

North Ayrshire Council
14 February 2024

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

Present (Physical Participation)

John Bell, Marie Burns, Eleanor Collier, Joe Cullinane, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Robert Foster, Scott Gallacher, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Donald Reid, Donald L. Reid, Chloé Robertson, Ronnie Stalker, Angela Stephen and John Sweeney.

Present (Remote Electronic Participation)

Timothy Billings, Scott Davidson and Jim Montgomerie.

In Attendance

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

Chair

Provost Dickson in the Chair.

Apologies

John Glover, Amanda Kerr and Ian Murdoch.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters, including intimation that the meeting, which was taking place on a hybrid basis, would be live streamed to the internet.

2. Apologies

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

3. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, Councillor Marshall, as the subject of the hearing in question, declared an interest in Agenda item 9 (Findings of Hearing Conducted by the Standards Commission for Scotland), and advised of his intention to leave the meeting during consideration of this item of business.

There were no declarations of the Party Whip.

4. Previous Minutes

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

The Provost exercised her discretion to allow Councillor Marshall to ask a question in respect of Motion (1) (on the Business Rates Relief Scheme), which was considered at the last meeting. The Chief Executive confirmed that the correspondence in question had been issued and that a response was awaited.

5. Provost's Report

Submitted report by the Provost for the period from 4 December 2023-4 February 2024.

The Provost intimated that her written report should be taken as read and then took the opportunity to pay tribute to Audrey Sutton, Executive Director (Communities and Education), who was attending her last meeting of the Council prior to retiring in the coming weeks. The Provost commended Audrey for her quiet counsel, partnership engagement and innovative solutions, extended her personal thanks and, on behalf of the Council, wished Audrey well for a long and happy retirement.

Thereafter, at the invitation of the Provost, Councillors Burns, Marshall and Cullinane also paid tribute to the Executive Director. Each recognised Audrey's skill in bringing people together to solve problems, highlighting her experience, compassion and integrity. On behalf of their respective political groups, they offered their good wishes for a well-deserved and happy retirement.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 4 December 2023-4 February 2024.

Noted.

7. Council Minute Volume

Submitted for noting the Minutes of meetings of committees of the Council held in the period 16 November 2023-25 January 2024.

Noted.

8. Community Planning Partnership Board: Minutes of Meeting held in December 2023

Submitted report by the Executive Director (Communities and Education) on the Minutes of the Community Planning Partnership (CPP) Board held on 7 December 2024. The CPP Board Minutes were attached as an appendix to the report.

The Chief Executive highlighted the following elements of the report:

- an engagement session on the new North Ayrshire Green Health Framework, led by Greenspace Scotland;
- an update on Democracy Matters 2;
- progress on the Caring for Ayrshire programme, and
- the work on the Child Poverty and Cost of Living Board.

Noted.

9. Appointments to Committee

The Council was invited, in terms of Standing Order 8.5, to note changes in the membership of the Integration Joint Board and the Police and Fire and Rescue Committee and, arising from this, a vacancy in respect of the Vice Chair of the latter committee.

Councillor Gallacher intimated his intention to nominate Councillor S. Ferguson to the position of Vice Chair of the Police and Fire and Rescue Committee. On the advice of the Monitoring Officer, and in terms of Standing Order 8.4, the Council noted that the deadline for nominations having expired at 12.00 noon, any nominations for this position would require to be considered at the next ordinary meeting of the Council.

Accordingly, the Council agreed as follows:

- (a) to note (i) the resignation of Councillors Foster and McDonald, from the Integration Joint Board and Police and Fire and Rescue Committee, respectively and (ii) in terms of Standing Order 8.5, the appointment of Councillors McDonald and Kerr to the Integration Joint Board and Police and Fire and Rescue Committee, respectively; and

- (b) to note (i) the vacancy in respect of the Vice Chair of the Police and Fire and Rescue Committee arising from Councillor McDonald's resignation from that committee and (ii) that nominations would be invited for consideration at the next ordinary meeting of the Council.

Having declared an interest in the following item of business, Councillor Marshall left the meeting at this point.

10. Findings of Hearing Conducted by the Standards Commission for Scotland

Submitted report by the Head of Service (Democratic) on the findings of a hearing by the Standards Commission for Scotland. The Standards Commission's report was set out at Appendix 1 to the report.

