



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 14 February 2024** at **14:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Apologies

2 Declarations of Interest

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

3 Previous Minute

The accuracy of the Minutes of the Meeting of the Council held on 13 December 2023 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of the Local Government (Scotland) Act 1973 (copy enclosed).

4 Provost's Report

Submit report by the Provost for the period covering 4 December 2023 - 4 February 2024 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council for the period covering 4 December 2023 - 4 February 2024 (copy enclosed).

- 6 Minute Volume (issued under separate cover)**
Submit, for noting and for approval of any recommendations contained therein, the Minutes of Meeting of committees of the Council held in the period 16 November 2023 - 25 January 2024.
- 7 Community Planning Partnership(CPP) Board: Minutes of Meeting**
Submit report by the Executive Director (Communities and Education) on the Minutes of the Community Planning Partnership Board held on 7 December 2023 (copy enclosed).
- 8 Appointments to Committee**
- The Council is invited:
- (a) to note, in terms of Standing Order 8.5, that, effective from 12 February 2024 (i) Councillor McDonald replaces Councillor Foster on the Integration Joint Board and (ii) Councillor Kerr replaces Councillor McDonald on the Police and Fire and Rescue Committee; and
- (b) to consider nominations for the Vice Chair vacancy on the Police and Fire and Rescue Committee, which arises from the resignation from the Committee of Councillor McDonald.
- 9 Findings of Hearing Conducted by the Standards Commission for Scotland**
Submit report by the Head of Service (Democratic) on the findings of a hearing by the Standards Commission for Scotland (copy enclosed).
- 10 Council Tax on Second Homes from 2024/25**
Submit report by the Chief Executive on the new discretionary powers available under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023 and to seek approval to consult with our island communities on a proposal to revise the current policy on Council Tax charges for Second Homes within North Ayrshire (copy enclosed).
- 11 Housing Revenue Account (HRA) Capital Investment Plan, Revenue Budget and Rent Levels for 2024/25**
Submit report by the Executive Director (Place) on the proposed HRA capital investment plan, revenue budget for 2024/25 and consequential rent levels (copy enclosed).
- 12 Questions**
In terms of Standing Order 14, submit:-

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

“Every three years or so, schools in Scotland participate in the Program for International Student Assessment (PISA), which objectively measures the performance of 15-year-olds in several subjects.

The mathematics results for Scotland over the last 20 years show a declining performance, particularly after 2012, when Curriculum for Excellence (CfE) was introduced.

The PISA scores for Mathematics were:

Year	Score
2003	- 525,
2006	- 507
2009	- 499
2012	- 497
2015	- 491
2018	- 489
2022	- 471

For each of these years what was the recorded achievement for NAC pupils in mathematics (failing which, numeracy)?”

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

“Justice Social Work Services is a service funded by the Scottish Government directly and overseen on their behalf locally by North Ayrshire HSCP.

Can the Cabinet Member confirm the total budget allocated to provide this service over the current financial year and the previous two years?

In line with the uplifts to cover wage increases seen elsewhere in council services, what was the uplift for these three years for justice social work services in North Ayrshire?”

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

“To ask the Cabinet Portfolio Holder for Education whether he is planning on removing controversial questions relating to sexual relationships from the 2024/25 Health and Wellbeing census for schools?”

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

"With Peel Ports announcing the permanent closure of the Irish berth, and the Cabinet Secretary for the islands stating that the new ferries may never sail from Ardrossan, does the Council Leader retain her faith that Humza Yousaf will protect the Ardrossan to Arran ferry service by delivering the necessary upgrades to Ardrossan Harbour, which he promised seven years ago as Transport Minister?"

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

"To ask the Leader of the Council what plans have been made for Euro24 in North Ayrshire?"

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

"It has been reported in the media that the Cabinet Secretary for Education has written to a number of Councils where teacher numbers had fallen, threatening to financially penalise those Councils by withholding funding.

Can the Cabinet Member tell us whether North Ayrshire Council is one of the Councils the Cabinet Secretary has written to? If so, how many teaching posts did the Cabinet Secretary raise concerns about? And, what would the potential financial penalty be?"

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

"To ask the Cabinet Portfolio Holder for the Environment how much it will cost to make North Ayrshire Council buildings environmentally friendly?"

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

"In 2021 North Ayrshire Council's improving recycling performance saw the Council become the second highest performing Council for recycling in Scotland. A press statement in the Cabinet Member's name was issued celebrating this achievement, achieved under the last Labour administration.

As far as I am aware, no press statement has been issued on SEPAs 2022 recycling report, can the Cabinet Member therefore advise us whether the Council's recycling performance went up or down in 2022?"

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

“To ask the Cabinet Portfolio Holder for the Environment to provide an update on North Ayrshires tree planting commitment?”

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

“The Scottish Government have approved an 8.8% increase in water charges for 2024/25.

As the Cabinet Member knows, water charges are collected by the Council as part of the Council Tax collection. Can the Cabinet Member advise us how much water charges will increase across all Council Tax bands in North Ayrshire?”

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

“What is the policy of the Council in relation to Members’ retention of electronic communications such as emails, WhatsApp, etc on Council provided devices?”

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

“Can you please outline whether or not the following offences are dealt with by NAC under DPE provisions, and what, if any responsibilities are still retained by the police:

- A) Blocking a vehicle in a driveway
- B) Blocking access outside a driveway
- C) Double Parking
- D) On Grass parking
- E) on Kerb Parking
- F) parking on a narrow street prohibiting access/flow of traffic”

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

“Are you aware DFM Shona Robison has written to the UK government regarding money being given to Irvine and Kilmarnock for Town Centre Redevelopment, saying that the money should not be coming to councils but should be passed to Holyrood for distribution - and do you agree with her complaints?”

13 Motions

In terms of Standing Order 15, submit:-

(1) a motion by Councillor Marshall, seconded by Councillor Inglis, in the following terms:

“That the Council agrees to the formation of a Member Officer Working Group to consider altering the governance arrangements of the Council from the present Cabinet system to a traditional Committee structure and thereafter provide a progress report to the meeting of Council on 15 May 2024. Member representation on the Group shall be 2 SNP, 2 Conservative, 2 Labour and 1 Independent.”

(2) a motion by Councillor Billings, seconded by Councillor S. Ferguson, in the following terms:

"The ferry service between Ardrossan and Arran continues to be disrupted by technical issues. With the closure of the Irish Berth at Ardrossan and the Caledonian Isles out of service for at least two months, the drop in passenger and vehicle capacity is causing significant harm to island life.

In addition, there is still no certainty about the future of Ardrossan Harbour continuing to be the mainland port for the Arran service. Although the delivery of new Glen Sannox ferry is yet again delayed, it is imperative that the refurbishment work starts on Ardrossan Harbour without delay so as to minimise the temporary transfer to Troon.

Therefore, North Ayrshire Council notes its concern about the immediate impacts that the current technical issues are having on the people and businesses of Arran. The Council would like to see urgent action taken to make full use of the Alfred ferry so that the Arran service has the maximum capacity possible as the island moves into the busy February half-term holiday period.

In addition, North Ayrshire Council notes its disappointment that the Scottish government is allowing the uncertainty about the future of Ardrossan to continue, given the importance that keeping Ardrossan Harbour as the mainland port for the Arran ferry service has for both the people of Arran and Ardrossan. The Council urges the Scottish government to allow the refurbishment work to start without delay.

To these ends, the Council instructs the Chief Executive to write to the following:

The Cabinet Secretary for Transport, Net Zero and Just Transition to restate the Council's concerns about the ongoing delay to the refurbishment work at Ardrossan Harbour and to urge her to enable the work to start without delay;

The Scottish Minister for Transport, the Chief Executive of Calmac and the Chief Executive of CMAL to state the Council's concerns about the detrimental impacts on the residents and businesses of Arran caused by the current lack of capacity on the Arran ferry service, due to the current technical issues. Further to ask them to work together to urgently enable full use of the Alfred ferry for both passengers and all vehicles so as to maximise ferry capacity."

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

“Council requests officers bring a paper to Council for noting regarding what the authority can do to mitigate poverty traps and whether any policies NAC currently has exacerbated this.”

(4) a motion by Councillor McLean, seconded by Councillor S. Ferguson, in the following terms:

“Council requests officers bring a paper to Council outlining the anti-social behaviour provisions within housing tenancies, what tenants can do regarding anti-social behaviours of neighbours, how the investigations of complaints is undertaken, and what can be done to streamline the eviction process in the most serious cases.”

14 Urgent Items

Any other items which the Provost considers to be urgent.

Webcasting

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

North Ayrshire Council Sederunt

John Bell
Timothy Billings
Marie Burns
Eleanor Collier
Joe Cullinane
Scott Davidson
Anthea Dickson
Stewart Ferguson
Todd Ferguson
Robert Foster
Scott Gallacher
John Glover
Tony Gurney
Alan Hill
Cameron Inglis
Margaret Johnson
Amanda Kerr
Christina Larsen
Shaun Macaulay
Jean McClung
Nairn McDonald
Matthew McLean
Louise McPhater
Davina McTiernan
Tom Marshall
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Chloe Robertson
Ronnie Stalker
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending:

North Ayrshire Council
13 December 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, Scott Davidson, Stewart Ferguson, Todd Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Ian Murdoch, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker, and John Sweeney.

Present (Remote Electronic Participation)

Amanda Kerr, Davina McTiernan and Jim Montgomerie.

In Attendance

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director (Communities and Education); M. Boyd, Head of Service (Finance); F. Walker, Head of Service (People and ICT); L. Kirk, Interim Head of Service (Economic Development & Regeneration) (Place) 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 C. Stewart and S. Wilson, Committee Services Officer (Democratic Services).

Chair

Depute Provost in the Chair.

Apologies

Anthea Dickson, John Glover and Angela Stephen.

1. Depute Provost's Remarks

In the absence of the Provost, and in terms of Standing Order 6.6, the Depute Provost assumed the Chair.

The Depute 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 Depute 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 1 November 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 23 October – 3 December 2023.

In the absence of the Provost, the report was taken as read.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period for 23 October 2023 – 3 December 2023.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 9 June – 22 November 2023.

Noted.

9. Irvine Town Centre Working Group Update

Submitted a report by the Executive Director (Place) on progress made by the short-life working group to evaluate options to bring the former Forum building, former Ruby Tuesdays building and surrounding buildings that had fallen into disrepair back into a usable state and to provide information on the recently announced £20m Long-Term Plan for Towns Levelling Up Fund award for Irvine town centre.

The short-life working group of Elected Members and officers was established following a motion approved by Council on 17 May 2023. A progress update on its work was submitted to the Council at its meeting on 13 September 2023 and the Council agreed to receive a further progress report prior to the end of 2023.

Councillor Macaulay, seconded by Councillor Robertson, 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 progress made by the short-life working group and (ii) the award of £20m Long-Term Plan for Towns Levelling Up Fund award for Irvine town centre; and
- (b) that the short-life working group be disbanded, with any further action being progressed under the Long-Term Plan for Towns arrangements.

10. Treating Care Experienced as a Protected Characteristic in North Ayrshire Council Equality Impact Assessments

Submitted report by the Head of Democratic Services on the impact of treating "care experienced" as a protected characteristic for the purposes of Equality Impact Assessments (EIA) and the proposed next steps in implementing this policy.

A motion was approved by the Council on 29 March 2023 in support of adding "care experienced" as a protected characteristic in North Ayrshire's Equality Impact Assessments. It was agreed that officers present a report to Council on proposals for implementation.

Councillor Macaulay, seconded by Councillor Johnson, moved approval of the recommendations set out in the officer's report. As an amendment, Councillor Foster, seconded by Councillor Cullinane, moved approval of the officer's recommendations, subject to the following:

"Replace the definition set out at section 2.4 of the report with:

"The term "Care Experienced" refers to anyone who is currently in care or has been for any length of time regardless of their age.

This care may have been provided in many different settings, such as:

- Kinship Care - living with a relative who is not your mum or dad
- Looked After At Home - with the help of Social Work
- Residential Care - living in a residential home or school
- Foster Care - living with foster carers

- Secure Care - living in a secure accommodation
- Adoption - Living with adoptive parents”

On a point of order, Councillor Burns sought, and received, confirmation that Councillor Foster had no declaration of interest to make on this matter in terms of Standing Order 11.

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

- the basis for the proposed application of an age cap of 26; and
- the status of the legal advice obtained from King’s Counsel

In terms of Standing Order 16.5, Councillor Macaulay, with the agreement of his seconder, agreed to withdraw his motion in favour of the amendment. The amendment then became the substantive motion. There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to adopt the following definition of “care experienced” for the purpose of EIAs:

“anyone who is currently in care or has been for any length of time regardless of their age. This care may have been provided in many different settings, such as:

- (i) “Kinship Care” (living with a relative who is not your mum or dad)
- (ii) “Looked After At Home” (with the help of Social Work)
- (iii) “Residential Care” (Living in a residential home or school)
- (iv) “Foster Care” (living with foster carers)
- (v) “Secure Care” (living in a secure accommodation),
- (vi) “Adoption” (living with adoptive parents”); and

- (b) to amend the EIA template to include “care experienced” as a protected characteristic

Cllr Montgomerie lost remote connection during consideration of this item and left the meeting at this point.

11. Long-Term Financial Outlook 2024/25 to 2033/34 and Medium-Term Financial Outlook 2024/25 to 2026/27

Submitted a report by the Head of Finance on the financial challenges facing the Council over the next 10 years and the likely financial position of the Council's General Fund in the medium term, in order to inform the development of budget proposals.

Councillor Larsen, seconded by Councillor McClung, 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 Long-Term Financial Outlook 2024/25 to 2033/34, (ii) the financial challenges identified in the Medium-Term Financial Outlook 2024/25 to 2026/27 and (iii) the scale of the financial challenges faced by the Council over the medium and longer terms; and
- (b) that proposals be brought forward to set a balanced budget for 2024/25.

12. Review of North Ayrshire IJB Scheme of Integration

Submitted a report by the Head of Democratic Services on progress with the review of North Ayrshire Integration Scheme ("the Scheme") further to the report to Council on 21 June 2023.

Councillor Johnson, seconded by Councillor Robertson, 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 progress with the Review of the Integration Scheme by officers from each Council and NHS Board; and
- (b) to receive further updates as the review progresses.

13. Questions

In terms of Standing Order 14, submitted:

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

"49% of secondary pupils in North Ayrshire had more than 10% absences in 2022-23. What is that statistic for each of our secondary schools?"

Councillor Macaulay thanked the Member for his question and responded by making reference to the following written response:

% of pupils with more than 10% absence during the full academic session	
School Name	session
Ardrossan Academy	50.5%
Arran High School	25.9%
Auchenharvie Academy	42.4%
Garnock Community Campus-Secondary	50.0%
Greenwood Academy	53.3%
Irvine Royal Academy	52.4%
Kilwinning Academy	48.4%
Largs Academy	48.7%
St Matthew's Academy	50.0%
All North Ayrshire secondary schools	49.2%

The Cabinet Member added to his written response by commenting that there had been a general decline in the average attendance rates since Covid, with the pandemic having a disproportionate impact on areas of higher deprivation, including North Ayrshire.

As a supplementary question, Councillor Marshall noted the levels of pupil absence and the current cost of operating secondary schools (approximately £55 million p.a.), and asked what level of savings might be achieved for the Council taxpayer were schools to be staffed to match actual demand.

Councillor Macaulay responded by asserting that the answer was not to reduce staffing levels, but instead to ensure pupils felt supported to attend school, where they could achieve their best possible outcomes. The Cabinet Member advised that the School Improvement Plan presented to Cabinet earlier this year had identified attendance as a key feature and that the Education service was working with schools to promote attendance.

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

"To ask the Cabinet Member for the current level of school meal debt?"

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

"Current school meal debt is £22,731 across the Primary sector and £3,897 across Secondary schools. We continue to support parents through this process in accordance with COSLA's Good Practice Principles for School Meal Debt management."

The Cabinet Member supplemented her written response by affirming that any child presenting for a school meal would receive one, regardless of whether they had the necessary credit on their account.

As a supplementary question, Councillor McDonald asked if the Cabinet Member would intervene to end the practice of sending text message reminders to families about topping up their child's school meal account and if she would also support a motion which he intended to submit later in the meeting on universal free school meals.

On a point of order in terms of Standing Order 14.4, the Depute Provost sought advice on the extent to which the supplementary question related to the response to the original question. The Monitoring Officer confirmed the competence of the supplementary question.

Councillor Larsen responded by declining to support the Elected Member's motion, advising that the matter had been before the Council as recently as three months previously and reiterating her earlier statement that no child or young person would be refused a school meal due to a lack of funds in their account.

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

"Can the Cabinet Member please provide a definite/confirmed time and date for the introduction of Decriminalised Parking Enforcement in North Ayrshire?"

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

"The application for Decriminalised Parking Enforcement (DPE) was submitted to Transport Scotland on 2 April 2022. Following a review of the application by Transport Scotland and drafting the Scottish Statutory Instrument for Scottish Ministers sign off, the transfer of powers to North Ayrshire Council happened on 3 November 2023.

A Parking Enforcement Supervisor and 5 Parking Enforcement Wardens have been recruited and start employment in January 2023. A further advert for the remaining post will be advertised early January 2024.

The team will undergo an induction process including on-site street and town familiarisation, system training, dealing with customers training and legislation awareness. This will take place during January and February and will also include a soft launch with formal enforcement activities commencing March 2024.

A communications plan will operate parallel to this including social media posts to raise awareness."

As a supplementary question, Councillor Murdoch asked whether the Cabinet Member could provide an exact date for the implementation of enforcement activities.

Councillor Gurney responded by undertaking to advise Councillor Murdoch of the exact date.

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

“Can the Portfolio Holder provide an update on progress with the renovation of Marress House and indicate when completion of the building is expected?”

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

“The Marress House Early Years Centre was due to open earlier this year. Prior to the expected opening date of the facility, the Council was unable to accept handover of the building from the contractor due to a number of outstanding defects.

Further investigation of these items confirmed that extensive remediation works are required.

The contractor has accepted responsibility for these defects and has prepared a schedule of works to address them. Activity has resumed on-site, and officers are now in receipt of the contractor’s plan to complete the outstanding works, with handover of the building to the Council currently anticipated to be during Spring 2024.

A further update to parents and carers and Members was issued this week, and we will continue to keep all stakeholders up to date as the remediation works progress.”

As a supplementary question, Councillor McLean referred to difficulties experienced by parents in contacting the Education service and sought an explanation for the poor communication with parents and a commitment to provide regular updates in future.

Councillor Gurney responded by expressing his disappointment about the communications issues raised by the Elected Member. He indicated that efforts had been made to provide updates, but that the nature of renovation works was such that late issues could arise. The Cabinet Member undertook to ensure that everyone was kept informed and advised that he would ask officers to make sure that any communication issues did not recur.

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

“To ask the Cabinet Member how many people have completed the online budget challenge so far?”

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

“This year, North Ayrshire Council gave every resident the chance to have their say on how the Council spends its budget. The online ‘Budget Challenge’ allowed residents to set their own ‘virtual budget’.

The budget challenge tool launched in late October with **172** responses and comments received so far, with the closing date for the survey on the 15 December 2023.

The survey was promoted via local press, social media campaigns and internally to staff. An invitation to participate in the survey was also issued by our Business Development Team to their extensive list of North Ayrshire businesses and by our Connected Communities Team to their network of community and voluntary organisations. Members will be provided with the results of the exercise early in the new year to consider as part of the Budget process.”

The Cabinet Member provided an update to her written response, advising that, to date, 201 responses had been received.

As a supplementary question, Councillor Kerr asked for confirmation that the Administration would take the responses into full consideration when preparing their budget proposals.

Councillor Larsen responded by asserting that it was incumbent on all Elected Members to take the responses into account, adding that all were duty bound to set a balanced budget.

Councillor Montgomerie rejoined the meeting at this point.

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

“During a Glasgow City Council, Full Council Meeting held on 9th December 2022, the following motion, as adjusted, was unanimously approved:

“Council notes the campaign launched by Radio Clyde calling for lighting to be installed along the main routes of Glasgow’s Parks: notes that this renewed call follows on from experiences during COP26: and notes that this campaign is supported by a wide range of individuals and organisations. Women’s safety requires a multi-agency response, which includes cultural and societal change.”

It also states,

“Council therefore resolves to instruct officers to prepare a paper to the relevant City Policy Committee within 2 committee cycles on the necessary infrastructure to provide sensitive lighting solutions in our parks, including the wider implications: and specifically, the equality and climate impacts of such an undertaking to ensure that the widest range of health, social and climate benefits can be realised.”

My concern is for everyone’s safety using the unlit footpaths within North Ayrshire.

Does North Ayrshire Council have any plans to light up the many footpaths across North Ayrshire that are not currently covered by street lighting of any kind?”

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

“There are many popular areas of open space that can be utilised for outdoor recreational activity within North Ayrshire which are illuminated during the hours of darkness. These are, but are not limited to:

- Promenade areas within Largs, Irvine, Saltcoats and Ardrossan
- Nethermains Footpath, Kilwinning
- Jack’s Road Footpath, Saltcoats
- Stanley Burn Footpath, Ardrossan
- Orr’s Trust Park, Beith
- Dalry Public Park
- Kilbirnie Public Park
- Low Green, Irvine
- Riverwalk, Irvine

At present, there are no budgets available to invest in the introduction of lighting to currently unlit areas.

If the Member wishes, he could propose a budget growth proposal for additional lighting at the Council’s budget setting.”

As a supplementary question, Councillor Murdoch made reference to requests he had received for additional lighting, including to the rear of Skelmorlie Community Centre and Largs Promenade at Anthony Road, and asked whether the Cabinet Member agreed that solar powered lighting opportunities should be explored, together with potential funding.

Councillor Gurney responded by confirming that officers were continually exploring sources of potential funding for such matters and that, if available, this would be pursued diligently.

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

“Does the Portfolio-holder accept that anti-social behaviour is a real problem in North Ayrshire Schools and how does he suggest that the Education Minister's announcement of £900,000 funding for Councils (allowing £360 per school) be used to tackle the problem?”

