funds for responsibilities within devolved competence.

The House of Lords Select Committee has unanimously agreed that devolved governments should only spend on devolved areas and that the Scottish Government should immediately stop their improper spending on things such as the Minister for Independence, overseas 'embassies' and any other reserved areas before the Cabinet Secretary takes any action necessary to stop them.

And so:

We instruct the Chief Executive of NAC to write to:

- A) John Paul Marks, Scotland's Chief Civil Servant
- B) Simon Case, Cabinet Secretary
- C) Alistair Jack, Secretary of State for Scotland
- D) Humza Yousaf, First Minister for Scotland

To express our support for the House of Lords Committee's findings and for these recommendations to be implemented with haste.

And for consideration by the Scottish Government to utilise these funds not being spent on reserved matters for the purposes of supporting local government."

Councillor Davidson re-joined the meeting at this point.

As an amendment, Councillor Burns, seconded by Councillor Hill, moved the direct negative.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Cullinane, Davidson, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McTiernan, Montgomerie and Robertson (15) and for the motion, Councillors S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean, Stalker and Stephen (8), Councillors Bell, Murdoch, Donald Reid and Donald L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed not to proceed with the terms of the motion.

17. Urgent Items

There being were no urgent items, Councillor Gurney remained in the Chair and closed the meeting at this point.

The meeting ended at 3.45 p.m.