The Council unanimously agreed as follows:

- (a) to note the decision of the Standards Commission dated 31 January 2024, as attached at Appendix 1 to the report; and
- (b) to intimate to the Standards Commission that consideration of the findings had been undertaken by the Council.

Councillor Marshall rejoined the meeting at this point.

11. Council Tax on Second Homes

Submitted report by the Chief Executive on the new discretionary powers available under the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Amendment Regulations 2023 and which sought approval to consult with North Ayrshire's communities, including those on the islands, on a proposal to revise the current policy on Council Tax charges for Second Homes within North Ayrshire.

Members asked questions, and received clarification, on any opportunities for Elected Members to have an input into the consultation approach and, in particular, whether the Council's 'island' Members could be involved in the design and drafting of the consultation exercise.

Councillor Larsen, seconded by Councillor Johnson, 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 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) to 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 were given a platform to voice their opinions, concerns and suggestions.

12. Housing Revenue Account (HRA) Budget

Submitted report by the Executive Director (Place) on the proposed Housing Revenue Account (HRA) Capital Investment Plan, Revenue Budget 2024/25 and consequential rent levels. The HRA Capital Investment Plan and Revenue Budget for 2024/25 were set out at Appendices 1 and 2 to the report. Details of the proposed 2024/25 rent charges for each property size, were provided at Appendix 3 to the report and Appendix 4 detailed the outcome of the consultation.

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

- whether, having consulted on two options for rent levels, the Council was obliged to proceed with one of these;
- the Council's obligations in terms of setting a balanced budget in respect of the Housing Revenue Account;
- whether the Scottish Government's recent announcement in respect of a reduction in funding for affordable housing had been factored into the officer's report and the likely impact of this;
- if any assurances had been received from the Scottish Government that the reduction in funding for affordable housing would not be recurring;
- the extent and impact of rent increases on the gypsy traveller site at Redburn Grove, formed part of the General Services Fund, rather than the Housing Review Account;
- the methods which would be used to meet the target of reducing rent arrears to pre-pandemic levels; and
- the kitchen replacement programme for the Council's housing stock and the length of time new kitchens were expected to last.

The Head of Service (Housing and Public Protection) undertook to provide Members with further information on the frequency of kitchen replacements for the Council's housing stock.

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

As an amendment, Councillor Cullinane, seconded by Councillor Foster, moved as follows:

- (a) to delay the setting of rent levels in 2024/25 for council houses, garages/lock-ups and gypsy travellers site fees, to the Special Meeting of the Council to be held on 28 February 2024; and

- (b) that, in the meantime, the Chief Executive write to the Deputy First Minister (i) to express concern in respect of the lack of vital information to set the HRA budget and rent levels, on the allocation of the Affordable Housing Fund, and whether the cut in this funding would be recurring or non-recurring and (ii) requesting a response prior to the Special Meeting of the Council.

A Member asked a question of the proposer of the amendment with regard to the feasibility of implementing new rent levels from 1 April 2024, in the event of the Council agreeing to delay consideration of the matter until the Special Meeting.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 2.45 p.m. to allow officers to consider the matter raised and provide advice on the competence of the amendment. The meeting reconvened at 3.00 p.m. with the same Members and officers present and in attendance.

The Chief Executive, having consulted with the Section 95 Officer and the Head of Service (Housing and Public Protection), advised that the timescale set out in the amendment would be insufficient to allow the Council to meet its legal obligations in terms of writing to tenants to provide 28 days' notice of changes to rent levels. In terms of Standing Order 15.4(ii), the amendment would not, therefore, be competent.

In terms of Standing Order 16.5, Councillor Cullinane, with the agreement of his seconder, withdrew his amendment, subject to the Council noting that the Housing Revenue Account budget was being set without an awareness of the full impact of the reduction in funding.

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

Accordingly, the Council agreed as follows:

- (a) to approve (i) the HRA capital investment plan, as detailed at Appendix 1 to the report, (ii) the HRA revenue budget for 2024/25, as detailed at Appendix 2 to the report, (iii) a rent increase of 6.0% in 2024/25 for council houses, garages/lock-ups and gypsy travellers site fees, as detailed at Appendix 3 to the report, with effect from 1 April 2024; and
- (b) to note the indicative rent increases of 3.84% for the remaining 29 years of the Business Plan; and
- (c) to approve a 5.0% increase to housing service charges, as set out at Appendix 3, with effect from 1 April 2024.