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

“We recognise the issues which have arisen around pupil behaviour across Scotland, particularly since the pandemic. This has attracted a significant amount of media attention. However, research shows that issues experienced within our establishments are no more significant than elsewhere in Scotland.

The Directorate has established a short life working group which includes senior education leaders and corporate Health and Safety working in partnership with Trade Union colleagues to review and refresh the policy on violence and aggression in the workplace. This revised policy will complement the original corporate policy whilst recognising some of the unique challenges within education services.

Our schools have well-established Promoting Positive Relationships policies which are rooted in the principles of nurture: understanding behaviour developmentally and establishing boundaries. These approaches are proven to have the greatest impact.

The Scottish Government has stated that funding will be provided directly to local authorities to train support staff to respond to new challenges and develop behaviour management strategies in schools post COVID. As this funding has only just been announced, it would be advisable to wait until further detail is communicated prior to making decisions about spending.”

As a supplementary question, Councillor Marshall made reference to the recent PISA (Programme for International Student Assessment) results, particular with regard to mathematics, and asked whether the Cabinet Member thought that bad behaviour in schools affected the pupils' performance.

Councillor Macaulay responded by acknowledging that it was widely believed any aggression or violence in schools could be disruptive, hence the positive actions being taken to reduce this. The Cabinet Member advised that the Administration believed in working with schools, parents and pupils on solutions, to ensure that all learners in North Ayrshire had a positive experience.

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

“It was recently reported in the national press that in August this year, the UK Government offered cross-border support for those on long waiting lists in Scotland – including having individuals receive treatment out with Scotland – this was rejected by the Scottish Health Secretary. What impact will continued long NHS waiting lists have on HSCP services and finances?”

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

“A link to the NHS Ayrshire and Arran performance report which is published on their website is included for ease of access to local information for planned care and outpatient waits – nhs.uk/wp-content/uploads/2023-12-04-BM-P18-Performance-Report.pdf

There will inevitably be some impact on the wider health and care system for additional support needs for some individuals awaiting planned care. This may include ongoing input from General Practice, Social Care supports and medication, for example for pain management. Clearly, it is difficult to project into the future the extent of the impact upon HSCP services and budgets, and it is difficult to identify the direct impact of waits; however, we will continue to provide regular updates on the overall position through performance and budget monitoring reports to the IJB and its committees.”

As a supplementary question, Councillor McLean asked whether the Cabinet Member believed that the Health Secretary had made the right decision in this matter.

Councillor Johnson responded by advising that she could not speak for the Health Secretary.

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

“What is the normal maximum occupational capacity for staff in both of Cunninghame House and Bridgegate House and how many staff attend each House on a minimum of two days per week?”

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

“Cunninghame House has a capacity of 1,050. The average level of daily occupancy is 336, which equates to 32%. Bridgegate House has a capacity of 450. The average level of daily occupancy is 109, which equates to over 24%. These figures are averages and occupancy can fluctuate across weeks, with Cunninghame House peaking at a daily level of 359, which equates to over 34%, and Bridgegate House peaking at 137, which equates to over 30%. All staff with an agile workstyle are expected to attend the office for a minimum of two days a week and the data also takes into account part-time staff and periods of annual and other leave.

Work is being progressed on a locality-based property review. This work will develop options around how we best utilise our property assets within a Best Value context that takes account of the needs of our communities, staff workstyles and climate impact.”

As a supplementary question, Councillor Marshall noted that the buildings in question were only being used to one third of their capacity and asked the Leader about the timescale for undertaking an evaluation of the staffing complements.

Councillor Burns responded by advising that the evaluation was already underway and that a report on the outcome would be presented in due course.

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

"Regal Court residential complex in Dalry now has 6 empty housing units. Some of these housing units have been empty for more than a year. It has come my attention that this complex may not be let out before the scheduled refurbishment work takes place, but with no date being given for works to commence this is being left open. Could the portfolio holder please provide an update to the situation at Regal Court?"

In terms of Standing Order 14.4, and with the agreement of both parties, the question and the following written response were taken as read:

“In advance of each of our sheltered housing refurbishment projects starting on site, we hold a number of properties when they become vacant as this creates the opportunity for tenants to be decanted whilst work takes place within their own property. The COVID pandemic has had a significant impact on the original timescales for the sheltered housing refurbishment programme. Furthermore, project specifications have required to be updated to reflect changes to building standards / regulations and service requirements. As a result, work on-site at Regal Court is now anticipated to commence in late 2025. A cost/ benefit analysis is currently being undertaken to assess whether some of the six void properties should be brought back into use.”

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

“Do you know how much of North Ayrshire Council’s budget is split between Statutory and Non-Statutory Spending – overall and by department?”

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

“Any assessment of a budget split between statutory and non-statutory spending would be somewhat subjective in so far as many services will have statutory duties, however, the extent to which these duties are required to be discharged can be a matter of debate.

In general terms a statutory duty means that the Council must comply with the requirements of relevant legislation. A statutory power means that the Council has discretion whether or not to exercise the power. In practice statutory duties and powers are used to provide a range of services which combine both mandatory and discretionary elements.

A high-level assessment of aligning relevant legislation across Council services is currently being progressed by officers and will be issued to Members shortly. This will help Members understand the complexity of this landscape.”

As a supplementary question, Councillor McLean asked for clarification as to when the assessment would be issued to Elected Members.

Councillor Larsen responded by advising that the intention was that this information would be circulated prior to the festive break.

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

“Previously I had brought a motion to council regarding the Housing Allocation policy. You may remember I accepted an amendment from your group on the grounds that the points I had put forward would be put towards the tenant consultation. I then asked you on 29 March for an update on this and you informed Council that the consultation was moving forward and would be taking place in the ‘summer/autumn 2023’ and the review would ‘conclude’ in late 2023.

It is now December and that has not happened. I am now led to believe that the consultation will now take place ‘some time next year’ – spring/summer. If summer is the case that will be a full year after you had previously told us.

Can you now provide confirmation of when the tenant consultation will take place?”

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

“The North Ayrshire Housing Register (NAHR) Officers’ Working Group (which consists of members of the four social landlords in North Ayrshire: North Ayrshire Council; Cunninghame Housing Association; ANCHO; and Riverside Scotland) began work on the review of the Common Allocation Policy in January 2023.

Between January and November 2023, the group met regularly to assess the current policy and agree the key areas for review from an officer perspective, prior to the commencement of NAC Elected Member, RSL Board and wider public consultation. Unfortunately, this initial stage took longer than expected, primarily because the group was awaiting further information on the content of the forthcoming Housing Bill in respect of the proposed Homelessness Prevention Duty and changes to domestic abuse legislation. The latter consultation document was issued by Scottish Government on 29 September 2023 and discussed at the NAHR Working Group in October 2023, enabling their proposed areas for review of the Allocation Policy to be finalised and the next stage (NAC Elected Member consultation) to commence.”

Councillor Gurney concluded his response by referring to a recent Elected Member briefing on this matter which Councillor McLean had been unable to attend. The Cabinet Member indicated that he would be happy to arrange for a separate briefing for the Member, if he so wished.

As a supplementary question, Councillor McLean asked why Elected Members had not been kept up-to-date and informed about the delay.

Councillor Gurney responded by asserting that Members were provided with updates as information became available.

14. Motions

In terms of Standing Order 15, submitted:

(1) a motion proposed by Councillor Marshall and seconded by Councillor Inglis in the following terms:

“In terms of the Chancellor’s Autumn Statement, there will be additional funding for the Scottish Government through the Barnett formula of £545 million, approximately (but not exactly) £233m in this financial year and £281m in the next. The main measures generating consequentials are:

- the funding of the pay award for the NHS in England in 2023-24, which generates £235m
- 75% relief on Business Rates in England for the Retail, Hospitality and Leisure (RHL) sections in 2024-25, up to a £110,000 cash gap, which generates £232m.

- funding of the pay award for the NHS in England in 2023-24, which generates £235m;
- freezing the small business multiplier in England in 2024-25, which generates £32m.

The Scottish Government previously operated a Business Rates Relief Scheme based on Barnett Consequentials for the Retail, Hospitality and Leisure in 2022/23, generating a Rebate of £463,606 for North Ayrshire RHL Businesses.

Therefore, I hereby move that the Council agree that the Chief Executive write to the First Minister, the Cabinet Secretary for Finance and all MSPs representing North Ayrshire, requesting that the Scottish Government restart the Retail, Hospitality & Leisure Relief scheme for 2024/25, thus saving 528 local businesses approximately £3,168,617 and ensuring the continuing vitality of our High Streets.”

A Member asked a question of clarification in respect of the figures cited in the motion and was referred to the Head of Service (Finance) for further information.

There being no amendment, the motion was declared carried.

Accordingly, the Council agreed that the Chief Executive write to (i) the First Minister, (ii) the Cabinet Secretary for Finance and (iii) all MSPs representing North Ayrshire, requesting that the Scottish Government restart the Retail, Hospitality and Leisure Relief scheme for 2024/25, thus saving 528 local businesses approximately £3,168,617 and ensuring the continuing vitality of North Ayrshire’s High Streets.

(2) a motion proposed by Councillor D. Reid and seconded by Councillor Cullinane in the following terms:

“That this Council recognises that the existing bus services in North Ayrshire and across the wider region are not delivering for passengers or wider society within Strathclyde. Council notes recent case for change report by SPT indicating some key issues being:

- Above inflation increases to bus fares.
- Sustained patronage decline
- Shrinking network coverage.
- Congestion induced delays

With the absence of a National Bus Strategy, North Ayrshire Council welcomes the Strathclyde Partnership for Transport (SPT) initiative to develop a Strathclyde Regional Bus Strategy (SRBS) and SPT's Case for Change for the West of Scotland covering over 42% of Scotland's population, and 70% of all public transport journeys in Scotland. Council also notes and welcomes that Phase 2 of the SRBS will consider all options to address such issues, including the provisions set out in the 2019 Transport (Scotland) Act, with the intention to present a preferred way(s) forward in March 2024 – including the proposed indicative operational and funding model, and timescales for delivery. Thereafter, work to develop a full business case for the preferred option(s) will be developed and Council welcomes this.

North Ayrshire Council encourages all interested community groups and stakeholders to engage in SPT's consultation process when it commences work towards developing and delivering the SRBS and to ensure the bus network better serves the people and communities of North Ayrshire and the West of Scotland."

A Member sought to ask a question in respect of the motion. On a point of order in terms of Standing Order 14.9, the Depute Provost ruled that the question was not relevant to the terms of the motion.

There being no amendment, the motion was declared carried.

Accordingly the Council agreed as follows:

- (a) to note that (i) existing bus services in North Ayrshire and across the wider region were not delivering for passengers or wider society within Strathclyde, and (ii) the recent case for change report by Strathclyde Partnership for Transport (SPT), which included the following key issues:
 - above inflation increases to bus fares
 - sustained patronage decline
 - shrinking network coverage
 - congestion induced delays
- (b) in the absence of a National Bus Strategy, to welcome the SPT initiative to develop a Strathclyde Regional Bus Strategy (SRBS) and SPT's Case for Change for the West of Scotland covering over 42% of Scotland's population and 70% of all public transport journeys in Scotland;
- (c) to note and welcome that (i) Phase 2 of the SRBS would consider all options to address such issues, including the provisions set out in the 2019 Transport (Scotland) Act, with the intention to present a preferred way(s) forward in March 2024, including the proposed indicative operational and funding model, and timescales for delivery, and (ii) work to develop a full business case for the preferred option(s) would be developed; and

(d) to encourage all interested community groups and stakeholders to engage in SPT's consultation process when it commenced work towards developing and delivering the SRBS and to ensure the bus network better served the people and communities of North Ayrshire and the West of Scotland.

(3) a motion proposed by Councillor McLean and seconded by Councillor Gallacher in the following terms:

"North Ayrshire Council recognises Auchengate as a settlement with its own challenges, history and identity and not just as an outpost of Irvine.

I therefore move that:

- a. a paper should be brought to Cabinet outlining proposals and any financial implications (i) for the formal recognition of Auchengate as a village in its own right with appropriate signage to include "Welcome to Auchengate" and (ii) detailing any possible measures that can be taken for road calming measures on the Auchengate Road which connects South Ayrshire to the Meadowhead roundabout and including consideration of reduction of the speed limit on the road from 60MPH to 40MPH in line with the road speed on the South Ayrshire side of the boundary; and
- b. in any future review of community council boundaries, etc. we will put forward a case to recognise the settlement Auchengate in its own right."

A Member asked a question of clarification in respect of the motion, with regard to the parameters for establishing the case to recognise Auchengate in its own right.

In terms of Standing Order 15.1, Councillor Gurney, seconded by Councillor Larsen, moved the following amendment:

"Council asks that a paper be brought to Cabinet to provide considered information on:

- whether the formal recognition of Auchengate as a village in its own right would result in positive benefit to the community which would make a tangible difference to community outcomes
- whether road safety at Auchengate where it falls within the boundary of North Ayrshire Council, and with due consideration of those other areas, could be improved through consideration of a reduction of the speed limit from 60mph to 40mph, taking into account the results of the previous investigation into this matter and
- the financial implications for the above proposals were it considered appropriate that they be implemented.

In addition, in any future review of community council boundaries etc, taking into account community opinion and resourcing implications, we will consider if it is appropriate to put forward a case to recognise the settlement of Auchengate in its own right.”

In terms of Standing Order 16.5, Councillor McLean, with the agreement of his seconder, agreed to withdraw his motion in favour of the amendment, which became the substantive motion. There being no further amendment, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that a paper be brought to Cabinet to provide considered information on:
 - (i) whether the formal recognition of Auchengate as a village in its own right would result in positive benefit to the community which would make a tangible difference to community outcomes
 - (ii) whether road safety at Auchengate where it fell within the boundary of North Ayrshire Council, and with due consideration of those other areas, could be improved through consideration of a reduction of the speed limit from 60mph to 40mph, taking into account the results of the previous investigation into this matter and
 - (iii) the financial implications for the above proposals were it considered appropriate that they be implemented; and
- (b) in any future review of community council boundaries, etc, taking into account community opinion and resourcing implications, the Council would consider if it were appropriate to put forward a case to recognise the settlement of Auchengate in its own right.

The Depute Provost intimated his intention to consider a point of order immediately following a short comfort break. In terms of Standing Order 6.8, the Depute Provost agreed that the meeting be adjourned at 3.20 p.m. The meeting reconvened at 3.30 p.m. with the same Members and officers present and in attendance, with the exception of Councillors Murdoch and Donald L. Reid.

At the invitation of the Depute Provost, and in terms of Standing Order 23, Councillor McDonald, seconded by Councillor Cullinane, then moved suspension of Standing Orders 15.1 and 25.1 on the grounds of urgency, to allow consideration of a motion not on the Agenda and which referred to a matter previously determined within the last six months, namely in relation to universal free school meals in Primary Schools.

As an amendment, Councillor Burns, seconded by Councillor Macaulay, moved that the Council should not proceed with suspension of Standing Orders.

On a division and a roll call vote, there voted “to proceed” with suspension of Standing Orders, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, D. Reid and Sweeney (9) and not proceed”, Councillors Burns, Collier, Davidson, S. Ferguson, Gallacher, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Robertson and Stalker (17), Councillors Billings and T. Ferguson abstaining.

Accordingly, the Council agreed not to proceed with suspension of Standing Orders 15.1 and 25.1 to allow consideration of a motion by Councillor McDonald, seconded by Councillor Cullinane. The matter, therefore, fell.

15. Urgent Items

There were no urgent items.

15. Depute Provost’s Closing Remarks

The Depute Provost closed the meeting by thanking Members for their participation and offered his best wishes for Christmas and the new year.

The meeting ended at 3.40 p.m.



PROVOST'S REPORT

For the period covering: 4 December 2023 – 4
February 2024

The attached report gives a summary and brief details to Council, of meetings and events attended by the Provost of North Ayrshire Council, Councillor Anthea Dickson.



PROVOST'S REPORT

For the period covering: 4 December 2023 – 4 February 2024

Since the last meeting of the Council, I have taken part in many events, including:

Reclaim the Night, Women's Aid Hub, Saltcoats, 5 December

On 5 December, along with colleagues on the Council and Chief Officers, I participated in "Reclaim the Night", which took place in Saltcoats. There was a great turnout at the event which highlighted the dangers to women and girls from violence and promoted a safer environment for women and girls to walk without fear after dark. Reclaim the Night is part of the global 16 days of Activism against Gender-Based Violence.

Inside Outside Exhibition, Kilwinning Community Fire Station, 6 December

On 6 December, as part of the 16 days of Activism campaign, I along with colleagues attended the "Inside Outside" Exhibition in Kilwinning Community Fire Station. Inside Outside was developed by Encompass, a network of services and agencies working across Scotland with those involved in the sex industry. The Exhibition, featured art, photography, video and audio installations by women who have worked in or are currently working in this industry. The event raised awareness of this exploitation and provide information on how it is being tackled.

Irvine Lasses Burns Club, St. Andrew's Night Celebration, 7 December

I was delighted to attend Irvine Lasses Burns Club, St Andrew's Night Celebration on 7 December, in Wellwood Burns Club and Museum in Irvine. This popular annual event provides traditional entertainment to mark St. Andrew's Day. Events like these highlight our vibrant communities and shine a light on the volunteers who work so hard behind the scenes.

Foster Carers Christmas Coffee Morning, Fullarton Connexions, Irvine, 8 December

On 8 December, I attended the Foster Carers' Christmas Coffee Morning, which was held in Fullarton Connexions, Irvine. Arranged by our Families for Children Team the event allowed us to express our thanks to North Ayrshire's Foster Carers for the excellent work they carry out throughout the year.



West Kilbride Community Initiative Ltd, 25 Year Celebration, Barony Centre, West Kilbride, 12 December

On 12 December, the Depute Provost attended West Kilbride Community Initiative Limited's 25-year celebration in the Barony Centre, West Kilbride. The event celebrated the work and achievements of the Group over the past 25 years, and in particular, the positive impact it has had on the Village and the number of volunteers past and present who are at the heart of it all.

Ayrshire Fiddle Orchestra Christmas Concert, Ayr Town Hall, 16 December

On 16 December, I attended the Ayrshire Fiddle Orchestra Christmas Concert in Ayr Town Hall. This was the first concert that featured the intake of over twenty young musicians who recently joined the Orchestra. This was an excellent evening's entertainment with many young musicians coming from North Ayrshire.

Kilwinning Community Fire Station Christmas Grotto, Kilwinning, 17 December

On 17 December, I visited the Christmas Grotto in Kilwinning Community Fire Station. The Grotto was arranged to bring a little festive cheer to the local community whilst raising funds for the Firefighter's Charity. I also got the opportunity to thank the firefighters who in their own time arranged this excellent community event.

Afton Court Opening Ceremony, Stevenston, 12 January

On 12 January, It was a great pleasure to officially open North Ayrshire's Council's latest housing development. The innovative new homes at Afton Court, Stevenston replaced the former sheltered housing in the Town. The new development consisted of six new amenity bungalows which were constructed using cutting-edge and environmentally friendly techniques.

Visit to Green Home Systems, Irvine, 12 January

On 12 January, along with the Leader of the Council and the portfolio holder, I visited Green Home Systems, that are based in Irvine. They are a family business specialising in domestic energy efficiency providing effective insulation, heating, renewable energy systems and charge point installation services. The business has won numerous awards for their work in the field of Energy Efficiency both in Scotland and within the UK. Their most recent award was for the British Chamber of Commerce UK Planet Saver Award.



Film Showing, Harbour Arts Centre, Irvine, 20 January

I attended the film premiere of “Different Ways” in the Harbour Arts Centre Irvine on 20 January. This is a peer led project arranged via the community group Vertex and supported by the Council’s New Scots Team. The young new Scots from Ukraine and Syria wrote, filmed, edited and produced the film. There was also some behind the scenes footage where the young people discussed their experiences in making the film and the impact it had on them. I was bowled over by the content of the film, the excellent performances and the personal accounts from the young people.

Irvine Burns Club Digital Project Unveiling, Irvine, 24 January

On 24 January, I attended the unveiling of the first phase of the Digital Burns Museum at Wellwood Burns Centre and Museum in Irvine. This project is a collaboration between Irvine Burns Club and Booth Welsh, combining the in-depth knowledge and enthusiasm of the Club with the advanced technical knowledge of Booth Welsh. By bringing Burns' works into the digital age, everyone, young and old, can experience his contributions in a more interactive and contemporary way.

Irvine Royal Academy – Lessons from Auschwitz, Irvine, 26 January

On 26 January, I visited Irvine Royal Academy, for an excellent presentation on the Holocaust by pupils who have taken part in the Holocaust Educational Trust’s Lessons for Auschwitz Project. This was a moving account by the young people, which increased their knowledge and understanding of the Holocaust and made real by seeing the camps, personal effects and hearing testimony from a Jewish lady who, although never experienced life in a camp, endured all the great hardship of those held in a ghetto.

Irvine Burns Club Annual Celebration, Volunteer Rooms, Irvine, 27 January

On 27 January, I attended Irvine Burns Club’s 197th Annual Celebration, which was held in the Volunteer Rooms, Irvine. The event was thoroughly enjoyable and was a fitting tribute to Robert Burns. The great speakers and performances highlighted our rich cultural history and community spirit.

Kirking of the President Elect of Irvine Burns Club, Old Parish Church, Irvine, 28 January

On the morning of 28 January, Irvine’s civic organisations gathered for the traditional Kirking of the President-Elect of Irvine Burns Club in the Old Parish Church. Occasions like these



maintained by volunteers, highlight the continuity of work they carry out in their local community.

North Ayrshire Table Tennis Competition, St Matthew's Academy, Saltcoats 28 January

Also on 28 January, I visited the North Ayrshire Table Tennis Open Competition at St Matthew's Academy, Saltcoats. The North Ayrshire Table Tennis Club is one of North Ayrshire's success stories. Established ten years ago they have encouraged countless young people and adults to take up the sport. The competition itself attracted many competitors from throughout Scotland.