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:

“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)?”

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

“The PISA survey is undertaken by a sample of learners across the country who are 15 years old. We do not have access to PISA results at local authority level. PISA data is only ever published at national level.

The closest equivalent we have is how our S4 pupils have performed in numeracy. The Numeracy measure, as calculated by the national benchmarking tool, Insight, includes the standalone numeracy qualification as well as mathematics qualifications at Scottish Credit and Qualifications Framework (SCQF) level 4 and level 5.

It should be noted that new qualifications were introduced across Scotland during this timeframe (Standard Grades and Intermediate 1 & 2 qualifications have been replaced with new National 4 & 5 qualifications).

From the North Ayrshire data available with some degree of comparability, we can provide the following results:

Year	% of S4 pupils attaining SCQF level 4 or above in Numeracy	% of S4 pupils attaining SCQF level 5 or above in Numeracy
2012	70.8%	26.6%
2015	84.6%	51.3%
2018	84.2%	56.2%
2022	86.2%	60.0%

Source: Insight Analytical dataset for several years”

As a supplementary question, Councillor Marshall questioned whether the data sets were comparable and asked whether the Cabinet Member considered that the divergence between the downward trend in PISA figures and the reported upward trend in the Council’s results might be attributable to one measure being objective and the other subjective.

Councillor Macaulay responded by agreeing that these were two different data sets, but asserted that the figures presented were the best available match. The Cabinet Member commented that the downward trend in PISA results was not limited to Scotland, adding that the OECD (Organisation for Economic Co-operation and Development) had commented that the latest PISA results could be described as the ‘COVID edition.’ Councillor Macaulay concluded his response by accepting that there were big challenges in education, something recognised by the Scottish Government in terms of its Pupil Equity funding allocation and which the Administration was seeking to address.

(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?”

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

“North Ayrshire Justice Services, these being our Locality Teams, Court-based Social Work Team and our Unpaid Work Team, are wholly funded from Section 27 of the Justice Social Work Funding Grant Allocation.

The total Section 27 funding for North Ayrshire Justice Services over the last 3 years is as follows:

2021-2022 - £3,468,948

2022-2023 - £3,540,184

2023-2024 - £3,540,184

There was a 2% increase in funding from 2021/2022 to 2022/2023, but no increase thereafter. Pay uplifts must be covered within the ringfenced funding grant received.”

As a supplementary question, Councillor Donald Reid asked whether the Cabinet Member felt the Scottish Government should be funding this service fully, given the delays arising from COVID and the increasing number of orders to be supervised by North Ayrshire Council Justice Services.

Councillor Johnson responded by advising that this not for her to comment on and was instead a matter for the Scottish Government.

(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?”

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

“North Ayrshire Council is not planning to participate in the national Health and Wellbeing census from 2024-25. Instead, we will use a multiple-choice survey which will be created locally to capture a snapshot of various aspects of health and wellbeing, which will then be used holistically to identify focused areas of improvement work for the education service and schools. Consequently, there will be no unique identifiers in the survey, ensuring individual respondents retain anonymity. The survey will not contain any controversial questions relating to sexual relationships.”

As a supplementary question, Councillor T. Ferguson asked whether the Cabinet Member would share the content of the new survey with all Elected Members.

Councillor Macaulay responded in the affirmative.

(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?"

In the absence of Councillor Kerr, and in terms of Standing Order 14.4, the question was instead asked by Councillor Cullinane.

Councillor Burns thanked the Member for the question and responded as follows:

"Had Councillor Kerr been here, I would have suggested we could sit here all day and have a tit-for-tat discussion on the faith we have in our respective party leaders. I suspect I might have more to say about Keir Starmer than she has about Humza Yousaf.

Instead let us focus on the important issue of the ferry and not turn it into a political football. It is important for North Ayrshire that we retain the ferry service at Ardrossan and it is the best solution for the Arran community. That is why my group will be supporting Cllr Billing's motion later on the agenda and we should continue to work together on this as we have done in the past."

(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?"

In terms of Standing Order 14.4, the following written response by Councillor Burns was taken as read:

"North Ayrshire welcomes the success of our men's national football team in qualifying for the Euro 24 tournament and wishes them every success. Officers are engaging with the SFA regarding any support that they can provide to help ensure maximum benefit from the tournament, including encouraging the uptake of physical activity across as many sections of our communities as possible. Our colleagues at KA Leisure also are planning a range of events to mark the occasion.

Current plans include eight weeks of Euro-themed sessions in all football and mini-kickers classes; rebranding of the football festivals offered by KA Leisure and our Active Schools team to offer a themed event to all schools, with the finals being held just before the tournament starts; themed football memories sessions across North Ayrshire; a Walking Football festival at the Circuit; summer holiday football camps and a Street Soccer tournament for young people aged 12-18.

The Active Schools team will use their social media channels to encourage young people to support the national team, and promote the opportunities to get involved in local boys and girls clubs.

KA will offer dedicated “fanzone” promoted areas within the Portal and Vikingar! which will show the games live.”

As a supplementary question, Councillor T. Ferguson commended the planned programme and asked whether particular care could be taken to ensure that children and young people from the island communities were included.

Councillor Burns responded in the affirmative.

(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?”

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

“Correspondence was received from Scottish Government requesting further information on the reduction of twelve teaching posts. A response was issued explaining that this directly linked to a reduction in funding received through the Scottish Attainment Challenge. Subsequent to this, correspondence has been received from the Cabinet Secretary to COSLA advising that no Council will have funding withheld within the current year in respect of teacher numbers.

In respect of the forthcoming financial year, the Cabinet Secretary has asked to meet with Councils to discuss individual circumstances and agree grant conditions in respect of teacher numbers. From a North Ayrshire Council perspective, the individual circumstances include the reduction in Scottish Attainment Challenge funding and a falling pupil roll demographic.”

As a supplementary question, Councillor Cullinane commented that £100k in Scottish Government funding could have been lost for each of the 12 teaching posts mentioned, and asked whether the Cabinet Secretary’s proposed meeting with councils to discuss individual circumstances would take place before or after the Council’s budget-setting meeting.

Councillor Macaulay responded by intimating that he was not yet aware of the arrangements, but that he would welcome the opportunity to engage with the Cabinet Secretary at the earliest opportunity.

(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?”

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

“The latest Sustainable North Ayrshire Strategy (SNA) approved in December 2023, contains an action to implement decarbonisation measures across our building estate as identified through the Green Growth Accelerator report. This report has already been commissioned, and will include scenario planning and costed pathways to net zero for our non-domestic buildings for implementation, subject to funding availability. The report will take cognisance of the recently published proposals for a new Heat in Buildings Bill, which includes provision for zero direct emissions from public sector buildings by 2038. The report is due for completion during spring 2024.

In terms of the Council’s housing stock, a new Social Housing Net Zero Standard (SHNZS) was recently published for consultation and proposes a fabric efficiency rating and a requirement to replace polluting heating systems with clean heating alternatives by 2045. At present, the full costs of meeting the proposed new SHNZS cannot be quantified as the technical requirements of the standard are not yet confirmed. Cabinet will consider a proposed response to the SHNZS consultation next week. Officers are also developing a pilot project to help inform the likely cost and technical requirements of meeting the new standard for implementation later this year.”

As a supplementary question, Councillor T. Ferguson gave an example of the projected costs of bringing the Crown Office building in Elgin to a more environmentally friendly standard and the estimated time taken to recoup those costs, and asked whether using the approximate costs per square metre reported from that pilot project, the Cabinet Member felt that a cost of approximately £8.5m to refurbish a building like West Kilbride Community Centre, would represent value for money for North Ayrshire tax-payers.

Councillor Gurney responded by clarifying that the Elgin example given was a pilot project to understand the costs and implications of such refurbishments, but agreed that no-one was suggesting this would be inexpensive. The Cabinet Member asserted, however, that it would still be less expensive than creating a world which was ‘unliveable.’

(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 SEPA’s 2022 recycling report, can the Cabinet Member therefore advise us whether the Council’s recycling performance went up or down in 2022?”