Wreath Laying Event and installation of the new President of Irvine Burns Club, Irvine Moor then Wellwood Burns Centre and Museum, Irvine, 28 January

On the afternoon of 28 January, I attended the wreath laying ceremony at the Burns Statue on Irvine Moor where I laid a wreath on behalf of the Council to commemorate the birth of Robert Burns. Afterwards, I went along to Wellwood Burns Centre where Iain McPhail was installed as the new President of Irvine Burns Club and Stephen Quigg Vice-President.

St Palladius Primary School Burns Supper, Dalry, 31 January

I attended the Burns Supper at Palladius Primary School on 31 January, which was led by the P7 pupils. All other years also took part with recitals and dance. Well done to the organising team for arranging this outstanding event.

Dreghorn Primary School Burns Supper, Dreghorn, 2 February

On 2 February, I was invited by the P6 pupils of Dreghorn Primary School to attend their Burns Supper. I had a thoroughly enjoyable afternoon where I was treated to some excellent traditional music and recitals.

PROVOST'S REPORT



A handwritten signature in blue ink that reads "Anthea Dickson". The signature is fluid and cursive.

Councillor Anthea Dickson
Provost North Ayrshire Council



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

LEADER'S REPORT

For the period covering: 4 December 2023 – 4
February 2024

The attached report gives a summary and brief details to Council, of meetings and events attended by the Leader of North Ayrshire Council, Councillor Marie Burns.

LEADER'S REPORT



LEADER'S REPORT

For the period covering: 4 December 2023 – 4 February 2024

NHS AYRSHIRE AND ARRAN BOARD MEETING, 4 December

On 4 December, I attended an NHS Ayrshire and Arran Board meeting attendees received updates on various Patient Safety Reports. The Board also received updates from some of the key items from the most recent meetings of the Audit and Risk Committee, HealthCare Governance Committee and Staff Governance Committee.

There were also further updates and discussions on the Children's Services and the Children and Young People's Service Plans for 2023 – 2026 from North, South and East Ayrshire Councils.

SPECIAL MEETING OF THE AYRSHIRE ECONOMIC PARTNERSHIP BOARD, 4 December

On 4 December, I chaired a special meeting of the Ayrshire Economic Partnership Board to consider a report submitted by South Ayrshire Council on a project from the Ayrshire Growth Deal.

MEETING WITH RUTH MAGUIRE MSP, 4 December

Also on 4 December, I attended a meeting with Ruth MaGuire MSP for Cunninghame South and North Ayrshire Council's Chief Executive, Craig Hatton to discuss local issues including, the Irvine Town Centre Fund, Levelling Up Round 3 Award and an update on work at the Great Harbour.

IRVINE LOCALITY PARTNERSHIP MEETING, 4 December

Later on 4 December, I attended a meeting of the Irvine Locality Partnership at Fullarton Connexions. The Partnership were asked to consider three Community Investment Fund applications from the following local groups:

- Broomlands and Bourtreehill Community Association (BABCA) for a community and memorial garden to grow fruit and vegetables.

LEADER'S REPORT



- Fullarton Community Association for a “green” outdoor gym and also a separate request to develop projects and fund staffing to cover recently awarded national funding.
- Turning Point Scotland for the development of a course, to be delivered by Ayrshire College, for people in recovery from substance or alcohol use.

The Partnership also received an update from Irvine Tennis Club on the impact of Community Investment funding and there was discussion to consider partnership opportunities.

COMMUNITY WEALTH BUILDING COMMISSION, 5 December

On 5 December, I chaired a meeting of the North Ayrshire Community Wealth Building (CWB) Commission in Cunninghame House, Irvine. Attendees received updates from the Lead Officer Working Group, the Ayrshire Regional Economic Strategy and the Ayrshire Growth Deal CWB Fund (Project updates).

Attendees also received presentations to hear updates on two streams of CWB work, the Fair Employment workstream and Procurement workstream.

COMMUNITY PLANNING PARTNERSHIP BOARD MEETING, 7 December

On 7 December, I chaired a meeting of the Community Planning Partnership (CPP) Board. The Board received a presentation from Claire Burden, Chief Executive of NHS Ayrshire and Arran, entitled “Caring for Ayrshire” which asked attendees to consider opportunities to support the work taking place across North Ayrshire.

There was also an engagement session facilitated by Green Health Scotland. The CPP are supporting the Green Health Partnership and Greenspace Scotland in developing a new Green Health Framework for North Ayrshire. This links closely across all of the Locality Output Improvement Plan (LOIP) themes, especially World and Wellbeing.

There were also presentations and further updates on Democracy Matters 2 (DM2) and work being done on the Cost of Living. DM2 is underway as part of the ongoing review of local governance in Scotland.

NHS AYRSHIRE AND ARRAN ENDOWMENT TRUSTEES MEETING, 15 December

LEADER'S REPORT



On 15 December, I attended a meeting of the NHS Ayrshire and Arran Endowment Trustees. The Committee received a presentation from the Investment Portfolio Manager at EdenTree. Trustees also received various reports on expenditure in certain funds including the General Fund and the Restricted Fund Plan.

COSLA SPECIAL LEADERS, 21 December

On 21 December, I attended a special meeting of COSLA Leaders' to discuss the Scottish Budget and Local Government Settlement 2024/2025. Leaders also received an update on latest developments on the proposed National Care Service.

NHS AYRSHIRE AND ARRAN MENTAL HEALTH WORKSHOP, 9 January

On 9 January, I attended an NHS Ayrshire and Arran Workshop to discuss Mental Health issues. The aim of the workshop was to raise awareness and the profile of the mental health services agenda with the NHS Board. This included an overview of system wide provision in Ayrshire and Arran including achievements and existing challenges. There was also discussion on the implications of the Public Health paper presented to the Board in October 2023 in the context of the National Strategy and Local Challenges. This was followed by a case study presentation.

NHS AYRSHIRE AND ARRAN DEVELOPMENT SESSION, 11 January

On 11 January, I attended a development session for NHS Ayrshire and Arran Board Members to discuss Blueprint for Good Governance, Self-assessment and Improvement Plan. The session included presentations, survey results and group discussions to agree areas for improvement.

AFTON COURT OPENING CEREMONY, 12 January

On 12 January, I attended the official opening of the Afton Court housing development in Stevenston. This new development consists of six new amenity bungalows which have been constructed using environmentally friendly techniques and ensure first-class, modern and energy efficient housing for their residents.

GREEN HOME SYSTEMS VISIT, 12 January

On 12 January, together with Provost Dickson and Councillor Gurney, Cabinet member and portfolio holder, I visited Green Home Systems based in Irvine. This family-run business specialises in domestic energy efficiency providing effective insulation, heating, renewable

LEADER'S REPORT



energy systems and charge point installation services. The business has won numerous awards for their work in the field of Energy Efficiency and their most recent award was for the British Chamber of Commerce UK Planet Saver Award.

NHS AYRSHIRE AND ARRAN HEALTHCARE GOVERNANCE COMMITTEE, 15 January

On 15 January, I attended an NHS Ayrshire and Arran Healthcare Governance Committee where attendees received reports on patient safety and patient experiences. There was also discussion on quality improvement in areas including maternity care, emergency care and Older People's care.

SPECIAL MEETING OF THE AYRSHIRE ECONOMIC PARTNERSHIP BOARD, 15 January

On 15 January, I chaired a special meeting of the Ayrshire Economic Partnership Board to consider a report submitted by North Ayrshire Council to note progress on the Ayrshire Growth Deal Community Wealth Building Programme and to approve the mid-term review. The Board were also asked to note and endorse the change request proposal to extend the programme by one year. The request proposal has been supported by the Scottish Government.

SPECIAL MEETING OF THE AYRSHIRE ECONOMIC JOINT COMMITTEE, 15 January

On 15 January, I chaired a special meeting of the Ayrshire Economic Partnership Board to consider the Community Wealth Building item previously discussed at the Ayrshire Economic Partnership Board (AEPB) earlier that day. The Committee were also asked to consider and approve the Terms of Reference for the Ayrshire Economic Joint Committee Ayrshire Skills Investment Fund Sub Committee (ASIF) and note the agreed governance arrangements that have been implemented.

IRVINE LOCALITY PARTNERSHIP MEETING, 15 January

Later on 15 January, I attended a meeting of the Irvine Locality Partnership. The Partnership were asked to consider two Community Investment Fund applications which were:

LEADER'S REPORT



- Funding for a Community development worker to support the work of the Irvine Locality Partnership and help achieve the aims of the Locality Outcomes Improvement Plan (LOIP)
- A bid from “The Micah Project”, a Scottish Charitable Incorporated Organisation (SCIO) since November 2022 which continues to lead several wellbeing initiatives aimed at supporting families and helping to restore dignity, reduce stigma and decrease waste. The group also runs the New 2U community clothes closet, distributes food surplus and facilitates wellbeing workshops such as sewing and cooking.

The Partnership also received an update from Louise Kirk, Interim Head of Service at North Ayrshire Council and Claire Fitzsimmons, Senior Manager from the Economic Development, Growth and Regeneration on the subject of Long-Term Plan for Towns and exploring opportunities for partnership working.

BOURTREEHILL PARK VISIT, 19 January

On 19 January, together with senior officers from the Council and other Irvine East Ward members, I visited Bourtreehill Park to identify and discuss areas within the area that need improvement and upgrading. My thanks to Rhonda Leith, Head of Service for Connected Communities and Thomas Reaney, Head of Service for Neighbourhood Services for organising the visit and taking this much needed work forward.

TACKLING CHILD POVERTY AND COST OF LIVING BOARD WORKSHOP, 19 January

Also on 19 January, as part of the continued work of the Tackling Child Poverty and Cost of Living Board, I attended a Cost-of-Living Fund Workshop where attendees discussed the Cost-of-Living Fund proposals and the allocation of funding. Proposals for current fund include:

- No Wrong Door +
- Sustainable childcare provision
- Employability travel plans
- Care Experienced Young People's Active Schools programme.

There was also some discussion about proposals for future funding which included:

- Lend and Mend initiative.
- Financial education in schools
- Rainbow House – families and young people with disabilities
- Support for volunteers

LEADER'S REPORT



My thanks again to attendees and officers for your continued work and support with the work of the Tackling Child Poverty and Cost of Living Board.

NHS AYRSHIRE AND ARRAN AUDIT AND RISK COMMITTEE, 24 January

On 24 January, I attended an NHS Audit and Risk Committee meeting where attendees discussed various Audit and governance papers. The Committee also received reporting on Fraud with an update on the Counter Fraud Services Strategy,

The Committee also reviewed and approved the Draft Workplan for 2024/24.

TACKLING CHILD POVERTY AND COST OF LIVING BOARD WORKSHOP, 24 January

Later on 24 January, I chaired a meeting of the Tackling Child Poverty and Cost of Living Board, where attendees were provided with an update on the Child Poverty Accelerator Fund. The Board were also asked to finalise the proposed Cost of Living input measure.

The North Ayrshire Active Schools Team also delivered a presentation on an active schools project to support care experienced learners and families impacted by poverty.

The Board will meet again on 6 March.

COSLA LEADERS' MEETING, 26 January

On 26 January, I attended a meeting of COSLA Leaders'. It was another packed agenda which included the following items for discussion:

- Local Government Finance
- Ukraine Funding
- Learning Estate Investment Programme (LEP) Update
- Council Tax Multipliers
- Minimum Learning Hours
- National Care Service
- MyJobScotland Q1 2024 update
- Peer Collaborative Improvement proposals
- CHAS Funding

LEADER'S REPORT



North Ayrshire Council has successfully engaged with the Scottish Government via the Scottish Futures Trust (SFT) in securing funding through the Learning Estate Investment Programme (LEIP). By promoting best value and contributing towards the achievement of the desired outcomes of the Learning Estate Strategy, both North Ayrshire Council LEIP funded projects will deliver high quality, sustainable, digitally enabled, energy efficient learning environments that support inclusive economic growth, the transition to net zero and build resilient and sustainable places.

COMMUNITY BUDGET ENGAGEMENT EVENT, 30 January

On 30 January, together with North Ayrshire Council Chief Executive Craig Hatton and North Ayrshire Council Head of Finance, Mark Boyd, I met with members from the community and other North Ayrshire Council Elected Members to discuss the budget for the forthcoming financial year.

Each year, the process of balancing the budget gets ever more difficult, meaning tough choices undoubtedly must be made therefore, it is important to hear from our communities which services are important to them and give them a say in how we plan for the year ahead. The event also provided the platform to share the results from our recent online Budget Challenge survey.

My thanks to all the officers, in particular, Mark Boyd and his team, who have worked so hard in recent months on budget related matters. I would also like to thank the representatives of various community groups and members of the public, who took time to join the online event and share their thoughts with us.



A handwritten signature in blue ink that reads "Marie Burns".

Councillor Marie Burns
Leader of North Ayrshire Council

NORTH AYRSHIRE COUNCIL

14 February 2024

Council

Title: **North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held in December 2023**

Purpose: To submit the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 7 December 2023.

Recommendation: That Council the Council notes the Minutes contained in Appendix 1.

1. Executive Summary

- 1.1 It was previously agreed that the Minutes of the Community Planning Partnership (CPP) Board be submitted to North Ayrshire Council for information. The key matters arising from the minutes have been highlighted for the attention of Council and are detailed in Section 2.1.

2. Background

- 2.1 Minutes of the meeting of the CPP Board held on 7 December 2023 are appended. This meeting focused on an extended engagement input for the new Green Health Framework. Particular matters for the Council's attention include the following:

Meeting of 7 December 2023

Agenda Item 3

CPP partners participated in an engagement session on development of the new North Ayrshire Green Heath Framework, led by Greenspace Scotland. This included an overview of the work so far and several discussion questions around the contribution of the Community Planning Partnership to green health work and strategy in North Ayrshire.

Agenda Item 4

Partners received an update on Democracy Matters 2, including the timeline for engagement by Scottish Government and plans locally, including discussion with partners through the Senior Officers Group and Community Engagement Network and a session with partners and the community at the 2024 Community and Locality Planning Conference, led by the Scottish Government team.

Agenda Item 5

An update on progress with the Caring for Ayrshire programme was delivered for partners by NHS colleagues. This included detail on the work taken place so far, updated aims of the programme, and the 5 workstreams identified with outpatients:

- respiratory
- frailty
- diabetes
- palliative / end of life care
- rehabilitation

The CPP Board were also advised that there will be online opportunities for people to get involved in development of the programme over the coming months.

Agenda Item 6

This is currently a standing item. CPP partners received an update on the work of the Child Poverty and Cost of Living Board. At a national level the CPP Board were advised of that the Child Winter Heating Payment of £235 began in November. There is also an Energy Bill Payment of £400 in addition to a Winter Heating Payment. More locally, the CPP Board were updated around:

- The islands Cost of Living fund has received a further £57k from the Scottish Government. This will be utilised for Energy Smart, money matters, welfare advice, schools, third sector community grants.
- Covid funds have been fully expended and reporting on these funds will cease.
- The Fair Food Network now has community larders in Arran and soon Largs. A consultation is taking place regarding a food larder on Cumbrae.
- Updates on the Financial Inclusion strategy and partnership development.
- Updates on the Parental Employment Support Fund and the Children and Young People Mental Health Wellbeing Fund.
- The role of Livewell for staff.

3. Proposals

3.1 That the Council notes the Minutes contained in Appendix 1.

4. Implications/Socio-economic Duty

Financial

4.1 None.

Human Resources

4.2 None.

Legal

4.3 None.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 The CPP activities detailed within this report support the Local Outcomes Improvement Plan.

Community Wealth Building

4.7 None.

5. Consultation

5.1 No consultation was required.

Audrey Sutton
Executive Director
Communities and Education

For further information please contact **Jacqui Greenlees, Senior Manager (Policy, Performance and Community Planning)**, on **01294 324415**.

Background Papers

Appendix: 1 CPP Board Minutes, 14 September 2023

Present

North Ayrshire Council

Cllr Marie Burns, Elected Member (**Chair**)
Cllr John Bell, Elected Member
Cllr Timothy Billings, Elected Member
Cllr Scott Davidson, Elected Member
Cllr Alan Hill, Elected Member
Cllr Shaun Macaulay, Elected Member
Craig Hatton, Chief Executive (NAC)
Audrey Sutton, Executive Director

Department of Work and Pensions

Sheila Lynn, Service Leader

NHS Ayrshire and Arran

Claire Burden, Chief Executive
Ruth Mellor, Consultant in Public Health

Police Scotland

T/Superintendent Stephen McGovern

Scottish Enterprise

Brian Connolly, Engagement Partner

Scottish Fire and Rescue Service

Ian McMeekin, Local Senior Officer

Scottish Government

Julie McLachlan, Community Wealth Building Legislation & Policy Manager/Place Directorate Support

Scottish Partnership for Transport

Allan Comrie, Senior Transport Planner

Skills Development Scotland

Shona Mitchell, Head of Operations South-West

The Ayrshire Community Trust

Kaileigh Brown, Executive Director

In Attendance

Jacqui Greenlees (NAC), Jennifer McGee (NAC), Lesley Dunlop (NAC), Emma Halliday, Green Health Scotland

Apologies

Vicki Yuill (Arran CVS), Rhonda Leith, Head of Service (NAC), Sam Anson, Location Director (Scottish Government), Caroline Cameron, Director (NAHSCP), Ashley Pringle, Board Member (KA Leisure), Lesley Bowie, Chair, NHS Ayrshire and Arran (Vice Chair)

1. Welcome and Apologies

The Chair welcomed everyone to the meeting and apologies for absence were noted.

2. Minute of the Previous Meeting

The minutes of the Board meeting held on 14 September 2023 were approved.

3. Green Health Scotland

The Chair invited Emma Halliday to provide the Board with an update on the Green Health Engagement Framework. E Halliday advised the Board that they were currently at phase two of three of the development of the framework with the aim of the framework being launched in Spring 2024.

E Halliday highlighted that Green Health can improve both physical and mental health while also being preventative. She informed that the framework links in to all three LOIP priorities of Wellbeing, Work and World.

The project is in three phases which are as follows:

Phase 1 Oct - Nov 23:

Steering group workshop
National and local policy review
Evidence review
Stakeholder mapping

Phase 2 Nov 23 – Jan 24:

Stakeholder engagement and research
Overview report impacts and activity to date
Learning and Sharing Event for health professionals

Phase 3 Feb – Apr 24:

Green Health Framework
Presentation and short film
Webinar to share the Framework

E Halliday asked the following questions of the Board:

1. Who could take this work forward in North Ayrshire?
2. What contributions can the CPP make to this view of success in the future?

The responses below were received:

- Ideally jointly.
- This links strongly with Public Health which falls to the NHS. It would therefore make sense for this to align with them.
- Recognise good fit jointly with NHS, but as ever, challenge of capacity.
- It would be public health and infrastructure for NHS.
- Partners could be made more aware of initiatives like this and could do more perhaps to signpost to customers who would benefit
- KA Leisure working with NHS/HSCP and local groups.
- With regard to assessing outcomes and making comparisons there will be a role for likeminded bodies across Scotland to liaise - the most obvious of which would be the NHS but not exclusively - especially as regards infrastructure.

- Active Schools and Connected Communities will have a role.
- All partners have a role to play both individually or as part of the partnership.
- There is a broader aspect to development of innovation districts and how we create accessible green places as part of their physical planning with specific ties into the communities surrounding them.
- Partners already some way into embedding it in to our strategic framework, going forward it is how we can further embed within our joint practice.
- This is Caring for Ayrshire and the ambition to increase the healthy life years of our citizens-programme board.
- It would be useful to see how much this can be aligned within our new Wellbeing Alliance approach within the CPP, led by KA.
- Well documented that work is good for Health so DWP have a key role in this.
- A healthy working lifestyle is something that would align well with the wider Fair Work agenda, recognising how we support companies to explore health support for their staff. Even participation in national challenges e.g. Step Challenge would be part of that.
- Ensure partners are aware of the expectation on them and how they take forward their role in achieving the outcomes. A lot of work already undertaken however maybe not everyone aware of breadth of work across CPP.
- Working with NAC as part of Capital Funding specifically as regards Active Travel and access which enables greener journeys to be undertaken as well as the benefits which can accrue to mental health issues.

E Halliday put a further question to the Board:

What contribution can the CPP make to overcoming these challenges?

- There is an abundance of high quality green and open space in North Ayrshire. The key action is getting people to recognise the benefits and utilising the asset.
- The countryside rangers have a role in promoting and involving people in the use of open space.
- Maybe look at where people are at right now, engage with third sector/KA where people are already using green space as part of their work. Discuss with them how this could be developed.
- The Active Travel team is also leading on some new initiatives.
- The Wellbeing Alliance is looking at this and this could become more of a focus.
- There is already a lot of work on Arran about getting people out and involved with the outdoors. However, if they were involved in this strategy then they could focus their work to include the Green Network specific objectives.

E Halliday highlighted that they want to make sure the framework is ambitious but not undeliverable.

E Halliday informed that the ask of the CPP Board is:

- To continue to engage with us openly throughout the process.
- To input on the draft framework to achieve ownership.
- To become or identify champions for green health.
- To sign-up to support the framework and the shaping of the Green Health Partnership post March 2024.

The Chair thanked E Halliday for her presentation and acknowledged the opportunity for joint working.

4. Democracy Matters 2

The Chair invited Jacqueline Greenlees to provide the Board with an update on Democracy Matters 2.

J Greenlees outlined the purpose of today's input is to make the Board aware of this key piece of national work and how we will approach it.

In 2017 the Scottish Government and COSLA jointly launched the Review of Local Governance to consider how powers, responsibilities and resources are shared across national and local spheres of government, and with communities.

On 28 August 2023 the Minister for Community Wealth and Public Finance, Minister for Local Government Empowerment and Planning and the COSLA Presidential Team launched the second phase of the Democracy Matters conversation.

The local approach to Democracy Matters 1 was to ensure that the community felt empowered to develop their own priorities.