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

“SEPA’s household waste recycling data for the calendar year 2022 was published slightly later than normal in October 2023.

The Household Waste Recycling Performance for the calendar year 2022 was 55.3%, a slight reduction of 1% compared 56.3% in 2021.

The Council is currently in 4th place for household waste recycling based on the 2022 calendar year figures.”

Councillor Gurney supplemented his written response by thanking Councillor Montgomerie for presenting the figures as he had, as this demonstrated that recycling rates were dependent on a variety of factors and were not a party-political matter, Councillor Montgomerie himself having been part of the Administration at the start of both years cited.

As a supplementary question, Councillor Montgomerie reflected on the likely adverse impact on recycling rates of introducing ‘brown bin’ charges, and asked whether the Cabinet Member intended to reduce recycling rates further by introducing such charges.

Councillor Gurney responded by acknowledging the budgetary challenges faced by the public sector. The Cabinet Member asserted that it would not be appropriate to discuss possible charges in advance of the Council’s budget-setting exercise and expressed confidence that political groups would each be preparing their own thoroughly costed proposals for consideration by the Council.

(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 Ayrshire’s tree planting commitment?”

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

“North Ayrshire Council’s woodland tree planting programme aims to plant 108,000 trees to contribute towards our net zero ambition by 2030.

35,627 trees have been planted to date across North Ayrshire through various projects and through working with a range of community partners and organisations.

This included over 17,600 trees being planted at Lochshore Park, and plans are currently being evaluated for further large-scale planting at Montgomerie Park in Irvine which, if viable, may result in a further 15,000 to 23,000 trees being planted. The Streetscene Service also continues to identify other potential areas of open space for consideration for tree planting.

As part of the tree planting initiative, a Community Woodland Grant Fund was established, and to date this has helped community groups plant just under 2,500 trees, with new projects approved to plant a further 3,344 trees by 31 March 2024. This also includes support for planting trees within community orchards.

Tree planting can only take place during the winter tree planting season, which runs from November to March each year.”

As a supplementary question, Councillor T. Ferguson expressed his support and for several initiatives underway in the North Coast and his admiration for the efforts of associated volunteers, and asked whether the Cabinet Member could request that officers bring forward proposals for a North Ayrshire wide approach to community orchards.

Councillor Gurney responded by thanking the Member for his support for the Administration’s policy and confirming that he would liaise with officers on bringing forward projects in other parts of North Ayrshire.

(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?”

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

“The table included in this response provides details of the anticipated water and wastewater charges across each Council Tax Band:

Band	2023/24	2024/25	Increase
A	334.86	364.26	29.40
B	390.67	424.97	34.30
C	446.48	485.68	39.20
D	502.29	546.39	44.10
E	613.91	667.81	53.90
F	725.53	789.23	63.70
G	837.15	910.65	73.50
H	1,004.58	1092.78	88.20”

(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?”

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

“The policy relating to the retention of electronic communications in North Ayrshire Council is covered predominantly by the Information Management in Email policy, which defines the default retention period at 6 years + current year from date of receipt, but is subject to our records management retention schedule. Where electronic communications are required for the purposes of legal proceedings or prospective legal proceedings outwith the set retention period, a legal hold can be placed indefinitely on this information.

The Council policy only applies to data which is created whilst Elected Members are acting within their Council capacity.

In terms of WhatsApp, etc there is currently no specific Council policy on the usage of such, but Members should adhere to the Acceptable Computer Use Policy when using a Council managed device.”

As a supplementary question, Councillor Marshall made reference to reports in the press about the deletion of WhatsApp messages by the former First Minister in accordance with Scottish Government policy, and asked whether WhatsApp messages on Council devices should be subject to the same information management conditions as applied to email communications.

Councillor Larsen responded by advising that the Council currently had no formal policy in relation to WhatsApp messages but confirmed that a review would be undertaken in relation to this.

(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”

Councillor Gurney thanked the Member for his question and introduced the following written response which was then taken as read in terms of Standing Order 14.4:

“Decriminalised parking enforcement (DPE) enables NAC enforcement officers to administer parking penalties to ensure compliance with parking controls. Stationary traffic offences cease to be criminal offences enforced by the Police and instead become civil penalties enforced by the local authority e.g. waiting, loading or parking restrictions. The Police remain responsible for all ‘moving’ traffic offences, matters of obstruction and some temporary waiting restrictions.

The Transport (Scotland) Act 2019 (commonly referred to as The Pavement Parking Ban) includes a ban on pavement parking, double parking and parking at dropped kerbs, and provides local authorities the relevant powers to enforce these new provisions. Parking at dropped kerbs is in relation to pedestrian crossing points only, the legislation does not include parking at dropped driveway accesses.

The secondary legislation to enable enforcement by local authorities came into force in December 2023.

Cabinet will receive a paper for consideration in March 2024, outlining the provisions of the new legislation with proposals for consideration of enforcement by officers authorised to carry out DPE enforcement.

Clarification on each of the scenarios raised is as follows:

a) Blocking a vehicle in a driveway

Blocking a vehicle in a driveway, preventing someone from 'actively' leaving that driveway and the offending driver is not present, remains the responsibility of Police Scotland.

B) Blocking access outside a driveway

Blocking access outside a driveway is generally not deemed to be an obstruction, however, action would be at the discretion of the Police.

C) Double Parking

Enforceable by local authority enforcement officers under the powers provided by the Transport (Scotland) Act 2019

D) On Grass parking

Parking on grass verges is enforceable by local authority enforcement officers under the powers provided by the Transport (Scotland) Act 2019 but only where there is a footpath to the rear of the grass verge and, as such, the verge forms part of the adopted road.

Parking on grass verges in rural areas or where there is no footway to the rear of the verge cannot be enforced by local authority enforcement officers. Action would be at the discretion of the Police if deemed to be causing an obstruction to road users.

E) On Kerb Parking

Enforceable by local authority enforcement officers under the powers provided by the Transport (Scotland) Act 2019

F) Parking on a narrow street prohibiting access/flow of traffic

Parking on a narrow street prohibiting access/flow of traffic remains the responsibility of Police Scotland. Should parking on a narrow street result in access difficulties the Council in liaison with Police Scotland will consider mitigation measures to control parking behaviour, e.g. double yellow lines.

A vehicle causing an obstruction is one which has been parked and left unattended in such a way that it is considered to be a hazard to other road users. For example, a vehicle may have been parked on a bend on the carriageway, or at a junction, creating a safety hazard to other road users."

As a supplementary question, Councillor McLean asked whether photographic evidence or camera footage submitted by a constituent would be sufficient for the Council to issue a fine in respect of parking enforcement.

Councillor Gurney responded by intimating that a report on parking enforcement was due to be submitted to the Cabinet in March 2024 and undertook to ensure that it included clarification of the matter raised by the Member.

(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?”

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

“I thank Cllr McLean for his question. Let me just start by saying that I will take money from anywhere if it helps North Ayrshire. So, we will take the £20m, thanks very much, and will do the best we can with it. I would say to Cllr McLean that several residents of Irvine have already pointed out to me that £20m over 10 years will not come close to addressing the impact of 14 years of Tory austerity and I am sure many of us in this chamber would whole-heartedly agree.

If he is asking me if the DFM has a right to point out that this approach undermines the devolution settlement and our own democratically elected parliament then yes, I agree with her and I think most people can see it for what it is.”

As a supplementary question, Councillor McLean cited elements of the Verity House Agreement which asserted that the powers held by locally authorities “shall normally be full and conclusive” and the principle that decisions should be “local by default, national be agreement”, and repeated a question he had asked at a previous meeting, namely whether the Verity House Agreement was worth the paper it was written on.

On a point of order in terms of Standing Order 14.7(iii), the Provost intimated that the question was not competent, but exercised her discretion to allow the Leader to respond if she so wished.

Councillor Burns responded by asserting that the UK Government’s attempt to bypass the Scottish Government and go straight to local councils had nothing to do with the Verity House Agreement.

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:

“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.”

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

A Member asked a question clarification of the mover of the motion, seeking to confirm the timescale set out in the motion and establish whether there would be provision for substitute representatives. Councillor Marshall confirmed both elements of the query.

There followed debate and summing up.