Previous North Ayrshire Response (2018)

Partners agreed that the following principles were central to our response to the 2018 review:

- Decisions should be clear and understandable to communities, with clear lines of accountability back to communities.
- Our communities are diverse, it is important to ensure that public services can meet that diversity. We need potentially different models of governance for different communities.
- Collaboration and integration across public services is needed, whatever the structural or geographic boundaries.
- There should be opportunities for greater democratic control of other public services beyond local government.

J Greenlees highlighted that Phase 2 sets out to develop how groups making their own decisions will work. Financial support is available to communities who want to join the conversation. There is a question bank with 15 questions which covers the topics below:

- Powers
- Representation
- Accountability and Participation
- Setting Local Boundaries and Priorities
- Standards, Resources, and Relationships
- Nurturing Community Capacities

There is an easy read document available on the Scottish Government website.

Next Steps

- Promotion online- CPP social media and website
- Workshop session has taken place with the CPP Senior Officers Group
- Workshop session has taken place with the Community Engagement Network
- Will form part of the 2024 North Ayrshire Community & Locality Planning Conference – the Scottish Government will be providing an input on Democracy Matters 2
- Submission of response is due on 28 February 2024
- Linked work- development of North Ayrshire Participation Strategy and new website resources

The Chair thanked J Greenlees for her presentation.

5. Caring For Ayrshire

The Chair invited Claire Burden to share her presentation on the work of Caring For Ayrshire with the Board.

C Burden highlighted that the Caring for Ayrshire Programme (CFA) wants to deliver care as close to home as possible and recognise that this needs to be supported by a network of community services.

Together in Ayrshire we want to

- Deliver the best health and care services to the population of Ayrshire & Arran to support quality of life.
- Have sustainable services.
- Be able to provide access to the right expertise to support the best outcome.
- Ensure that we evolve services when improvements are evidenced, and new standards developed.

Ambitions for Change

- Right care in the right place.
- Looking after our own health and wellbeing.
- Integrated health and care system circle.

The ambition is to keep people at home, independent and increase healthy life years.

Why do we need to change?

- Life expectancy has decreased/plateaued over the last 5 years and by 2024 33% of population will be 75 and over.
- Need to understand local needs.
- Utilising digitised services.
- Trying to secure service sustainability by offering lifelong careers, developing sustainability service provision, keep care closer to home. More care in the community will decrease the demand for hospital services so they will become more available.
- There are two acute hospitals so there is plenty of estate to work with. There are no plans to close the hospitals.

Pathways

Through a series of workshops, the 5 workstreams below were identified with the addition of outpatients:

- respiratory
- frailty
- diabetes
- palliative / end of life care
- rehabilitation

These services are available however there is replication, and we are looking at a Whole System Pathway to remove the duplication.

To date the service areas below have been part of the engagement and review process trying to ensure each group is multi disciplinary/multi agency:

- Acute Triumvirates – Medicine, Emergency Medicine, Surgery, Diagnostics, Women & Children

- Primary Care/GP Premises - Utilisation of Space, Link to MDT and community service based working
- Mental Health – Older Peoples’ Services

C Burden advised the Board that work will be completed by January 2024 and there will be online opportunities for people to get involved over the coming months.

The Chair invited comments and questions from the Board.

C Hatton highlighted that this is a massive, much needed piece of work given the pressures on the NHS and it will be interesting to see the progress made and receive updates.

Councillor Bell enquired about funding for capital projects and how the current situation was reached. C Burden replied that the funds earmarked for capital projects were used during the Covid pandemic. Councillor Bell added that lots of GP surgeries have been identified as needing updated, but nothing has been mentioned on how to improve them. C Burden responded that there is a maintenance programme and the maintenance log has recently been reinstated after being paused for three /four years.

The Chair noted that the world is a different place post Covid and enquired how feasible it is to deliver and how much is needed to see what is possible for Caring for Ayrshire? C Burden replied that the single patient record is achievable in Ayrshire next year and this will make a big difference with regards to access to test results which will mean the tests won't be repeated. The more detail that is in the plan the more funding we are likely to receive.

Councillor Billings acknowledged that there is a lot of planning going on which has been talked about for a long time and not much has moved forward. It does seem very challenging with the amount of funding available. He asked what are the expectations and how will it be managed for everyone and how will the community handle this and how can we define the benefits if it moves slowly.

C Burden highlighted that it is about how the provision is coordinated to be more sustainable including multi-agency working. There will be a lot of cost avoidance with reduction of replication so this will help with sustainability.

J McLachlan highlighted that anchor structures were submitted to the Scottish Government and asked how this would relate to Caring for Ayrshire. C Burden advised that they will invest in the infrastructure using local people and services, having local treatment centres. The gardens programme is now in house. This will reduce outsourcing to others.

The Chair thanked C Burden for her presentation and acknowledged the opportunity for joint working.

6. Child Poverty and Cost of Living

Audrey Sutton provided the Board with an update on Child Poverty and Cost of Living.

A Sutton highlighted the following:

National:

- Child Winter Heating Payment of £235 began in November.
- Energy Bill Payment £400.
- Winter Heating Payment.

Local:

- The islands Cost of Living fund has received a further £57k from the Scottish Government. This will be utilised for Energy Smart, money matters, welfare advice, schools, third sector community grants.
- Covid funds have been fully expended and reporting on these funds will cease.
- The Fair Food Network now has community larders in Arran and soon Largs. A consultation is taking place regarding a food larder on Cumbrae.
- Financial Inclusion strategy and partnership development.
- Parental Employment Support Fund
- Cost of School Day
- Children and Young People Mental Health Wellbeing Fund
- Livewell for staff
- Mini enquiries have had a role in fund allocation and this will continue.

The Chair invited comments and questions from the Board.

Councillor Bell enquired how can we inform people about what they qualify for and how to apply? He also asked about the extension of the free school meals programme to P6/7. A Sutton responded that there is a suite of information available on both the Council and Community Planning Partnership websites as well as welfare officers, community link workers in GP practices available to provide support and guidance. Welfare advice is also available at community larders and work has been funded for Community Housing Advocacy Project (CHAP) to be onsite in community centres, libraries and sports clubs to provide support. If anyone is asked please refer to the Council and CPP websites. There is also one single number to contact for information.

With regards to the extension of free school meals, A Sutton advised that in line with Scottish Government funding we are committed, if funds are available, in 2026 to roll out free meals to P6/7. We will continue to keep this in our sights and prioritise, but funding and practicalities need to be resolved.

The Chair thanked A Sutton for her update.

7. Partner Updates

I McMeekin highlighted that due to lack of funds the decision has been taken not to renew local fire plans at this time. Instead, they will be reviewed.

S Lynn provided an update to the Board including:

- Benefits - Universal Credit and disability benefits will increase by 6.7%, in line with September's inflation rate.
- National Insurance - cut by 2 percentage points from 12% to 10% from 6 January. For someone on the average salary of £35,000 this will save over £450 a year.
- Wages - both the National Living Wage and National Minimum Wage will increase. From 1 April 2024, the National Living Wage will increase by 9.8% to £11.44 an hour for 2.7 million eligible workers, which will include 21 and 22-year-olds for the first time. The National Minimum Wage rates will increase for young people and apprentices: for people aged 18-20 by 14.8% to £8.60 an hour, for 16-17 year olds and apprentices by 21.2% to £6.40 an hour.
- Self-employed - Class 2 National Insurance (paid by around 2m people) has been scrapped, saving £192 a year on average. Self-employed people who pay Class 4 National Insurance at 9% on all earnings between £12,570 and £50,270 will see that cut by 1 percentage point to 8% from April.
- On 18 November the Chancellor of the Exchequer and the Secretary of State for Work and Pensions announced a package of employment support measures as part of the Back to Work Plan. This £2.5bn investment will help up to 1.1 million people with long-term health conditions, disabilities or who are long-term unemployed to look for and stay in work.

- The second payment of £300 was paid by 19 November 2023.
- The Move to Universal Credit expansion in Scotland continues.
- Jobcentres across Scotland supported National Older Workers Week 20-24 November. The national campaign was led by Working Wise to promote the benefits of multi-generational workforces and encourage employers to support and retain older workers.
- DWP is carrying out a large-scale recruitment exercise for Universal Credit Review Agents and Work Coaches across Scotland. Four have been recruited in Saltcoats, one in Kilbirnie and one in Irvine. There are still Work Coach vacancies in the three areas.
- Launch of the brand-new Veterans' Career Development Fund. The £700,000 grant fund will enhance provision of qualifications, training and skills development to veterans and their families right across the UK. Applications for up to £70,000 - live until 8 January 2024.

B Connolly highlighted ongoing work on the regional strategy and delivery plan. This was launched in October and they are looking at governance and ownership. He is happy to share updates with the Board. Scottish Enterprise will launch their new strategy in January which will show the organisational direction.

8. AOCB

No other business was discussed.

The next meeting of the North Ayrshire CPP Board will be held on **Friday 15 March 2024 at 11.15 am via Microsoft Teams.**

NORTH AYRSHIRE COUNCIL

14th February 2024

North Ayrshire Council

Title:	Findings of Hearing Conducted by the Standards Commission for Scotland.
Purpose:	To consider and note the findings of a hearing by the Standards Commission for Scotland.
Recommendation:	That Council (i) notes the decision of the Standards Commission dated 31 st January 2024 attached at appendix 1 of the report and (ii) intimates to the Standards Commission that consideration of the findings has been undertaken by Council.

1. Executive Summary

- 1.1 A hearing was conducted by the Standards Commission on 26th January 2024 into an alleged contravention of the Councillors' Code of Conduct by Councillor Marshall. The hearing found that there was no breach of the Code.
- 1.2 Council is required by statute to consider the findings and decision of the Standards Commission.

2. Background

- 2.1 The Standards Commission for Scotland conducted a hearing on 26th January 2024 to consider an alleged contravention of the Councillors' Code of Conduct by Councillor Marshall.
- 2.2 The decision of the Commission's hearing panel was that there was no breach of the Code of Conduct by Councillor Marshall. The written decision containing the findings from the Commission is annexed at Appendix 1 of this report.
- 2.3 Council is required by section 18(2) of the Ethical Standards in Public Life Act etc (Scotland) Act 2000 to consider the findings of the hearing within 3 months of the receipt or within such longer period as the Standards Commission may specify in writing. The findings of the Commission were intimated to the Council on 31st January 2024 and the Council requires to consider them within 3 months of that date.

3. Proposals

3.1 It is recommended that Council: (i) notes the findings of the hearing and (ii) intimates to the Standards Commission that consideration to the findings has been undertaken by Council.

4. Implications/Socio-economic Duty

Financial

4.1 There are no financial implications arising directly out of this report.

Human Resources

4.2 There are no implications on human resources arising from this report.

Legal

4.3 The Council is under a statutory duty to consider the findings of the Standards Commission in terms of section 18 of the Ethical Standards in Public Life etc (Scotland) Act 2000 and thereafter advise the Commission that such consideration has been undertaken.

Equality/Socio-economic

4.4 There are no implications arising from this report.

Climate Change and Carbon

4.5 None.

Key Priorities

4.6 Not applicable. This is a statutory report on the outcome of a hearing.

Community Wealth Building

4.7 None.

5. Consultation

5.1 None.

Aileen Craig
Head of Services (Democratic)

For further information please contact **Aileen Craig, Head of Service (Democratic)** by telephone on 01294 324125 or by email to acraig@north-ayrshire.gov.uk or **Raymond Lynch, Senior Manager (Legal Services)** by telephone on 07799199641 or by email to raymondlynch@north-ayrshire.gov.uk.

Background Papers

N/A

Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at the Council Chambers, Irvine, on Friday 26 January 2024.

Panel Members: Ms Helen Donaldson, Chair of the Hearing Panel
Ms Ashleigh Dunn
Ms Anne-Marie O'Hara

The Hearing arose in respect of a Report referred by Mr Ian Bruce, the Ethical Standards Commissioner (the ESC), further to complaint reference LA/NA/3707, concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Tom Marshall (the Respondent).

The Respondent was represented by Mr Chris Weir, Solicitor, Anderson Strathern.

Referral

Following an investigation into a complaint received on 1 February 2022 about the conduct of the Respondent, the ESC referred a report to the Standards Commission on 26 October 2023, in accordance with the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act).

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code at a Local Review Body meeting on 15 December 2021 and, in particular, that he had contravened provisions concerning the declaration of interests and taking decisions on quasi-judicial and regulatory matters, being as follows:

Declaration of Interests

5.1 For each particular matter I am involved in as a councillor, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.5 I understand my connection is an interest that requires to be declared where the objective test is met – that is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to influence the discussion or decision-making.

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

Quasi-Judicial and Regulatory Matters

7.1 I need to be especially vigilant when I am making a decision on a quasi-judicial or regulatory application. For these applications, I need to ensure there is a proper and fair hearing of the application and I must avoid any impression of bias in the whole decision-making process.

7.4 In dealing with these applications, I WILL:

- a) throughout my involvement with the entire application process act fairly and be seen to act fairly;*
- b) declare interests where required in terms of Section 5 of this Code and leave the meeting until the matter has been determined;*
- c) deal fairly and impartially with all parties involved in the application;*

7.5 In dealing with such applications, I WILL NOT:

- a) pre-judge or demonstrate bias or be seen to pre-judge or demonstrate bias;*
- b) indicate or imply support for or opposition to an application nor indicate my voting intention prior to the appropriate meeting where the application will be considered;*
- e) express any view on the application before the appropriate meeting where the application will be considered. If I do so I will not participate in any aspect of the decision-making nor vote on the application;*

f) formulate my conclusions on an application until all available information is to hand and has been duly considered by me at the meeting where the application will be considered;
g) express any indicative or provisional views in the course of my involvement in any aspect of the application;
or
h) otherwise act improperly or do anything which could reasonably create a perception that I have acted improperly.

The Standards Commission determined that it was both proportionate and in the public interest to hold a Hearing to decide whether a breach of the Code had occurred. The Hearing was initially scheduled to be held on 9 January 2024. Following a request from the Respondent's representative, the Hearing was postponed to 26 January 2024.

Preliminary Matters

The Panel members confirmed that they had watched a webcast recording of the Local Review Body meeting on 15 December 2021 in preparation for the Hearing.

Evidence Presented at the Hearing

Joint Statement of Facts: The Panel noted that a joint statement of facts had been agreed between the ESC and the Respondent's representative. This recorded that it was not in dispute that the Respondent had visited the Complainer's street on 13 December 2021, in his capacity as a councillor, and he had spoken to the Complainer's then neighbours about the Complainer's planning application to build an extension to his home.

The joint statement of facts recorded that it was not in dispute that the Local Review Body held a hearing on the application on 15 December 2021. The Respondent chaired the hearing and did not declare an interest when the Complainer's planning application was considered. A council officer advised that the planning application had been refused as, in particular, it had been considered to be "out of character with the original design and scale of the [Complainer's] existing dwellinghouse and neighbouring properties within the street and would be to the detriment of the character and amenity of the area".

The joint statement of facts recorded that after the Complainer presented his case, the Respondent stated that he had visited a street adjacent to the Complainer's one "a number of weeks ago". The Respondent noted that virtually every house there was the same, with "no two-storey extension houses at all". The Respondent noted that the application had been refused by officers "because of sighting, design and the proportion [being] out of character", and asked the Complainer whether he thought that his proposed "extension would be out of character" with other houses in its vicinity.

The joint statement of facts recorded that it was not in dispute that while other elected members had asked the Complainer questions, the Respondent did not then make any further comments on the merits of the application or on any points raised during the subsequent discussion. The Respondent, as chair, then called for a discussion on the matters raised. Another councillor on the Local Review Body advised that in her experience, there was a lot of individuality in respect of the houses on the adjacent street and that they were "not really all the same". Following another councillor moving to accept the recommendations in the council's report to refuse the application, which was then seconded, a further councillor proposed an amendment, which was also seconded. The Respondent, then called for a vote on the application which was refused by four votes to two. The Respondent voted against the application.

Webcast of Local Review Body Hearing on 15 December 2021: The Panel noted that, when making a statement in support of his planning application at the hearing on 15 December 2021, the Complainer advised that "someone from the Council" had visited his neighbours two days earlier to ask why they were objecting

to the extension. The Panel noted that the Respondent did not respond or identify himself as the individual in question.

Introductory Comments from the ESC

The ESC advised that the Complainer had applied unsuccessfully to the Council for planning permission to build a two-storey extension to his house. After his application had been rejected twice by council officers, the Local Review Body considered an appeal at its meeting on 15 December 2021. The Complainer was concerned that the hearing held by the Local Review Body into his appeal was not conducted fairly due to bias. This was because the Respondent had undertaken a site visit to his street on 13 December 2021 and when speaking to two of the Complainer's then neighbours, Neighbours 1 and 2, had expressed the view that the extension would look out of place. The Complainer contended that this demonstrated that the Respondent had pre-judged the application and, therefore, he should have declared an interest and taken no part in the discussion or decision-making at the Local Review Body hearing on 15 December 2021.

The ESC advised that he considered there were three key questions for the Panel to determine, those being whether the Respondent had:

- expressed a view on the appropriateness of the application in advance of the Local Review Body meeting on 15 December 2021;
- introduced himself as a councillor during the site visit; and
- pre-judged the application and given rise to a suspicion of bias by then failing to declare an interest and by taking part in the discussion and decision-making at the meeting on 15 December 2021.

Evidence from Witnesses for the ESC

The ESC led evidence from three witnesses, being the Complainer and two of his former neighbours; Neighbour 1 and Neighbour 2.

Neighbour 1: Neighbour 1 advised that she was at home on 13 December 2021 when the Respondent arrived unannounced at her home. Neighbour 1 advised that the Respondent had said he was from the planning department and had asked why she and her husband had objected to the Complainer's planning application. Neighbour 1 advised that they had not objected and that the Respondent must have the wrong house. Neighbour 1 indicated that the Respondent had advised that while he did not have the paperwork with him, he thought she and her husband had objected. Neighbour 1 advised she could not recall whether the Respondent had introduced himself, and only remembered him saying that he was from the Council's Planning Department. Neighbour 1 advised she did not recall the Respondent having offered any identification, such as a business card.

Neighbour 1 explained that after the Respondent had asked whether she had received correspondence about the application, she had confirmed that she had, and had pointed out the Complainer's house. Neighbour 1 advised that when she told the Respondent she considered the proposed extension would look "stunning", he had noted that the Council were trying to ensure houses in the area looked the same and had noted the extension would make the Complainer's house look different. Neighbour 1 advised she *thought* the Respondent had said that the extension would look out of place compared to the rest of the houses in the street, but that she could not be sure, given the amount of time that had elapsed since the visit.

Neighbour 1 advised that her recollection was that she and her husband were both outside the house facing the Respondent when the conversation took place. Neighbour 1 explained that while they were in the garden near the rear door, their position had been some distance from the street as they had a long driveway that could fit approximately four cars back-to-back.

Neighbour 1 advised that she visited the Complainer's house later that day, as she wanted him to know that she and her husband had not objected to the application. Neighbour 1 explained she spoke to the

Complainer's wife and told her someone from the council had visited and asked why she and her husband had objected to the application. Neighbour 1 noted that she had advised the Complainer's wife that she had told the visitor they had not done so.

Neighbour 1 indicated that when she encountered the Complainer several weeks later, he had asked whether she knew the name of the individual who had visited her on 13 December 2021. Neighbour 1 advised that when she indicated she did not, the Complainer had asked her to look at a photo of the Respondent on the Council's website and advise whether it had been him. Neighbour 1 stated that she had proceeded to do so, had confirmed the visitor was the Respondent and had advised the Complainer accordingly.

In response to questions from the Respondent's representative, Neighbour 1 accepted that it was possible the Respondent had introduced himself and that she had simply not heard him say his name. Neighbour 1 advised she was nevertheless sure that the Respondent had not offered a business card to either her or her husband.

Neighbour 1 stated that she was sure the Respondent had stated he was from the Council's Planning Department, albeit she accepted that when she had subsequently searched for him on the Council's website, he had been easy to find and was clearly identifiable as a councillor. When asked whether it would have been credible for the Respondent to have introduced himself as someone from the Council's Planning Department, when it was so easy to check and establish that he was not, Neighbour 1 was unable to offer any explanation.

When asked by the Panel about whether the Respondent had said it was his opinion that the extension would look out of place, or that of the Planning Department, Neighbour 1 stated that she did not think the Respondent was expressing his own view.

Neighbour 2: Neighbour 2 advised that he had been inside his house with his wife, Neighbour 1, when a tradesperson working on their property had advised them that they had a visitor. Neighbour 2 advised that he had then followed his wife to the rear door of the property to speak to the Respondent. Neighbour 2 stated he did not recall the Respondent as having introduced himself as Councillor Marshall or having offered any business card or other form of identification. Neighbour 2 advised he thought the Respondent had stated he was from the "planning office".

Neighbour 2 indicated that he had pointed out the Complainer's house after the Respondent asked which property was the subject of the planning application. Neighbour 2 advised that as he experienced hearing difficulties, he had relied on his wife relaying some of the conversation. Neighbour 2 stated that he recalled, nevertheless, that the Respondent said the proposed extension would look out of place on the street. Neighbour 2 advised that he and his wife were standing at the bottom of the steps to the rear door, facing the Respondent, during the conversation. Neighbour 2 noted that the rear door to the house was at the end of a driveway, which was long and could fit four cars.

In response to questions from the Respondent's representative, Neighbour 2 accepted it was possible that the Respondent had introduced himself and that he had simply not heard him say his name. Neighbour 2 advised that while he thought the Respondent had said he was from the planning department, he accepted it was possible that he was mistaken or that it could have been his wife who had relayed that information.

In response to a question from the Panel, Neighbour 2 advised that he did not know whether the Respondent had said it was his own view, or that of the Planning Department, that the extension would look out of place.

The Complainer: The Complainer advised that his wife had told him, before the Local Review Body hearing on 15 December 2021, about Neighbour 1 having advised that someone from the council had visited her property to discuss the application. The Complainer advised that, at the time of the hearing, he was unaware

of the identity of the individual in question, which was why he mentioned the visit when making his supporting statement at the hearing.

The Complainer advised that shortly after the hearing he had encountered Neighbour 1 and had asked her to describe the individual who had visited her home. The Complainer indicated he had suspected, from the description Neighbour 1 provided, that it had been the Respondent. The Complainer explained that as he had not wanted to taint Neighbour 1's recollection, he had not named the Respondent and, instead, had simply asked her to look at the photos of all elected members on the Council's website to see if she recognised any of them as being the individual in question. Neighbour 1 had then reported the next day that she was sure it had been the Respondent.

The Complainer stated that Neighbour 1 had advised him, during their conversation after the hearing, that the Respondent had asked her whether she thought the extension would be too big and not in keeping with other properties in the area; and that, in response, Neighbour 1 had pointed out other properties that had been extended.

The Complainer advised that he sent a letter of complaint to the Council Leader on 21 January 2022, in which he advised that the Respondent had suggested to Neighbours 1 and 2, during the site visit, that the extension would look out of place. The Complainer explained, in this letter, that he had raised concerns during the hearing about the visit but that these had been quickly dismissed by other elected members present on the grounds that a council officer would have shown identification.

The Complainer advised that he did not understand why the Respondent had not disclosed, at the hearing, that he was the individual who had undertaken the site visit and spoken to Neighbours 1 and 2. The Complainer advised he felt that this failure had influenced other elected members present and that this had meant he was not given a fair hearing.

In response to questions from the Respondent's representative, the Complainer advised that he was unsure whether, when he spoke to her after the hearing, Neighbour 1 had told him the visit had been from a council official or a person from the council but that it had been definitely one or the other. The Complainer accepted that it was council officers who had reached the view that the extension would look out of place, which was why they had rejected the application. The Complainer stated, nonetheless, that the Respondent had not identified himself as an elected member when speaking to Neighbours 1 and 2 and he had not disclosed the visit during the hearing. The Complainer advised that he was certain the Respondent had concealed the visit in an attempt to influence other elected members.

Submissions made by the ESC

The ESC noted that there was no dispute that the Respondent was acting as a councillor both during the site visit and at the Local Review Body meeting on 15 December 2021 and, therefore, that the Code applied.

The ESC contended that the Respondent had failed to disclose his site visit and had failed to avoid the perception that he had pre-judged the application or demonstrated bias. The ESC argued, therefore, that the Respondent should have declared an interest in the application and should not have participated in the discussion or decision-making. In support of this contention, the ESC noted that the Respondent failed to mention his visit to the Complainer's neighbours despite this having taken place only two days before, and despite him having referred, at the meeting, to having visited another street in the vicinity.

The ESC noted that the question of whether and how the Respondent introduced himself to neighbours 1 and 2, and exactly what he had said during the visit was in dispute. The ESC noted that the Respondent's partner had advised the Investigating Officer that she had overheard the conversation between the Respondent and neighbours 1 and 2. The ESC contended that it was apparent, from the evidence provided

by neighbours 1 and 2 about where everyone was positioned and the length of their driveway, that she would not have been able to do so from her location in a parked car on the road. The ESC argued, therefore, that the Respondent's partner's evidence should be discounted.

The ESC noted that the Respondent's position was that he had not realised, at the Local Review Body meeting on 15 December 2021, that the Complainer was referring to him when he mentioned someone from the council had visited his neighbour as, firstly, he was not a council officer and, secondly, he had met two neighbours. The ESC contended that this position was simply not credible and that the Respondent must have known the Complainer was referring to the visit he had undertaken.

The ESC accepted that the Respondent was entitled to undertake a site visit and to have formed a preliminary view. The ESC noted, however, that the Respondent was not allowed to share this view with others before the meeting at which the application was to be determined. The ESC argued that the only credible explanation for the Respondent's failure to disclose that he was the individual in question was because he had not wanted to disclose what he had said to the neighbour, as he would have been aware that his comments gave the impression of him having pre-judged, or been biased against, the application.

The ESC noted that the Respondent advised his office, during the investigation, that the first time he had reached the view that the proposed extension would look out of place was at the Local Review Body meeting on 15 December 2021. The ESC contended that this was not plausible as the only reason a councillor would undertake a site visit would be to enable them to form a preliminary view on the application to be considered. The ESC further contended that it was not plausible for the Respondent to suggest that he had not read the papers for the Local Review Body meeting on 15 December 2021 before the site visit, given he would not otherwise have known that the reason the application had been rejected previously by officers related to concerns that the proposed extension would look out of place.

The ESC noted that Section 7 of the Code requires councillors, when making decisions on quasi-judicial and regulatory matters (such as planning applications), to be "especially vigilant" and to ensure there is a proper and fair hearing. The ESC noted that councillors are obliged not only to act fairly and without bias, but also to be seen to be acting as such during the whole decision-making process. The ESC further noted that councillors must not indicate or imply opposition to an application before the meeting where the application is to be considered and that if they do so, they are required to declare an interest and refrain from participating in the decision-making. The ESC argued, in this case, that the Respondent expressed the view to Neighbours 1 and 2 that the proposed extension would look out of place. The ESC contended that, by doing so, the Respondent provided an indicative or provisional view the application, in contravention of Section 7 of the Code.

The ESC accepted that the Respondent had no prior links to the application. The ESC contended, however, that by expressing an opinion to the neighbours he showed that he had pre-judged the matter, the Respondent's action created a connection to, and an interest in, the application. The ESC argued that a member of the public, with knowledge of the facts, would consider that the Respondent's connection to the application was significant enough as to influence his decision-making. This was because he told members of the public that he did not think the proposed extension would fit in with the other houses, suggesting that he had already made his mind up on the application. The ESC concluded, therefore that as the objective test was met, the Respondent should have declared an interest at the Local Review Body meeting on 15 December 2021 and should not have participated in the decision. The ESC concluded that, by failing to do so, the Respondent had also contravened Section 7 of the Code.

The ESC noted case authorities cited by the Respondent's representative. The ESC accepted that while the authorities on whether real or apparent bias on the part of councillors gave rise to grounds for appeal were of interest, he noted that they concerned adherence to planning legislation, rather than the Code. The ESC

noted that the purpose of the Code was not simply to preclude successful challenges, but also to maintain high ethical standards. The ESC argued that the question of whether the Respondent's conduct was material to the outcome of the planning decision and / or any subsequent appeal against the Council's decision was irrelevant to the question of whether the Code had been contravened.

In response to questions from the Panel, the ESC accepted that neither Neighbour 1 nor Neighbour 2 had been able to testify, with any certainty, that the Respondent had expressed his own personal view on the proposed extension during the visit. The ESC accepted that the testimonies they had given at the Hearing on this was inconsistent with the evidence they provided during his investigation, to the effect that the Respondent had told them he thought the extension would look out of place. The ESC argued that as the accounts of the visit given by both neighbours during the investigation were more contemporaneous, they were more reliable and should be accepted by the Panel as such. The ESC noted that today's Hearing was the first time any reference had been made to the views of the Planning Department.

Evidence from Witnesses for the Respondent

The Respondent's representative led two witnesses, being the Respondent himself and the Respondent's partner.

The Respondent's partner: The Respondent's partner advised that she had been with the Respondent when they were in the neighbourhood, and he had suggested they drive down the road to see where it was proposed that an extension would be built. The Respondent's partner stated that the Respondent was unaware of the exact address, so had parked the car outside the property of Neighbours 1 and 2. The Respondent's partner advised that the Respondent had spoken to a tradesperson who was in the garden, who had proceeded to enter the house and fetch Neighbours 1 and 2. The Respondent's partner advised that she was able to witness the Respondent present his business card to Neighbours 1 and 2, although she could not see whether they took it or not. This was because while the Respondent's partner could see Neighbours 1 and 2 were standing in the doorway, they were not fully visible to her from her position in the car. The Respondent's partner stated that as her car window was down, she could "more or less" hear the Respondent's side of the conversation. The Respondent's partner stated that she heard the Respondent introduce himself as Councillor Marshall and that she was sure he had not said he was from the Planning Department.

In response to a question from the ESC, the Respondent's partner confirmed that she was in a car parked at the other end of the driveway to where the Respondent and Neighbours 1 and 2 were located.

In response to a question from the Panel, the Respondent's partner advised that she heard the Respondent ask Neighbours 1 and 2 whether they were happy with the proposed extension but did not hear him make any further comment on it.

The Respondent: The Respondent advised that he had been an elected member for approximately 20 years and, at the time of the events in question, had chaired the Council's Planning Committee for some five years. The Respondent indicated that while the Local Review Body held roughly 20 hearings per year, his impartiality had never previously been questioned.

The Respondent advised that, when driving past it on 13 December 2021, he had recognised the name of the Complainer's street, as being one where a property that was subject to an appeal was located. The Respondent stated that although he had not read the papers at that stage, he thought he would go and have a look. The Respondent advised that when he had seen a tradesperson in a garden in the vicinity, he had stopped to ask which property was the subject of the appeal. The Respondent stated that the tradesperson had gone inside the house to alert Neighbours 1 and 2. The Respondent said that when Neighbours 1 and 2 came to the door, he had introduced himself and offered his business card, as was his normal practice. The

Respondent advised he always carried business cards in his wallet and was sure he had offered one to Neighbours 1 and 2, albeit he could not recall whether they had accepted it. The Respondent contended that he always introduced himself as a councillor as he would always seek to build a rapport with members of the public, as potential voters.

The Respondent contended that he asked Neighbours 1 and 2 whether they were happy with the proposed extension, and they had confirmed that they were. The Respondent advised that he had engaged in a short conversation with them, before leaving. The Respondent stated that he had not said anything to the effect that he considered the proposed extension would look out of place or character.

The Respondent advised that, at the Local Review body meeting on 15 December 2021, he was aware that the application had been rejected by officers on two previous occasions. The Respondent accepted that the Complainer had referred, at the hearing on his application, to someone from the Council having visited his neighbours two days before. The Respondent contended, however, that he had not recognised that this was a reference to his visit as he was not an officer and there could have been any number of reasons why officers from, for example, the roads or planning teams could have been at the site.

The Respondent advised that he had read the papers between his visit on 13 December and the meeting on 15 December 2021, which is why he had asked the Complainer about the concerns raised by officers in respect of whether the proposed extension would look out of place. The Respondent stated that as this was why the application had been rejected previously, he considered it was important to give the Complainer, as the applicant, the opportunity to respond to these concerns. The Respondent advised that he had then given other elected members time to discuss the application before calling for a vote. The Respondent stated that he had not tried to influence other elected members at the meeting and noted that he had not responded or intervened when another councillor spoke in favour of the application.

The Respondent advised that he had no personal connection to the application and that he had no reason whatsoever to be biased or prejudiced against either it or the Complainer. The Respondent further advised that his decision on the application had been based solely on its merits. The Respondent contended that he did not form a view on the application before the Local Review Body meeting on 15 December 2021 and that he had only undertaken the site visit in order to see for himself what the street looked like.

In response to questions from the ESC, the Respondent accepted it was possible he may have asked Neighbours 1 and 2 whether they thought the extension might look out of place but contended that at no point had he suggested that this was his view or indicated they should object to the application. The Respondent noted that doing so would have been entirely futile, given the deadline for the submission of any objection would have long since expired. The Respondent advised he was not there to gather objections; he had simply visited the street as he was passing and wished to see what the properties looked like.

In response to questions from the Panel, the Respondent confirmed he could not recall exactly where Neighbours 1 and 2 had been located during their conversation, but thought they were on the footpath facing him, near the rear corner of the house. The Respondent confirmed that his car had been parked on the road at the end of the driveway.

When asked by the Panel why he had not mentioned the site visit, despite having referred to a visit he made to an adjacent street, the Respondent advised he had not considered it was necessary as it was not the normal practice for elected members to disclose any site visits.

Submissions made by the Respondent's Representative

The Respondent's representative noted that it was up to the Panel to determine, on the balance of probabilities, whether:

- firstly, the Respondent introduced himself to Neighbours 1 and 2 during the visit;
- secondly, if he had asked them whether they considered the extension would look out of place; and
- thirdly, if so, whether doing so in itself would give rise to any reasonable suspicion of prejudice or bias.

The Respondent's representative reminded the Panel that there was no dispute that elected members were allowed to undertake site visits and to discuss any ongoing applications with any members of the public present.

The Respondent's representative noted that while Neighbours 1 and 2 could not recall the specifics of the conversation, the Respondent had been consistent in his recollection as to what had been said. The Respondent's representative contended that, as such, the Panel should prefer the Respondent's evidence. The Respondent's representative noted that there was a clear difference between expressing a view and asking a question. The Respondent's representative contended that, in this case, it was evident that the Respondent had simply asked Neighbours 1 and 2 whether they thought the proposed extension would look out of place. As such, his site visit should not be viewed as anything other than a fact-finding exercise.

The Respondent's representative noted that the Respondent did not consider himself to be a council official or a representative of its planning department and argued that it was inconceivable, therefore, that he would have introduced himself to Neighbours 1 and 2 as such. The Respondent's representative noted that there was no suggestion whatsoever that the Respondent had a personal interest in the application, which might lead him to try to conceal his identity or role as an elected member during the visit.

The Respondent's representative drew the Panel's attention to the case of *Porter v Magill*¹, which outlined the test for bias as being *whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased*. The Respondent's representative referred to the case of *Berky*², in which the Court noted that councillors who have a personal interest must not participate in the decision-making, but recognised that, when making planning decisions, elected members are not required to cast aside any views on planning policy they may have formed when seeking election or acting as councillors. The Respondent's representative argued that *Berky* was analogous to the one before the Panel given there was no suggestion in this case that the Respondent had any personal interest in the planning application.

The Respondent's representative further contended that, as the application had been refused on two previous occasions on the grounds that the extension would be out of character, it was entirely reasonable for the Respondent to have asked the Complainer about this at the hearing on 15 December 2021. The Respondent's representative contended that, by doing so, the Respondent was giving the Complainer a fair opportunity to respond to officers' concerns as outlined in their report on the application. The Respondent's representative contended that it was not, therefore, indicative of the Respondent having pre-judged the application and argued that, if anything, it demonstrated that he was willing to consider all views on the matter.

The Respondent's representative suggested that it was evident from the webcast and the manner in which the Respondent, as chair, had conducted the meeting that he had not attempted to influence any other elected members. The Respondent's representative argued that no fair-minded person, with knowledge of:

- the question the Respondent put to Neighbours 1 and 2 regarding whether they thought the extension could look out of place; and

¹ (2001) UKHL 67

² *Berky, R (on the application of) v Newport City Council & others* (2012) EWCA Civ 378

- his conduct at the Local Review Body meeting on 15 December 2021, including his willingness to hear the Complainer's views and to allow another elected member to explain why she did not consider the extension would be out of character,

would conclude that there was a real possibility that he was, or had been, biased or that he had closed his mind on the merits of the application before the meeting.

The Respondent's representative argued that the Respondent's explanation that he had not thought that the Complainer's mention of a council official having visited his neighbours was a reference to him, should be considered reasonable. This was because the Respondent was not a council official. The Respondent's representative submitted that it was entirely possible that the Respondent had just confused his two visits to the areas. The Respondent's representative argued, in any event, that a failure to mention the site visit in question would not be sufficient to give rise to any reasonable and objective perception of bias or apparent bias. The Respondent's representative reminded the Panel that the test for such a perception was the view of a fair-minded observer, rather than someone (such as the Complainer) who, as a result of having a vested interest in the outcome of the application, might be viewing the matter with an unduly suspicious mind. The Respondent's representative concluded that as the Respondent's conduct did not give rise to any suspicion of bias, or him having pre-judged the application and having closed his mind, there had not been any contravention of the Code.

DECISION

The Hearing Panel considered the evidence led, and submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Marshall; and
2. The Respondent had not breached the Code.

Reasons for Decision

The Panel noted that there was no dispute that the Respondent was acting as a councillor both during the site visit and at the Local Review Body meeting on 15 December 2021. As the Respondent was acting as a councillor at the time of the events in question, the Panel was satisfied that the Code applied.

The Panel further noted there was no dispute that the Respondent participated in the discussion and decision-making on a planning application at a meeting of the council's local review body on 15 December 2021. There was also no dispute that the Respondent did not mention, at the meeting, that he had visited the site on 13 December 2021 and had discussed the application with the Complainer's former neighbours (the Complainer being the applicant).

The Panel noted that the Complainer's former neighbours gave evidence during the ESC's investigation to the effect that the Respondent had stated to them, during his visit, that he thought the proposed extension would look out of place. The Panel noted that, given the passage of time, the neighbours were less sure, when recollecting the visit during the Hearing as to whether he had stated this, or had just asked for their views as to whether that could be the case. The Panel noted that the Respondent denied having expressed a view. The Respondent contended that, instead, he had merely asked whether the neighbours were happy with the application and whether they thought it could look out of place.

The Panel noted that neither Neighbour 1 nor 2 could rule out the possibility that the Respondent had referred to it being the Planning Department's view that the extension would look out of place. Given both neighbours were under the impression that the Respondent was from the Planning Department, the Panel

considered that it may have been the case that the Respondent referred to the reason officers had given for the previous rejections of the application, in any attempt to seek the neighbours' views, and the neighbours assumed he was expressing his own opinion.

Given the passage of time and the (entirely understandable) discrepancies in recollections, the Panel was unable to determine conclusively what exactly had been said during the visit. The Panel was nevertheless satisfied, on the balance of probabilities, that the Respondent raised the possibility of whether the proposed extension could look out of place.

The Panel noted that councillors are entitled to carry out site visits and discuss applications with any interested parties before meetings. The Panel noted that doing so would not in itself necessarily create a declarable interest. The Panel acknowledged that even if the Respondent had questioned whether the proposed extension might look out of place, he would only have been required to declare an interest at the local review body meeting, if the objective test was met. The objective test was where a member of the public with knowledge of the relevant facts (being the application to be discussed and the comments allegedly made by the Respondent during the site visit) would reasonably regard his connection to the particular matter before the local review board as being so significant that it would be considered as being likely to influence his discussion or decision-making at the meeting.

In this case the Panel was not satisfied that any suggestion made by the Respondent to the neighbours that the proposed extension might look out of place would be considered sufficiently significant as to be likely to have an impact on his discussion or decision-making. The Panel noted there would have been nothing to prevent the Respondent from making such a suggestion at the Local Review Body meeting itself.

The Panel concluded, therefore, that the Respondent's actions did not give rise to a declarable interest and, as such, there had not been any contravention of Section 5 of the Code.

The Panel noted that the Respondent did not mention his visit during the Local Review Body meeting, despite the Complainer noting that someone from the council had attended the site and asked whether the neighbours had concerns. The Panel accepted the Respondent's position that he had not claimed to be a council official during the visit, given there would have been no reason for him to have done so and given this would be relatively easy to disprove. In reaching this conclusion, the Panel noted that there was no evidence or suggestion that the Respondent had any personal interest in the application. It noted again that he was entitled to undertake the site visit and discuss the application with any interested parties before meetings. The Panel further accepted the Respondent's point that he wished to engage with potential voters in his capacity as a councillor. The Panel could not, therefore, identify any good reason why the Respondent would have sought to conceal his identity during the visit.

The Panel noted that the Respondent mentioned a visit to a neighbouring street during the Local Review Body meeting on 15 December 2021, but did not state that he had been to the Complainer's street and had spoken to the neighbours. The Panel noted the Commissioner's view was that the only plausible reason for the Respondent not having done so was because he knew he had expressed a view about the application to the neighbours and did not wish to disclose this as he would have been aware that his comments gave the impression of him having pre-judged, or been biased against, the application. The Panel considered it may have been more transparent for the Respondent to have mentioned the site visit, but was not satisfied that a failure to do so was an attempt to conceal it. This was because the Panel noted that it was entirely possible the Respondent did not think it was worth mentioning if, as he alleged, he had not expressed his own view on the proposed extension during the visit. It may also have been the case that the discussion had moved on before the Respondent had thought to do so.

The Panel considered that even if the Respondent had indeed suggested to the neighbours that the proposed extension could look out of place, doing so did not necessarily indicate that he had pre-judged the application in advance of the Local Review Body meeting. The Panel agreed with the ESC that it was implausible to suggest that a councillor would not have formed opinions on aspects of the application or some of the criteria it would be judged against after a site visit, just as they would upon reading the papers on the item prepared for the relevant meeting. The Panel noted, however, that this did not mean they had formed an overall view or pre-judged the whole application and / or would not be open to considering all relevant and material factors (including any verbal submissions) at the meeting or hearing itself. The Panel was of the view that a distinction could be drawn between expressing a view (such as “I think the extension could look out of place”) and demonstrating a closed mind (by, for example, stating “I think the extension would look out of place and I would never vote for an extension that looked out of place” or “I will never vote for an extension in this street”).

The Panel agreed with the ESC that the question of whether the Respondent’s conduct was material to the outcome of the planning decision and / or any subsequent appeal against the Council’s decision was irrelevant to the question of whether the Code had been contravened. This was because the Panel was satisfied that even if a councillor was biased (or to have failed to avoid any suspicion of bias), other elected members could disagree and vote differently to that councillor in respect of whether the application should be accepted or rejected (meaning the bias would not necessarily be material to, or affect, the outcome). The Panel nevertheless agreed with the Respondent’s representative that the question of whether a councillor had been unfair or biased, or had failed to avoid any reasonable perception of having done so, required to be considered objectively.

While the Panel considered the Respondent’s comment, if made, could be said to indicate that he had concerns about the extension and, therefore, the application to be considered, the Panel considered this to simply be a ‘preliminary view’ on one aspect. The Panel did not consider that it either demonstrated that the Respondent had completely closed his mind or was not prepared to consider the merits of the application at the Local Review Body meeting on 15 December 2021.

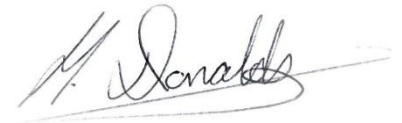
Having reviewed the webcast of the meeting, the Panel was satisfied that the Respondent gave the Complainer the opportunity to make statements in support of his application and afforded him an opportunity to comment on the question of whether the extension would look out of place (being the reason why the application had been rejected previously). In addition, the Panel was satisfied that the Respondent did not attempt to intervene when another elected member made comments in support of the application.

The Panel noted that the Complainer considered the Respondent had concealed his site visit and that this had influenced other elected members present at the meeting. For the reasons outlined above, the Panel was not satisfied that the Respondent deliberately concealed his visit or conversation with Neighbours 1 and 2. In any event, the Panel did not consider that there was any evidence to support the contention that other elected members could or would have been influenced by the failure to mention the visit. The Panel considered it was evident that the issue of whether the proposed extension would look out of place would always be considered by elected members, regardless of whether the Respondent had mentioned his visit or not, given it was an issue that had been raised by officers and included in the report before them.

The Panel was not satisfied, therefore, that it would be reasonable for a member of the public, with knowledge of the Respondent’s site visit and his conduct at the Local Review Body meeting on 15 December 2021 to conclude, objectively, that the Respondent had failed to ensure he was acting fairly, or that he had failed to avoid any suspicion of pre-judging, bias or a lack of fairness in relation to the application.

As such, the Panel concluded that it had not been established that the Respondent had breached Section 7 of the Code.

Date: 31 January 2024



**Helen Donaldson
Chair of the Hearing Panel**

NORTH AYRSHIRE COUNCIL

14 February 2024

North Ayrshire Council

Title: Council Tax on Second Homes

Purpose: To advise Council of the new discretionary powers available under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023 and seek approval to consult with our island communities on a proposal to revise the current policy on Council Tax charges for Second Homes within North Ayrshire.

Recommendation: That Council agrees to:

- (a) note the discretionary powers for the variation of Council Tax charges on Second Homes detailed within the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023; and
- (b) consult on the proposal to implement an increased Council Tax charge on second homes in North Ayrshire, ensuring in particular that the island communities on the Isles of Arran and Cumbrae are given a platform to voice their opinions, concerns and suggestions.

1. Executive Summary

- 1.1 Following a recent consultation, the Scottish Government has now published the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023, under which councils will have the power to vary the Council Tax charge for second homes from the current 100% charge to include a premium of up to a further 100% of the applicable Council Tax charge.
- 1.2 The main policy intent behind these powers is to mitigate the negative impacts of second home ownership across our communities through the promotion of a behavioural change across second homeowners which leads to a better balance between second homes and more permanently occupied homes. This could also help increase the supply in the private rented sector and benefit local economies with a shift in more housing occupancy throughout the year.

- 1.3 In deciding whether and how to use these new powers, the Council must have regard to island communities. Given the number of second homes on the Isles of Arran and Cumbrae, increasing the council tax payable on second homes in North Ayrshire is likely to have a significantly different impact on the island communities compared to other communities. An island communities impact assessment (ICIA) therefore requires to be carried out before deciding whether and how any increase should be applied.
- 1.4 Consideration must also be given to the possible impact of any policy change on people with protected characteristics under the Equality Act 2010. A screening will be undertaken to determine whether an Equality Impact Assessment (“EIA”) is required.
- 1.5 It is recommended that the Council consults with key stakeholders to inform the required impact assessments and development of the policy.

2. Background

2.1 On 17 April 2023 the Scottish Government published partial impact assessments in respect of the proposals to increase council tax on second and empty homes, and/or to alter non-domestic rates thresholds for self-catering accommodation.

2.2 The partial ICIA completed by the Scottish Government noted:

“Local councils would need to carefully consider when to use discretion to change council tax rates for second and empty homes. Negative impacts might include: loss of tourism economy, homes switching from personal use or self-catering accommodation to empty homes (at least in the short term).”

2.3 In addition, the Scottish Government’s partial EIA noted that:

“given that there is significant variation in the concentration of second and empty homes across Scotland, the protected and other characteristics of communities who might benefit from the proposed policies are likely to vary from one area to another. Giving councils discretion will allow them to consider whether there any [sic] relevant equality characteristics in the particular area where the policies will be applied.”

2.4 During the period 17 April 2023 to 11 July 2023, the Scottish Government undertook a consultation on Council Tax charges for Second Homes and Long-Term Empty Properties. North Ayrshire Council’s response to the consultation was approved by Cabinet at its meeting of 13 June 2023.

- 2.5 In response to the consultation, the Scottish Government published the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023 (the “Regulations”) on 19 December 2023. The Regulations give councils the power to vary the Council Tax charge for second homes from the current 100% charge to include a premium of up to a further 100% of the applicable Council Tax charge. This brings the powers available to councils in relation to second homes into line with those already in place for long-term empty properties. Under the Regulations, a second home is classed as a dwelling which is no one’s sole or main residence, but which is furnished and, in respect of which, during any period of 12 months, the person who is liable to pay the Council Tax that is chargeable can produce evidence to establish that it is lived in other than as a sole or main residence for at least 25 days during that period. The Regulations come into force from 1 April 2024.
- 2.6 Alongside these proposals, further potential changes to Council Tax, including a review of Council Tax bands and the potential increase of the levy premium on long-term empty properties and second homes council tax premium of up to 300%, would require primary legislation by the Scottish Parliament. Any further developments in relation to these proposals will be monitored by officers and recommendations on the potential future implementation of such changes will be presented to Council for consideration when appropriate.
- 2.7 There are a number of potential benefits of imposing a premium on the applicable Council Tax charge on second homes across North Ayrshire in terms of promoting behaviour change across second homeowners which could lead to a better balance between second homes and more permanently occupied homes. This in turn could benefit local communities and increase supply in the private rented sector. The introduction of an additional charge would also result in additional annual income for the Council. However, the Regulations give local authorities discretion in terms of how any additional premium is applied to allow flexibility to respond to local circumstances.
- 2.8 The short lead-in time for the Regulations means that it will not be possible to consult with key stakeholders in sufficient time to increase the Council Tax payable on second homes in the next financial year.
- 2.9 Section 7 of the Islands (Scotland) Act 2018 (the “2018 Act”) imposes a duty on local authorities to have regard to island communities in carrying out their functions. Where a policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities within the local authority area, a Council must prepare an ICIA under section 8 of the 2018 Act. The ICIA must describe the likely significant different effect of the policy, strategy or service, and assess the likely extent to which it can be developed or delivered in such a manner as to improve or mitigate the outcomes resulting from it for island communities.

2.10 The island communities of the Cumbraes and Arran have a high proportion of second home ownership. 31% of North Ayrshire second homes are located on Cumbrae (452 properties), 40% on Arran (580 properties) and 29% on the mainland (432 properties). It is therefore recognised that introducing a premium on the applicable Council Tax charge on second homes is likely to have a proportionally greater impact on the islands. Tourism is a vital element of the island economy across both islands, and the impact of any modal shift in housing ownership models on tourism must be considered. In these circumstances, an increase in the Council Tax payable in respect of second homes is likely to have an effect on the island communities which is significantly different from its effect on other communities in North Ayrshire, and the duty to conduct an ICIA is therefore engaged.

2.11 In fulfilling the duty to have regard to island communities, the Council must have regard to any guidance issued by the Scottish Ministers. The “Island communities impact assessments: guidance and toolkit” issued by the Scottish Government contains specific guidance on carrying out ICIA’s and emphasises the importance of consultation and robust community engagement so that islanders are given a platform to voice their opinions, concerns and suggestions.

3. Proposals

3.1 It is proposed that Council agrees to:

- a) note the discretionary powers for the variation of Council Tax charges on Second Homes detailed within the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023; and
- b) consult on the proposal to implement an increased Council Tax charge on second homes in North Ayrshire, ensuring in particular that the island communities on the Isles of Arran and Cumbrae are given a platform to voice their opinions, concerns and suggestions.

4. Implications/Socio-economic Duty

Financial

4.1 There are no financial implications of going out to consultation. Any costs associated with this will be met within existing budgets.

Human Resources

4.2 Any consultation would be conducted using existing resources.

Legal

4.3 The Council has been given new powers under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023. In exercising these powers it must comply with its obligations under the Islands (Scotland) Act 2018 and the Equality Act 2010.

Equality/Socio-economic

- 4.4 Consideration will be given to the possible impact of any proposed policy change on people with protected characteristics under the Equality Act 2010. A screening will be undertaken to determine whether an Equality Impact Assessment is required.

Environmental and Sustainability

- 4.5 None.

Key Priorities

- 4.6 This report supports the key activity of developing strong relationships with communities and partners based on trust and shared aspirations using their experiences to inform service provision as set out in the Council Plan 2023-2028. If an increased Council Tax charge is adopted for second homes this may ultimately support the key priority of affordable housing set out in the local island plans for both Arran and Cumbrae.

Community Wealth Building

- 4.7 None.

5. Consultation

- 5.1 The Scottish Government launched a Consultation during the period 17 April 2023 to 11 July 2023 on Council Tax charges for Second Homes and Long-Term Empty Properties. North Ayrshire Council's response to the consultation was approved by Cabinet at its meeting of 13 June 2023. This Consultation was open to all citizens.

Craig Hatton
Chief Executive

For further information please contact Aileen Craig, **Head of Democratic Services**, on 01294 324125.

Background Papers

Scottish Government's Island communities impact assessments: guidance and toolkit

NORTH AYRSHIRE COUNCIL

14 February 2024

North Ayrshire Council

Title: **Housing Revenue Account (HRA) Capital Investment Plan, Revenue Budget and Rent Levels for 2024/25**

Purpose: To advise Council of the proposed HRA capital investment plan, revenue budget for 2024/25 and consequential rent levels.

Recommendation: That the Council agrees to: (i) approve the HRA capital investment plan, as detailed in Appendix 1; (ii) approve the HRA revenue budget for 2024/25, as detailed in Appendix 2; (iii) approve a rent increase of 6.0% in 2024/25 for council houses, garages / lock ups and gypsy travellers site fees; (iv) note the indicative rent increases of 3.84% for the remaining 29 years of the Business Plan; and (v) approve a 5.0% increase to housing service charges.

1. Executive Summary

1.1 Section 203 of the Housing (Scotland) Act 1987 includes a requirement for local authorities to maintain a Housing Revenue Account (HRA) to record all income and expenditure related to their direct provision of housing. Councils must estimate, annually, the amounts to be debited or credited to the account, through setting a budget, which is returned to the Scottish Government and published annually.

1.2 Following the annual review of the HRA 30-year Business Plan in 2022, it was recognised that the HRA faced significant affordability challenges over the next 30 years. These challenges were as a direct result of the economic climate at that point, and included factors such as:

- significantly higher costs for maintaining and improving our stock due to higher prices for contractors and materials
- increased interest rates linked to borrowing costs to fund future capital projects
- rising inflation affecting other running costs
- reduced rental income/ increased rent arrears
- retaining the Council's commitment to deliver 1,625 new social rented homes by 31 March 2028

1.3 At the Council meeting on 15 February 2023, a 6.42% rent increase was approved for

2023/2024, which equated to an average increase of £4.99 per week and was implemented in April 2023. Council also noted an indicative rent increase of 6.03% for 2024/2025 and 4.29% for the remaining 28 years.

- 1.4 A further extensive review of the HRA 30-year Business Plan was undertaken in 2023, which assessed the factors expected to impact on the HRA budget in 2024/25 and beyond. In order to maintain the planned levels of investment in our existing homes and new build homes and current service levels, general efficiencies across all areas of the housing budget were made, with the main adjustments noted below:
- Property revenue budgets have been increased by £0.46m. This is due to increases in void repairs; planned and cyclical maintenance; Property Management and Investment (PMI) management charges; and energy charges for sheltered housing units. These increases are partly offset by decreases in Building Services' charges due to reduced pension contributions, responsive repairs and other property costs.
 - Additional capital budget of £14.84m has been allocated to the sheltered housing refurbishment programme to recognise the impact of construction inflation.
 - A review of loans fund principal repayment periods has been undertaken, releasing £6.12m over the life of the 30-year business plan.
- 1.5 This has resulted in capital and revenue budgets being proposed for 2024/25 which deliver the following priorities:
- a capital investment plan which maintains the Scottish Housing Quality Standard and includes £132.45m investment towards the future requirements of the Scottish Housing Net Zero Standard (SHNZS) in Scotland, which is currently out for consultation. The SHNZS replaces the previous Energy Efficiency Standard for Social Housing (previously known as EESSH2).
 - an increase in overall affordable housing supply from 1,650 to 1,706 homes. This has been achieved by the following:
 - the SHIP 2024 - 2029 approved by Cabinet on 7 November 2023 reduced the cumulative Council new build target from 1,625 to 1,615 homes, with the funding previously earmarked for 10 properties within the 'unallocated regeneration block' reallocated to support the buyback of an additional 40 properties by 2028, increasing the total planned buybacks over the next five years from 25 to 65 units.
 - the Council's Cabinet meeting on 7 November 2023 also approved the addition of 26 new build homes at the former St Mary's Primary in Largs to the SHIP 2024 – 2029. Due to the increased grant from the Scottish Government beyond normal benchmark levels, this project will have no financial impact on the HRA Business Plan.
 - £35.92m capital investment in the Council's new housebuilding programme in 2024/25, with a further 21 new build houses expected to be completed by 31 March 2025. This will take the total number of new builds to 906, supporting the delivery of 1,641 new homes by 2029.
 - £24.1m of property-related revenue expenditure
 - Continuation of the £10m Estate Based Regeneration Programme to 2028/29
 - Continuation of the Sheltered Housing Reprovisioning Programme, with 11 sheltered housing units expected to be fully refurbished by 2030/31. Officers are continuing to review the scheduling of projects and seek to accelerate works

wherever possible.

- 1.6 To maintain the current service provision and SHIP investment, the proposed increase to housing rents is 6.00% (an average of £4.97 per week) for 2024/25. This is slightly below the indicative increase of 6.03% outlined to Council in February 2023. Tenants have been consulted on the proposed rent levels and the results of the consultation are included in Appendix 4, with details of the proposed 2024/25 rent charges for each property size and type shown in Appendix 3.
- 1.7 It is proposed that service charges (which cover utility usage in sheltered housing units) are increased by 5.00%. The schedule included in Appendix 3 contains the proposed new charges with effect from 1 April 2024.
- 1.8 The HRA revenue budgetary control report to 30 November 2023, submitted to the Cabinet meeting of 23 January 2024, projected HRA reserves of £15.06m at 31 March 2024. Forecast unearmarked reserves are £0.78m, which equates to 1.3% of revenue expenditure, however CIPFA recommended practice - as set out in the 'Local Authority Reserves and Balances' guidance - states this should be between 2% and 4%. All earmarked and non-earmarked reserves have subsequently been reviewed to determine future requirements; this review has resulted in an increased unearmarked balance of £1.55m, which equates to 2.5% of revenue expenditure. A summary of the revised earmarked and unearmarked reserves and movements is provided at paragraph 2.41.
- 1.9 To ensure a robust and sustainable HRA Business Plan in forthcoming years, a comprehensive Housing Services Transformation programme was developed in 2023 to address the affordability challenges faced by the HRA. This programme is governed by a Housing Services Transformation Board, led by the Head of Service (Housing and Public Protection). To support delivery of the transformation programme, £2m has been earmarked as part of the review of HRA reserves.
- 1.10 Full details of the proposed capital investment plan and 2024/25 revenue budget are contained in Appendix 1 and Appendix 2 respectively. A table with the proposed rents and service charges for 2024/25 is included in Appendix 3. A copy of the consultation feedback form and outcome of the consultation are provided in Appendix 4.

2. Background

- 2.1 Section 203 of the Housing (Scotland) Act 1987 includes a requirement for local authorities to maintain a Housing Revenue Account (HRA) to record all income and expenditure related to their direct provision of housing. Councils must estimate, annually, the amounts to be debited or credited to the account, through setting a budget, which is returned to the Scottish Government and published annually.
- 2.2 The Scottish Social Housing Charter sets the standards and outcomes that all social landlords should aim to achieve when performing their housing activities. The following outcomes and standards are relevant to this report:

2: Communication

Tenants and other customers find it easy to communicate with their landlord and get

the information they need about their landlord, how and why it makes decisions and the services it provides.

3: Participation

Tenants and other customers are offered a range of opportunities that make it easy for them to participate in and influence their landlord's decisions at a level they feel comfortable with.

13: Value for Money

Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

14/15: Rents and Service Charges

A balance is struck between the level of services provided, the cost of the services, and how far current and prospective tenants and service users can afford them.

Tenants get clear information on how rent and other money is spent, including details of any individual items of expenditure above thresholds agreed between landlords and tenants.

- 2.3 At the Council meeting on 15 February 2023, members approved a rent increase of 6.42% for 2023/24 and noted indicative rent increases of 6.03% for 2024/25 and 4.29% for the remaining 28 years of the Business Plan.
- 2.4 An annual review of the HRA Business Plan financial model was undertaken during 2023. The Plan provides assurance of the financial sustainability of the management of the Council's housing stock over a 30-year period. The following factors were included in the review, taking into consideration the continued impact of the current economic climate - noted in paragraph 1.2 above - on the provision of the Council's Housing Service and our tenants:
- National context
 - Asset management
 - Revenue expenditure
 - Rent affordability and stakeholder engagement
 - Value for money
 - Housing Services' transformation programme
 - Treasury management
 - Risk management

National Context

- 2.5 In their Annual Risk Assessment published in November 2023, the Scottish Housing Regulator noted the challenges faced by landlords in keeping rents as affordable as possible, while at the same time funding services for tenants and others and investing in their homes.
- 2.6 The October 2022 Consumer Price Index (CPI) inflation rate was 11.1%. Concerns were consequently raised at a national level about rent affordability, which resulted in CoSLA issuing a statement on 25 November 2022 committing to rent increases for 2023/2024

being limited to at an average of no more than £5 a week. In order to meet this rent limit, North Ayrshire Council made significant changes to future spending plans. At the Council meeting on 15 February 2023, a rent increase of 6.42% - an average of £4.99 per week - was approved for 2023/2024. It was noted that the indicative rent increase for 2024/2025 was 6.03%, reducing to 4.29% for the remaining 28 years.

- 2.7 The September 2023 Consumer Price Index (CPI) inflation rate was 6.7%. Scottish Government recognise the continuing challenges faced by landlords in keeping rents as affordable as possible, while at the same time funding services for tenants and others and investing in their homes. No decisions regarding controls or restrictions on social rents have been taken nationally for 2024/25. As noted above, following a review of the 30-year Business Plan the Council's proposed rent increase has been reduced to 6.0% for 2024/2025 and 3.84% for future years. It is proposed that service charges which cover utility usage in sheltered housing units be increased by 5.00%. The schedule included in Appendix 4 contains details of the proposed charges with effect from 1 April 2024.

Asset Management

- 2.8 A strategic approach to asset management has been adopted, with a refresh of the Housing Assessment Management Plan (HAMP) during 2023 informing the review of 30-year HRA Business Plan. This ensures the appropriate alignment between our asset management requirements and the financial resources available. The HAMP focuses on the current economic challenges being faced, prioritises the need to meet statutory compliance obligations, and sets the foundations for the future approach to asset management in the context of our evolving sustainability commitments and delivery of the Scottish Government's Housing to 2040 strategy.
- 2.9 A pathfinder project is underway to understand the financial, technical and customer implications associated with the emerging Social Housing Net Zero Standard, which is currently being consulted on as a replacement for the Energy Efficiency Standard for Social Housing 2 (EESH2) following a review led by the Scottish Government. The new standard will require increased fabric performance and replacement of 'polluting' heating systems with 'clean' heating systems in our housing stock. The proposals have significant implications for the housing asset management approach, including cyclical replacement of heating systems and other fabric elements e.g., window, roof and insulation programmes.
- 2.10 The pathfinder project focuses on our traditional housing stock built between 1945 and 1960, which makes up approximately 75% of our stock profile. A sample of properties will be selected from within this group and will be subject to detailed assessment, survey, application of a range of fabric and replacement heating solutions, engagement with tenants, and then post-completion monitoring, including in relation to thermal comfort in the property, ease of use of heating controls and utility costs.
- 2.11 A separate strategic assessment of our housing stock to identify the measures required to comply with EESH2 will also be updated to reflect the proposed new SHNZS so that we can understand the emerging implications across our full stock profile.
- 2.12 All of this work will inform the future housing stock investment requirements for the Housing Revenue Account Business Plan, as well as the technical considerations and

tenant implications arising from the fundamental change to our asset management approach that compliance with the new SHNZS is expected to bring.

2.13 A total of £0.250m has been allocated to the pathfinder project, which will commence implementation in 2024/2025.

Capital Investment Plan

2.14 The capital investment plan is detailed in Appendix 1, with proposed expenditure of £52.78m in 2024/25. The plan will be funded by a combination of Capital Funded from Current Revenue (CFCR), government grants, prudential borrowing, reserves, and contributions towards the new build programme from the Affordable Housing Account.

2.15 The capital investment plan will result in major repairs and improvement works to the housing stock in 2024/25, including:

Programme	2023/24 Projected completions	2024/25 Budget (Units)	2024/25 Budget (£m)	30-Year Investment Total (£m)
Standard components			8.67	1,076.94
Bathroom programme	101	234	1.15	251.32
Central heating	900	508	1.37	110.84
Electrical re-wiring	285	79	0.18	50.56
Kitchen programme	320	494	2.43	228.03
Roofing	218	57	0.49	135.58
Smoke detection	437	340	0.24	42.21
Traditional rendering	20	24	0.29	110.65
Windows	82	58	0.48	109.64
Lift replacement			0.40	2.10
Sheltered housing unit refurbishment			1.63	36.02
Investment to tackle climate change			4.42	132.45
Insulated rendering (EWI)	220	22	0.40	39.46
Solar panels	962	417	2.60	53.71
Energy Efficiency (Sustainability Fund and provision for SHNZS)			1.17	39.03
Pathfinder project			0.25	0.25
Total investment			13.09	1,209.39

2.16 The proposed capital investment plan maintains the Scottish Housing Quality Standard and includes £132.45m investment towards the future requirements of the Scottish Housing Net Zero Standard (SHNZS) in Scotland which is currently out for consultation. The SHNZS replaces the previous Energy Efficiency in Scottish Social Housing (previously known as EESH2). The table shows the totals for standard components and those supporting the tackling of climate change.

Strategic Housing Investment Plan

- 2.17 The updated Business Plan reflects the Council's ongoing commitment to deliver an ambitious new build programme. Details of the full Council house build programme can be found in the Strategic Housing Investment Plan 2024-2029, which was approved by Cabinet on 7 November 2023. This latest SHIP provides an increase in overall affordable housing supply from 1,650 to 1,706 units by reducing the cumulative Council new build target from 1,625 to 1,615 homes, utilising the funding previously earmarked for 10 properties within the 'unallocated regeneration block' to support the buyback of an additional 40 properties by 2028, increasing the total planned buybacks over the next five years from 25 to 65 homes. Government funding has also been secured to enable the delivery of 26 new homes on the former St Mary's Primary site in Largs.
- 2.18 A total of 1,641 new homes are targeted for completion by the Council by winter 2028, of which 885 were completed by 31 December 2023.
- 2.19 The Council is experiencing significant affordability challenges due to changes in the rate of inflation, higher than budgeted interest rates for borrowing, and increasing housing standards and specifications compared to the level of grant funding available to offset these pressures. For the second consecutive year, reflecting the current issues with new build affordability, no new build sites have been nominated for the Strategic Housing Investment Plan by registered social landlord partners. The Council added one site at the former St Mary's Primary site in Largs.
- 2.20 In the Housing Revenue Account budget approved at the Council meeting in February 2023, the Council increased the SHIP programme budget by £32.76m, with an assumption of an additional £13.94m of grant funding to be able to retain the existing committed development programme. This was required to offset rising rates of inflation and ensure that the costs associated with the introduction of new legislation relating to installation of zero direct emissions heating systems and electrical vehicle charging points could be met. The Council also included provision to enhance the building fabric for all new homes to reduce the need for heating and address fuel poverty.
- 2.21 The Scottish Government published revised grant funding benchmark rates in June 2023 and, whilst funding is now being made available to offset some of the costs of installing zero direct emissions heating systems, fire suppression systems and electrical vehicle charge points, this is considerably less than anticipated installation costs. The new benchmark grants are a total of £0.46m less than the Council's grant assumptions (a shortfall of around £624 per affected unit). In accordance with Scottish Government guidance, the Council will seek grant funding above benchmark levels to offset any funding shortfall, on a site-by-site basis, as required.
- 2.22 Technical guidance published in June 2023, which sets out Building Standards requirements to provide electrical vehicle charging points, and revised roads design guidance which includes the requirement for increased parking provision for new build housing, have resulted in design revisions to existing plans and additional costs. Project budgets have been updated to reflect these legislative requirements. The Scottish Government is currently undertaking revisions to their Housing for Varying Needs standard, and further changes to building standards are planned to enhance the

accessibility and adaptability of housing stock. These changes are likely to impact upon the Council's standard house types and construction costs, resulting in programme delays and increased costs. Many of the design amendments will have cost implications. Once the revisions are published, we will review the impact of the final proposals on our remaining programme.

- 2.23 The updated HRA 30-year Business Plan includes additional funding of £0.73m for the Kings Arms project in Irvine, increasing the gross budget to £2.90m to reflect the outcome of the recent tender exercise. £0.60m of external funding has been secured from the Vacant and Derelict Land Investment Programme, £0.54m will be funded from the Scottish Government Affordable Housing Supply Programme, and the remaining balance of £1.76m is being funded through the HRA budget. The unit cost of this site is significantly higher than any previous development, however it is recognised that the project makes a significant contribution towards the Council's Regeneration Delivery Plan priorities: Strengthening Communities - supporting town centre living; and Placemaking - empty town properties are brought into positive use.

Other Capital Projects

- 2.24 The sheltered housing reprovisioning programme, which includes the major refurbishment of 11 sheltered housing units, continues to be implemented. The total budget requirement is £39.84m, which is an increase of £14.84m from the £25m previously allocated. The programme was initially scheduled for completion in 2026, however Covid and other issues experienced within the construction market have delayed the programme's completion to 2030/31, with a significant impact on costs. The refurbishment of Barnett Court, Saltcoats (23 units) commenced on site during April 2023. In August 2023 works also commenced to refurbish Cheviot Court, Irvine (22 units). Consultation is underway with residents regarding the refurbishment of Vineburgh Court, Irvine (22 units) and Laigh Court, Beith (21 units), which are the next two units in the programme. We continue to review the scheduling of works and seek to accelerate works wherever possible. In addition to the reprovisioning programme, during April 2023 a new 28-unit sheltered housing unit was completed - through the SHIP - at Irvine Harbourside.

Revenue Expenditure

- 2.25 The proposed 2024/25 HRA revenue budget is outlined in Appendix 2. Planned expenditure of £61.70m will predominantly be funded by tenants' rental income and charges for services.
- 2.26 The revenue budget includes £24.08m for property-related expenditure, which will assist the Council in maintaining its cyclical and responsive maintenance requirements.

Rent affordability and stakeholder management

- 2.27 It is proposed to increase rents for 2024/2025 by 6.00% (an average of £4.97 per week), and 3.84% for the remaining 29 years of the Business Plan. This proposed increase protects investment in existing stock and current service delivery and also supports the delivery of the SHIP. It should again be noted that the proposed rent increases are less than the indicative rent increases of 6.03% for 2024/2025 and 4.29% for the remaining

28 years which were outlined to Council in February 2023.

2.28 Whilst the final national rent figures for 2023/2024 are not available, the published indicative figures show an average weekly rent for North Ayrshire Council of £82.77 compared to the Scottish local authority average weekly rent of £84.07, as detailed in the table below.

Landlord/average	Average rent 2023/24 (indicative)
East Ayrshire Council	£79.79
North Ayrshire Council	£82.77
South Ayrshire Council	£80.05
Scottish average: Local Authorities	£84.07
ANCHO	£94.72
Cunninghame Housing Association	£101.84
Riverside Scotland (formerly Irvine Housing Association)	£97.60
Scottish average: Registered Social Landlords	£99.69
Scottish average: All landlords	£92.09

Note: The Scottish Housing Regulator changed the method used to collect the data for average weekly rents in 2020, therefore figures may not match other data sources due to differing methods of data collection. Indicative figures for landlords/averages are calculated by applying their stated average weekly rent increase to their 2022/23 average weekly rent.

2.29 Support for housing costs is available to households with lower incomes, through Housing Benefit and Universal Credit. Immediately prior to the consultation commencing in November 2023, 45% of tenants were in receipt of full benefit entitlement for housing costs; 16% were in receipt of partial benefit entitlement and therefore paying some rent; and 39% of tenants had no benefit entitlement and were therefore due to pay full rent. Housing staff offer advice and assistance to any tenants who are experiencing financial difficulties. Staff also signpost or refer tenants for other services such as welfare benefits advice, income maximisation, budgeting, debt advice, tenancy support and other support services.

2.30 The Housing (Scotland) Act 2001 requires councils to consult with tenants, and have regard to the views expressed, prior to setting rents.

2.31 In preparing the HRA budget for 2024/25, two options for rent increases were identified by Officers and presented to Elected Members, the Housing Business Plan Group and the Tenants and Residents Network in November 2023. The options were subsequently included in the tenant consultation which took place between 27 November 2023 and 7 January 2024, namely, to increase rents by 6.0% (an average increase of £4.97 per week) or 6.5% (an average increase of £5.38 per week).

2.32 The lower increase option maintains HRA service provision and approved SHIP investment. The higher increase option maintains the HRA service provision and approved SHIP investment, while also increasing the Council's housing stock by buying back a further 35 properties by March 2027. Further information on the options presented to tenants is included at Appendix 4.

- 2.33 A total of 1,316 responses were received from tenants - a response rate of 10.2%. This is the highest response to a North Ayrshire Council rent consultation to date. Responses received from the tenants' consultation indicated a 71.7% preference for 'Option 1' - a rent increase of 6.0% for 2024/25.
- 2.34 Tenants were invited to respond by completing an electronic form. A letter was issued to all tenants, emails and SMS messages were sent, posts were added social media channels, adverts were placed in the local press, posters were placed in key locations and tenants were supported to complete the consultation if calling or visiting offices. Housing Services staff also held local drop-in events to assist tenants to complete the consultation.
- 2.35 Through the consultation process tenants had the ability to provide comments on the proposed rent increase options. Common response themes are noted below:
- Concerns about applying rent increases in current economic climate
 - Support for rent increases to support new build and buy backs
 - General comments about the repairs and maintenance service
 - Lack of availability of affordable housing
 - General comments about the conditions of properties and estates

Value for Money

- 2.36 During the tenant satisfaction survey completed in summer 2021, 89.47% of tenants agreed that the rent charge for their property represented good value for money. A further survey will be carried out in 2024/2025.
- 2.37 The Council continues to explore opportunities for operational and management efficiencies and reflect any savings identified in the HRA budget, to ensure future years' rent level increases are kept as low as possible.

Housing Services' transformation programme

- 2.38 In order to maximise efficiency, ensure value for money and keep any future rent increases as low as possible, a range of transformation projects have been identified. These projects form the Housing Services Transformation Programme, which is governed by a multi-disciplinary Transformation Board. Key transformation projects are outlined below:
- Aids & adaptations – enhanced joint working with the Health and Social Care Partnership to ensure value for money and improved customer waiting times, through smarter work practices and reduced wastage
 - Office accommodation review – continue to review Housing Services' office accommodation, aligned to the work of the corporate Land and Property Review
 - Rent arrears – Reduce rent arrears to pre-covid performance

- Repairs & maintenance (Repairs Policy) – review of tenant/ landlord responsibilities, repair timescales and void work practices, whilst maintaining customer satisfaction
- Housing Services service review - reshaping of the Housing Service to provide an enhanced, community-based service to our tenants. Providing a multi-disciplinary approach to service delivery, the key areas of focus of the service review are: income maximisation; homeless prevention; property management; ASB; estate management; and rent arrears
- Asset Management – ensuring our approach to asset management is in line with the Scottish Housing Regulator’s recommended practice for integrated asset management
- Gypsy travellers – developing future improvement proposals and costings for the Redburn Grove, Irvine site, reflecting feedback gathered in relation to preferences for future housing. A full options appraisal will be developed for the site, which will include consideration of all available funding streams and the potential to transfer the site from the General Fund to the Housing Revenue Account
- Local Housing Strategy – monitoring the delivery of the Local Housing Strategy
- SHIP house type costs – undertaking a benchmarking exercise on the cost of building new homes in comparison to other social housing landlords and private developers, to ensure value for money is being achieved
- Homelessness prevention – delivery of the new homeless prevention duty once it is implemented.
- Budget setting and management – ensuring that a robust HRA 30-year Business Plan financial model and rent-setting requirements continue to be in place. Ensuring effective systems are in place for monitoring delivery of in-year budgets
- Service charges – review all HRA service charges and how they compare with the cost of the service being provided/ received
- Performance management – re-launch and digitalisation of the Housing Services Performance Management Framework, ensuring accurate and real-time performance information at appropriate levels to support effective management and delivery of the service

2.39 Following a review of the earmarked reserves, £2m has been earmarked to support delivery of the transformation programme. This will allow for investment in areas such as ICT, digitalisation and resourcing to achieve long-term efficiencies and service improvement.

Treasury Management

2.40 The Prudential Code for Capital Finance in Local Authorities requires councils to demonstrate that capital investment plan and the level required to be funded by borrowing are affordable, prudent, and sustainable. The Key Performance Indicator which demonstrates this is the ratio of financing costs to the net revenue stream. For 2022/23 the Council’s ratio was 20.1% compared to the Scottish average of 21.4%. The estimated

indicators for the next 3 years are shown below. The rising ratio is indicative of the significant capital investment plan as outlined in the Strategic Housing Investment Plan and work to maintain SHQS and achieve the Scottish Housing Net Zero Standard (SHNZS). The financing costs are considered prudent and affordable within the 30-year HRA Business Plan.

Proportion of financing costs to net revenue stream	2023/24	2024/25	2025/26
	Estimate	Estimate	Estimate
	%	%	%
HRA	20.2%	36.8%	39.9%

Revenue and Capital Balances

2.41 The HRA revenue budgetary control report to 30 November 2023 presented at the Cabinet meeting of 23 January 2024 advised Members of a projected HRA balance of £15.06m at 31 March 2024. Each fund balance has been reviewed and resources reallocated where appropriate, as part of the 2023 review of the Business Plan. An unearmarked balance of £1.55m remains, which equates to 2.5% of revenue expenditure. Analysis of the HRA balances is shown in the table below.

	Balance at 31 March 2023	Funding of Capital Projects	Earmarking of in year surplus	Projected Balance at 31 March 2024	Re-Allocation	Projected Balance at 1 April 2024	Comment
	£m	£m	£m	£m	£m	£m	
HRA Not Earmarked	0.78	-	-	0.78	0.77	1.55	Unearmarked Reserves are 2.5%, which is in the recommended range of 2-4%.
HRA Earmarked							
Council House Building Fund	4.71	(2.65)	5.44	7.50	-	7.50	The fund balance has been profiled for use throughout the Business Plan
Housing Services' transformation programme	-	-	-	-	2.00	2.00	Creation of a transformation fund to support Housing Services' transformation programme.
Welfare Reform	1.50	-	-	1.50	(1.50)	-	Impact of Welfare Reform now better understood. The HRA bad debt provision has been reviewed, allowing this reserve to be released and re-allocated.
Major refurbishment works	0.05	-	-	0.05	(0.05)	-	Provision now included within the Business Plan, allowing balance to be released and re-allocated.
Sustainability Fund	5.00	(1.42)	-	3.58	-	3.58	The fund balance has been profiled for use throughout the Business Plan
Infrastructure improvements	0.42	-	-	0.42	(0.42)	-	Annual provision now included within the Business Plan (£0.28m for 2024/25), allowing balance to be released and re-allocated.
Tenant led budget	0.64	-	-	0.64	(0.34)	0.30	Tenant led budget removed from 2023/24 onwards. Remaining projects costed at £0.30m, allowing balance to be released and re-allocated.
Voids - non programmed works	0.20	-	-	0.20	(0.20)	-	Provision now included within the Business Plan, allowing balance to be released and re-allocated.
Software licences	0.12	-	-	0.12	-	0.12	Provision for replacement / renewal of software licencing
Electrical testing	0.27	-	-	0.27	(0.27)	-	Provision now included within the Business Plan, allowing balance to be released and re-allocated.
Total Earmarked Fund	12.90	(4.07)	5.44	14.28	(0.77)	13.51	
Total HRA Balance	13.69	(4.07)	5.44	15.06	-	15.06	

Risk Management

2.42 In developing the HRA Business Plan, the risk landscape was reviewed to determine major/strategic risks and ensure effective mitigation is in place. The Council has an

effective system of internal control which is subject to regular review by our internal and external audit functions and regulatory authorities. The following major/strategic risks were considered:

Access to expertise and materials

- 2.43 The challenges faced due to the current economic climate have resulted in increased difficulty for landlords accessing the materials and expertise required to perform some landlord functions, particularly in relation to property construction and maintenance. The impact on the Council's Housing Asset Management Plan, Strategic Housing Investment Plan and repairs service provision is continually assessed to ensure delivery remains viable and any mitigation required is actioned at the earliest opportunity.

Tenant safety

- 2.44 The Council has established procedures to ensure compliance with statutory duties and responsibilities in relation to tenant safety. Regular assessments and assurance are undertaken to ensure the necessary training, skills, experience, and knowledge are in place.
- 2.45 Compliance with tenant safety responsibilities is a high priority for the Council. Following the pandemic and cost of living crisis, we have experienced a significant increase in the number of tenants who are reluctant to grant access to their homes. This has adversely affected our ability to achieve 100% compliance. During the previous reporting year - 2022/2023 - we reported the following: 99.16% compliance with gas safety; 99.30% compliance with smoke detection; and 65.57% compliance with electrical testing.
- 2.46 To assist with improving performance in this area officers have reviewed end-to-end processes, had a higher application of our forced entry process, and recruited additional temporary staff. As a result of these measures, we have seen an improvement in 2023/2024 and as at 31 December 2023 we are reporting: 99.80% compliance with gas safety; 99.99% compliance with smoke detection; and 72.97% compliance with electrical testing.

We continue to report to the Scottish Housing Regulator monthly on electrical testing compliance and will continue to prioritise our efforts in this area.

Rent affordability

- 2.47 The current economic climate presents an increased challenge to keep rents affordable, with notable risks including rapidly increasing energy costs, inflation, revised building regulations and the risk of reduced grant funding from the Scottish Government.
- 2.48 Benchmarking of rent levels is undertaken annually, alongside national conversations regarding proposed increases. Rent levels are monitored to assure they are in line with the Scottish local authority average. Housing staff offer advice and assistance to any tenants who are experiencing financial difficulties. Housing Services also invest in resources specifically focused on welfare reforms and welfare/benefits and debt advice, to maximise tenants' income and support households experiencing financial difficulties.

Achieving value for money

2.49 Within the review of the HRA Business Plan, inflation has been estimated using forecasts for the appropriate indices. Alongside this, service delivery costs are benchmarked, and a competitive tendering process is undertaken for fixed term contracts.

Income management

2.50 Income collected, rent arrears and voids are monitored through a performance management framework, and in the context of changes in the welfare system. Stress testing against falls in rental income is undertaken to identify mitigations necessary. All social landlords are required to report performance to the Scottish Housing Regulator on an annual basis. These financial and value for money indicators are noted below for information.

2.51 The percentage of 'total rent due collected in the previous year' was 97.76% for 2022/23, which was lower than 2021/22 (99.0%) and lower than the Scottish average of 99.03%.

		2019/20	2020/21	2021/22	2022/23
Percentage of total rent due collected in the previous year	North Ayrshire Council	99.18%	97.34%	99.00%	97.76%
	Scottish average	99.30%	99.06%	99.28%	99.03%

2.52 The Scottish Housing Regulator has acknowledged that rent arrears across the sector have increased. This is in part due to the continuing impact of Covid-19 pandemic, some tenants not paying rent due to emergency legislation that prevented evictions, and the current economic environment. North Ayrshire Council, like other landlords, have been impacted by rent arrears increasing. The 'percentage gross rent arrears of rent due' was 7.14%, which was higher than 2021/22 (6.63%) and higher than the Scottish average of 6.86%.

		2019/20	2020/21	2021/22	2022/23
Percentage gross rent arrears of rent due	North Ayrshire Council	3.65%	5.46%	6.63%	7.14%
	Scottish average	5.81%	6.14%	6.34%	6.86%

2.53 The 'percentage of rent due not collected through homes being empty' in the last year was 0.56% for 2022/23, which was slightly higher than 2021/22 (0.53%) but lower than the Scottish average of 1.40%.

		2019/20	2020/21	2021/22	2022/23
Percentage of rent due not collected through homes being empty in the last year	North Ayrshire Council	0.61%	0.47%	0.53%	0.56%
	Scottish average	0.92%	1.37%	1.42%	1.40%

2.54 Universal Credit full migration is due to conclude by 2028. Of the tenants claiming Universal Credit in 2022/23, 79.2% were in arrears, with an average debt of £681.54. The updated HRA Business Plan continues to include investment to support tenants in accessing benefits, maximising income, and minimising arrears. In addition to this, the bad debt provision has been increased to minimise the risk of the 'managed migration' that commenced in November 2023.

Data accuracy

- 2.55 Robust processes are in place to ensure data accuracy. The Housing Business Improvement Team provides system expertise to the Service, and improved system housekeeping measures are in development. A review of the Housing Performance Management System is currently underway and includes scrutiny of arrangements around data validation and auditing. The Council's internal and external auditing arrangements are also utilised to review data accuracy. This ensures decisions are based on good quality data.

Treasury Management

- 2.56 The Council has a clear treasury management strategy, reflecting risk management and the wider operating environment. Paragraph 2.40 details the financing costs, which are considered prudent and affordable within the 30-year HRA Business Plan.

Fraud

- 2.57 There are effective risk management arrangements and procedures in place to minimise the risks of any attempts at fraud from being successful. The Council also takes part in the National Fraud Initiative to prevent and detect fraud.

- 2.58 Delivery of the HRA Business Plan supports the Council Plan strategic priorities: 'Wellbeing'; 'Climate Change'; 'A Sustainable Council': and 'Communities and Local Democracy'. It supports the ambitions of the Council's Regeneration Delivery Plan to drive forward development on strategic regeneration sites, including town centres. There is also evidence that children and young people can benefit from improved cognitive development and a reduction in behavioural issues through living in a more attractive, warmer, and better ventilated environment and the provision of new affordable housing also supports the Council Plan priority that children and young people experience the best start in life. New housing will also support our island communities and their economies.

Wellbeing

Through our housebuilding programme and wider Housing Investment we are providing homes for life that meet the needs of our residents. We are increasing the number of homes in the area through by bringing empty buildings back in to use and maximising access to and uptake of benefits, entitlements, and financial advice.

- £1,216m funding for improvements to existing homes, including our £39.84m Sheltered Housing Re-provisioning Programme and £10m Estate Based Regeneration Projects
- £35.92m investment in the housebuilding programme in 2024/2025, completing 21 homes and supporting the delivery of 1,641 new build homes in our Strategic Housing Investment Plan by 2029
- £5.74m buyback programme - 65 homes by 2029

Communities and Local Democracy

We continue to develop strong relationships with communities and partners based on trust and shared aspirations using their experiences to inform service provision. We have a participation and engagement framework which ensures opportunities and

support for all residents to take part in influencing local democracy and Council and partner strategies. Our services are accessible, both digitally and locally.

- New community-based housing service delivery model, ensuring a 'No Wrong Door' approach
- Tenant and resident engagement

Climate Change

We are committed to reducing the carbon footprint of our housing estate through rationalisation utilising a locality-based approach and taking a fabric first and low carbon energy generation approach to homes and buildings. We are improving communities' preparedness to deal with the impacts of climate change already locked-in. Working with communities we are seeking to adopt low carbon behaviour change and encourage climate-based volunteering activities.

- £132.45m investment over the next 30 years to tackle climate change and achieve a net-zero housing stock
- Solar panels installed on new homes and retrofitting to existing homes
- New homes with sustainability features including air source heat pumps, electric vehicle charging points, solar panels etc

A Sustainable Council

We have robust governance arrangements in place to fulfil the Council's statutory duties, manage risk and support delivery of key priorities. Using dynamic data and lived experiences, we are better able to inform decision-making. We are focussed on change and transformation, using technology where appropriate, to deliver efficient and effective services and support delivery of priorities. We seek to maximising value from the use of our assets and focus our investment on priorities.

- Robust business planning processes ensuring affordable, prudent and sustainable management of the Housing Revenue Account
- Housing transformation projects focussing on maximising efficiencies and value for money for our tenants
- Maximising value from the use of our assets and focusing our investment on priorities through a robust Housing Asset Management Plan

3. Proposals

3.1 That the Council:

- (i) approves the HRA capital investment plan, as detailed in Appendix 1
- (ii) approves the HRA revenue budget for 2024/25, as detailed in Appendix 2
- (iii) approves a rent increase of 6.00% in 2024/25 for council houses, garage sites / lock ups and gypsy traveller site fees
- (iv) notes the indicative rent increases of 3.84% for the remaining 29 years of the Business Plan
- (v) approves 5.00% increase in service charges

4. Implications/Socio-economic Duty:

Financial

- 4.1 The proposed rent increase of 6.0% in 2024/25 will support significant investment in the Council's housing stock, with total planned revenue expenditure of £61.704m. This includes CFCR of £11.492m to support the capital investment plan, with £52.78m planned spend in 2024/2025.

Human Resources

- 4.2 None

Legal

- 4.3 The Council has consulted with tenants on the proposed rent increases, in line with the legal requirement to do so.

Equality/Socio-economic

- 4.4 The investment proposals outlined in the report will ensure the housing stock continues to support the needs of our tenants, including those with accessibility issues due to age or disability.
- 4.5 The investment in our properties to provide safer, warmer, and more fuel-efficient homes will support improvements in the health and wellbeing of all our tenants, including young people and families.

Climate Change and Carbon

- 4.6 The budget proposals include substantial investment which will directly support the delivery of the Council's Environmental Sustainability and Climate Change strategy.

Key Priorities

- 4.7 Investment through the HRA capital investment plan and revenue budget supports and links to the following Council Plan priorities as detailed in paragraph 2.58 above.
- Wellbeing
 - Communities and Local Democracy
 - Climate Change
 - A Sustainable Council

Community Wealth Building

4.8 Through delivery of the SHIP, contractors are required to participate in the Council's Community Benefits Programme. Development projects aim to deliver new employment opportunities for the area, including jobs and apprenticeships. Work is undertaken in partnership with Procurement and Economic Regeneration to maximise community wealth benefits in procuring fixed term contracts.

5. Consultation

5.1 Housing Services engaged in a programme of consultation with key stakeholders in order to gather their views of the current service provision and priorities for future service delivery. This engagement was facilitated, in the main, through the Housing Business Plan Group, Tenants and Residents Network and consultation with all tenants.

5.2 A total of 1,316 responses were received - a response rate of 10.2%. This is the highest response to a rent consultation by North Ayrshire Council to date. Responses received from the tenants' consultation indicated an 71.7% preference for 'Option 1' - a rent increase of 6.0% for 2024/25. Tenants were invited to respond by completing an electronic form. A letter was issued to all tenants, emails and SMS messages were sent, posts were added social media channels, adverts were placed in the local press, posters were placed in key locations and tenants were supported to complete the consultation if calling or visiting offices. Housing Services staff also held local drop in events to assist tenants to complete the consultation.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact Yvonne Baulk, Head of Housing & Public Protection, on 01294 324542.

Background Papers

- Report to North Ayrshire Council on 15 February 2023 - [Housing Revenue Account \(HRA\) Capital Investment Programme, Revenue Budget and Rent Levels for 2023/24](#)
- Report to Cabinet on 26 September 2023 - [North Ayrshire Asset Management Strategy & Plans](#)
- Report to Cabinet on 7 November 2023 - [Strategic Housing Investment Plan 2024 – 2029](#)

North Ayrshire Council Draft HRA Capital plan 2024/25 to 2033/34															
Programme Description	Project Budget	Prior Year Spend	2023/24 Projected Spend	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	Total	Indicative Spend Years 11-30 of Business Plan
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Council House Building															
Bourtreesill Village, Irvine (Redev 7)	9,925	66	85	140	182	1,176	5,373	2,903	0	0	0	0	0	9,774	0
James MacFarlane, Ardrossan (Redev 8a)	4,784	377	450	2,141	1,272	545	0	0	0	0	0	0	0	3,958	0
James Reid, Saltcoats (Redev 8b)	11,821	863	0	2,934	5,617	2,407	0	0	0	0	0	0	0	10,958	0
Garnock Academy, Kilbirnie (Redev 9)	12,093	595	138	5,714	3,951	1,693	0	0	0	0	0	0	0	11,358	0
Corsehillhead, Kilwinning	2,033	213	0	0	1,274	546	0	0	0	0	0	0	0	1,820	0
Ayrshire Central, Irvine (Redev 12)	51,236	2,559	600	5,739	14,978	12,514	10,391	4,454	0	0	0	0	0	48,076	0
Montgomerie Park, Irvine	46,323	4,679	352	4,274	11,201	10,238	10,905	4,673	0	0	0	0	0	41,291	0
Stanecastle, Irvine (Redev 11a)	7,769	605	450	4,070	1,851	793	0	0	0	0	0	0	0	6,714	0
Fullarton Street, Irvine	12,074	26	50	140	6,143	3,429	2,286	0	0	0	0	0	0	11,998	0
Glebe Place, Saltcoats	2,076	0	0	0	0	0	1,246	830	0	0	0	0	0	2,076	0
Nursery Place, Ardrossan (Regen 1e)	1,758	0	0	0	0	660	659	439	0	0	0	0	0	1,758	0
Grange Court, Stevenston	1,507	0	0	0	30	612	519	346	0	0	0	0	0	1,507	0
Unallocated Regeneration Block Laburnum Ave, Beith /Newhouse Drive, Kilbirnie	7,239	0	479	0	0	0	4,056	2,704	0	0	0	0	0	6,760	0
King's Arms, Irvine (Regen 1c)	2,905	307	182	1,481	654	281	0	0	0	0	0	0	0	2,416	0
St Mary's, Largs	6,093	0	676	4,334	866	130	87	0	0	0	0	0	0	5,417	0
Regeneration Project 1d	9,966	3	0	0	598	5,019	2,608	1,738	0	0	0	0	0	9,963	0
Contingency and Fees	15,091	0	0	2,533	3,187	3,449	3,553	2,369	0	0	0	0	0	15,091	0
Refurbishment Schemes															
Refurbishment Project 8	637	0	0	3	380	152	102	0	0	0	0	0	0	637	0
Nelson Street , Largs	622	0	50	265	215	55	37	0	0	0	0	0	0	572	0
Acquisition of Houses - Open Market	5,738		412	1,273	1,311	1,351	1,391	0	0	0	0	0	0	5,326	0
Improvements to Existing Stock															
Bathroom Programme				1,154	1,418	1,138	2,358	1,674	2,955	3,069	3,180	3,291	3,452	23,689	227,632
Kitchen Programme				2,434	3,766	2,514	5,045	3,492	4,547	4,706	4,871	5,048	5,225	41,648	186,384
Central Heating				1,371	1,697	1,359	2,814	1,975	3,266	3,386	3,497	3,626	3,753	26,744	84,091
Windows				484	437	329	675	471	2,402	2,492	2,579	2,670	2,763	15,302	94,336
Electrical re-wiring				178	577	229	399	255	328	339	351	364	379	3,399	47,158
Roofing				494	631	524	1,091	799	673	712	752	778	816	7,270	128,312
Traditional Rendering				286	367	316	671	496	1,395	1,494	1,546	1,600	1,704	9,875	100,778
Insulated Rendering (EWI)				396	488	391	827	587	506	448	539	557	601	5,340	34,118
Smoke Detectors				241	249	258	267	276	1,504	1,556	1,611	1,668	1,726	9,356	32,852
Energy Efficiency (Sustainability Fund)				189	0	0	0	0	0	0	0	0	0	189	0
Pathfinder Project				250	0	0	0	0	0	0	0	0	0	250	0
Energy Efficiency (Provision for SHNZS)				982	1,167	853	1,801	1,276	1,320	1,367	1,414	1,464	1,515	13,159	25,686
Solar Panels				2,603	3,313	2,465	5,207	3,689	2,913	3,015	3,128	3,237	3,351	32,921	20,789
Estates Based Regeneration Programme	7,667		826	734	1,517	1,310	1,803	1,477	0	0	0	0	0	6,841	0
Lift Replacement				404	0	0	0	0	0	0	0	0	0	404	1,698
Sheltered Housing Unit Refurbs	39,842		3,827	1,628	4,498	7,080	12,123	8,259	2,060	367	0	0	0	36,015	0
Professional Management Charges				1,489	1,534	1,721	1,756	1,376	1,403	1,431	1,460	1,489	1,519	15,178	37,640
TOTAL EXPENDITURE				52,777	75,853	65,610	80,098	46,558	25,272	24,382	24,928	25,792	26,804	448,074	1,021,474
Funded By:-															
CFCR				(11,492)	(9,010)	(7,422)	(9,585)	(10,978)	(12,803)	(12,943)	(14,668)	(15,426)	(17,593)	(121,920)	(835,023)
Council House Build Fund				(140)	(391)	(1,134)	(1,175)	0	0	0	0	0	0	(2,840)	0
Sustainability Fund				(404)	(495)	(923)	(618)	(551)	(588)	(4)	0	0	0	(3,583)	0
Affordable Housing Fund				(394)	(1,051)	(1,899)	(1,977)	0	0	0	0	0	0	(5,321)	0
Other Capital Income				(600)	0	0	0	0	0	0	0	0	0	(600)	0
Capital Grants -House Building				(15,871)	(21,483)	(16,868)	(4,696)	(1,015)	0	0	0	0	0	(59,933)	0
Prudential Borrowing				(23,876)	(43,423)	(37,364)	(62,047)	(34,014)	(11,881)	(11,435)	(10,260)	(10,366)	(9,211)	(253,877)	(186,451)
TOTAL INCOME				(52,777)	(75,853)	(65,610)	(80,098)	(46,558)	(25,272)	(24,382)	(24,928)	(25,792)	(26,804)	(448,074)	(1,021,474)

Draft HRA Revenue Budget 2024/25		
	Cost Type	2024/25 (£'000s)
<u>Income</u>	Rents: Council houses Other rents Utilities credit billing / Feed-in Tariff / RHI income	 (60,201) (624) (151)
	Other Income: External recharges Internal recharges Health resource funding	 (494) (225) (9)
Gross Income		(61,704)
<u>Expenditure</u>	Employee Costs	5,171
	Property Costs: Responsive repairs Void expenditure Planned & cyclical maintenance Infrastructure improvements Aids & adaptations Other property costs	 7,973 3,414 5,778 282 1,617 5,019
	Supplies and Services	382
	Transport Costs	21
	Administration Costs	384
	Central Support Costs	1,767
	Payments to Other Agencies, Bodies and Persons	1
	Internal Services	3,369
	Capital Financing: CFCR Principal repayments Loans Fund interest Loans Fund expenses Revenue interest	 11,492 6,110 8,973 126 (175)
Gross Expenditure		61,704

PROPOSED 2024/25 WEEKLY CHARGES

Appendix 3

Element/ Attribute	Description	VAT (%)	2023/24 weekly (excl vat)	% uplift applied	2024/25 weekly (excl vat)
RENT0F	Rent for 0 bed flat	0%	64.20	6.0%	68.05
RENT0H	Rent for 0 bed house	0%	64.20	6.0%	68.05
RENT1F	Rent for 1 bed flat	0%	81.12	6.0%	85.99
RENT1H	Rent for 1 bed house	0%	81.59	6.0%	86.49
RENT2F	Rent for 2 bed flat	0%	82.36	6.0%	87.30
RENT2H	Rent for 2 bed house	0%	82.87	6.0%	87.84
RENT3F	Rent for 3 bed flat	0%	83.59	6.0%	88.61
RENT3H	Rent for 3 bed house	0%	84.04	6.0%	89.08
RENT4F	Rent for 4 bed flat	0%	84.74	6.0%	89.82
RENT4H	Rent for 4 bed house	0%	85.21	6.0%	90.32
RENT5H	Rent for 5 bed house	0%	86.47	6.0%	91.66
RENT6H	Rent for 6 bed house	0%	87.65	6.0%	92.91
HEAT / H9	Heating Charge (H9)	0%	13.97	5.0%	14.67
SHEL / S1	Amenity Charge (S1)	0%	10.08	5.0%	10.58
SHEL / S2	Amenity Charge (S2)	0%	10.68	5.0%	11.21
SHEL / S3	Amenity Charge (S3)	0%	11.71	5.0%	12.30
SHEL / S4	Amenity Charge (S4)	0%	12.39	5.0%	13.01
SHEL / S7	Amenity Charge (S7)	0%	14.92	5.0%	15.67
SHEL / S8	Amenity Charge (S8)	0%	15.50	5.0%	16.28
SHEL / WARD	Amenity Charge (Ward)	0%	30.77	5.0%	32.31
GARGCOUN	Garage Site Council	0%	3.33	6.0%	3.53
GARGVAT	Garage Site With Vat	20%	3.33	6.0%	3.53
LUPRENT	Lockup Council	0%	6.59	6.0%	6.99
LUPRENTVAT	Lockup With Vat	20%	6.59	6.0%	6.99
RENT	Rent	0%	99.86	6.0%	105.85

Rent Level Options for 2024/25

The survey will take approximately 4 minutes to complete.



Introduction

North Ayrshire Council consults annually with tenants on proposals relating to rent setting. This is your opportunity to have a say on how much rent you pay.

We remain committed to keeping your rent as affordable as possible, whilst continuing to deliver on your priorities as a tenant and ours as your landlord and ensuring high levels of tenant satisfaction.

Our rent levels are currently amongst the lowest in Scotland and remain the most affordable housing option for residents in North Ayrshire. Our average rent is lower than the average rent of Scottish Local Authorities and Scottish Social landlords.

Here is a comparison of average rents in North Ayrshire by landlord in March 2023:

North Ayrshire Council - £77.78

Scottish Average: Local Authorities - £81.02

ANCHO - £88.52

Cunninghame Housing Association - £96.99

Riverside Scotland - £92.95

Scottish Average: Registered Social Landlords: £94.55

Scottish Average: All landlords: £87.59

This year's rent setting consultation period will run from 27 November 2023 to 7 January 2024. We will use your feedback to prepare a report for a meeting of the Council on 14 February 2024, when elected members will consider the proposed rent increase for Council tenants for 2024/25.

We will write to inform you what your new rent charge will be at least four weeks in advance of any changes being implemented in April 2024.

If you're experiencing financial difficulties there is a cost of living support section on the North Ayrshire Council website that you may find useful (<https://www.north-ayrshire.gov.uk/cost-of-living/cost-of-living.aspx>).

All information provided will be processed in line with our published Privacy Policy Statement for more information, please refer to our website (<https://www.north-ayrshire.gov.uk/privacy-policy.aspx>).

Challenges facing our Housing Revenue Account (HRA)

We are fully committed to keeping rent increases as low and affordable as possible for our tenants.



However, our Housing Revenue Account (HRA), the ring-fenced fund which uses the rent you pay to provide all of your housing services has experienced some significant challenges, such as;

- Significantly higher costs for maintaining and improving our houses due to higher prices for contractors and materials
- Increased interest rates linked to borrowing costs to fund future capital projects
- Rising inflation affecting other running costs
- Increasing requirements on quality of homes
- Increased demand for support from tenants who are facing genuine financial hardship

These pressures have been reflected in the proposed rent options for next year.

Ensuring value for money for our tenants

We realise these are very financially challenging times for our tenants.



We have carried out a comprehensive budget review of the HRA and implemented a number of sustainable efficiencies, with further transformation work to be undertaken over the next year.

All these measures will help to keep the rent increase for 2024/25 and future years as low as possible, minimising the financial impact on our tenants while protecting investment in maintenance, energy efficiency, refurbishment and new build council housing.

Investment and Improvement

Two rent increase options have been developed for your consideration. Both options include investment in priority areas such as:



- Continuing our house building programme, with 1,641 new homes planned by March 2029
- Buying back 105 properties from the open market by March 2029
- Continued investment in repairs and maintenance to your existing homes
- Funding of £132m over the next 30 years to tackle climate change and achieve a net-zero housing stock and supporting our tenants with new energy efficient technologies
- Continued investment in our £38m Sheltered Housing Reprovisioning Programme
- Delivery of our £10m Estate Based Regeneration Programme

In 2024/25 we plan to spend the following on planned capital improvements:

- Kitchen upgrades (£3.05m)
- Bathroom upgrades (£1.44m)
- Central heating (£1.72m)
- Smoke detection (£0.24m)
- Rewiring (£0.22m)
- Solar PV (£3.22m)
- Energy efficiency (£1.30m)

- Sustainability pathfinder project (£0.25m)
- Roofing & rendering (£0.98m)
- Insulated render (0.50m)
- Windows (£0.41m)
- Estate based projects (£1.73m)

What are the rent level options for 2024/25?

The two proposed options are set out below, along with information on what each option will allow us to do.



Option 1

Increase rents by 6.0%, an average increase of **£4.97** per week

- This maintains the current levels of investment in homes, in new build homes and our current service levels.

Option 2

Increase rents by 6.5%, an average increase of **£5.38** per week

- This maintains the current levels of investment in homes, in new build homes and our current service levels; and
- allows us to buy back additional properties from the open market (a minimum of 35 additional buy backs by March 2027)

The indicative average rent increase for each of the remaining 29 years of our 30-year plan is currently 3.84%.

Affordability and weekly rent charges

It is important that we recognise the impact of rents and proposed rent increases on tenants' household income.



We have to consider affordability to tenants alongside our obligations as a landlord to maintain the quality of your home.

The weekly rent charge for 2024/25 for each proposed option, based on property size, would be:

Option 1 - Increase rents by 6.0%, an average increase of £4.97 per week

- Bedsit flat: £68.05
- Bedsit house: £68.05
- 1-bedroom flat: £85.99
- 1-bedroom house: £86.49
- 2-bedroom flat: £87.30
- 2-bedroom house: £87.84
- 3-bedroom flat: £88.61
- 3-bedroom house: £89.08
- 4-bedroom flat: £89.82
- 4-bedroom house: £90.32
- 5-bedroom house: £91.66
- 6-bedroom house: £92.91

Option 2 - Increase rents by 6.5%, an average increase of £5.38 per week

- Bedsit flat: £68.37
- Bedsit house: £68.37
- 1-bedroom flat: £86.39
- 1-bedroom house: £86.89
- 2-bedroom flat: £87.71
- 2-bedroom house: £88.26
- 3-bedroom flat: £89.02
- 3-bedroom house: £89.50
- 4-bedroom flat: £90.25
- 4-bedroom house: £90.75
- 5-bedroom house: £92.09
- 6-bedroom house: £93.35

It's important that we continue to consider the impact of any increase on our average rent levels and how affordable these are for current and future tenants.

Vote for your preferred rent increase option

Please choose your preferred option below:



Option1

Increase rents by 6.0%, an average increase of **£4.97** per week

- This maintains the current levels of investment in homes, in new build homes and our current service levels.

Option 2

Increase rents by 6.5%, an average increase of **£5.38** per week

- This maintains the current levels of investment in homes, in new build homes and our current service levels; and
- allows us to buy back additional properties from the open market (a minimum of 35 additional buy backs by March 2027)

* Required fields

1. What is your preferred rent increase for 2024/25? *

- Option 1 – Increase rents by 6.0%, an average increase of £4.97 per week
- Option 2 - Increase rents by 6.5%, an average increase of £5.38 per week

2. Please provide any comments that you may have in the box below

Enter your answer

Enter the prize draw or request housing support

Each tenant who takes part in this consultation has the option to enter a prize draw to win **one of two £50 high street shopping vouchers**.



You can also tell us if you would like any extra support to help pay your rent or feel like you could benefit from some extra help with your tenancy.

3. Please tick the boxes that apply to you.

- I would like some information on support available to help pay my rent
- I would like some extra support to help keep my tenancy
- I would like some information on the scheme that provides house contents insurance for tenants
- I would like to join the Tenants' Panel
- I would like to be entered into the prize draw for a £50 shopping voucher

Please provide your contact details

Please leave your details below so that we can contact you if we need to.



4. I confirm that I am a North Ayrshire Council tenant *

- Yes
- No

5. Name *

6. Address *

7. Postcode *

8. Telephone number *

9. Email address (optional)

10. Did receive support from a Council staff member to complete this survey? *

- Yes
- No

11. Please provide the staff member's name

12. Please select the staff member's team

- Dalry Housing Office
- Irvine Housing Office
- Kilbirnie Housing Office
- Kilwinning Housing Office
- Largs Housing Office
- Three Towns Housing Office
- Common Housing Register Team
- Customer Call Centre
- Housing Support
- HQ
- Refugee Support Team
- TP Team
- Welfare Reform Team

Almost done...

You are about to submit your response. By clicking 'Submit' you give us permission to analyse and include your response in our results. After you click Submit, you will no longer be able to go back and change any of your answers.

RENT CONSULTATION 2024/25 – RESULTS

Appendix 4

Total number of responses = 1316

Letters issued December 2023 -12860

Percentage of tenant responses = 10.23%

<p>Option 1.</p> <p>Increase rents by 6.0%, an average increase of £4.97 per week This maintains the current levels of investment in homes, in new build homes and our current service levels.</p>	<p>Percentage of Responses</p> <p>Actual responses = 943</p>
<p>Option 2.</p> <p>Increase rents by 6.5%, an average increase of £5.38 per week This maintains the current levels of investment in homes, in new build homes and our current service levels; and allows us to buy back additional properties from the open market (a minimum of 35 additional buy backs by March 2027)</p>	<p>Percentage of Responses</p> <p>Actual responses = 373</p>