On a point of order in terms of Standing Order 17.6, Councillor Cullinane sought to correct a statement made in the course of debate as to the timing of discussion which had taken place about potential governance structures. Councillor Cullinane advised that the Chief Executive had met with political groups on 9 May 2022, only a short time prior to the Statutory Meeting of the Council on 18 May 2022.

On a further point of order in terms of Standing Order 17.6, the Chief Executive corrected an assertion made in the course of debate, by clarifying that approval of the the Council’s governance arrangements was a matter for Council, and not officers.

At the invitation of the Provost, the Chief Executive requested that the mover of the motion reconsider the proposed timescale for a working group to meet and report back to the Council, noting both the forthcoming budget-setting process and the Easter recess period.

In terms of Standing Order 16.5, Councillor Marshall, with the agreement of his seconder, intimated a willingness to alter the wording of his motion to reflect that a report would be submitted to the Council prior to the summer recess, rather than to the May 2024 meeting. The Council agreed to accept the alteration.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (12), and for the motion, as revised, Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Foster, Gallacher, Inglis, Marshall, McDonald, McLean, McPhater, Montgomerie, D. Reid, Stalker, Stephen and Sweeney (17), Councillor Donald L. Reid abstaining, and the motion, as revised, was declared carried.

Accordingly, the Council agreed as follows:

- (a) to approve the formation of a Member Officer Working Group, comprising two representatives of the Administration, two representatives of the Main Opposition, two representatives of the Second Opposition and one Independent Member, plus relevant Officers, to consider altering the governance arrangements of the Council from the present Cabinet system to a traditional Committee structure; and
 - (b) that a progress report be submitted to the Council prior to the summer recess.
- (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."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor Billings intimated that he wished to alter the wording of his motion, to read as follows:

"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 ensure effective and efficient use of every possible ferry-related resource so that the Arran service has the maximum capacity possible as the island moves into the busy February 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. Further, to ensure that there are effective customer-focused contingency plans in place to enable an efficient switch from Ardrossan to Troon if Ardrossan is not available for service."

As an amendment, Councillor Gurney, seconded by Councillor Collier, moved as follows:

"To append the following text to the motion, as revised:

The Chair and COO of Peel Ports in the terms noted above to express our disappointment that the Irish berth has been decommissioned, to ask for the detail of the decision-making process, and to request their agreement to bring the berth back into operation as soon as possible."

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor Billings intimated a willingness to alter his motion further, to incorporate the terms of the amendment.

On that basis, Councillor Hill, with the agreement of his seconder, agreed to withdraw his amendment in favour of the motion, as revised. There being no further amendment, the revised motion was declared carried.

At the discretion of the Provost, Councillor Cullinane requested and received clarification from the Chief Executive, that the Fraser of Allander Institute report commissioned by the Council had been submitted to Transport Scotland; that the latter's business case had not yet been completed, but that officers continued to press Transport Scotland in this regard; and that no date had been set for the next meeting of the Ardrossan Ministerial Taskforce. The Leader was also invited to comment, confirming that an urgent meeting with the newly appointed Cabinet Secretary was being sought.

The Council agreed as follows:

- (a) to note (i) its concern about the immediate impacts of the current technical issues on the people and businesses of Arran, (ii) that it would like to see urgent action taken to ensure effective and efficient use of every possible ferry-related resource so that the Arran service had the maximum capacity possible as the island moved into the busy February holiday period and (iii) its disappointment that the Scottish Government was 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 had for both the people of Arran and Ardrossan;

- (b) to urge the Scottish Government to allow the refurbishment work to start without delay; and
- (c) to instruct the Chief Executive to write to the following:
 - (i) 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;
 - (ii) 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 and, further, to ensure that there were effective customer-focused contingency plans in place to enable an efficient switch from Ardrossan to Troon in the event of Ardrossan not being available; and
 - (iii) the Chair and COO of Peel Ports in the terms noted above to express the Council's disappointment that the Irish berth had been decommissioned, to ask for the detail of the decision-making process, and to request their agreement to bring the berth back into operation as soon as possible.
- (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."

As an amendment, Councillor Larsen, seconded by Councillor Robertson, moved the direct negative.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McDonald, McPhater, McTiernan, Montgomerie, D. Reid, D.L. Reid, Robertson and Sweeney (21), and for the motion, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Inglis, Marshall, McLean, Stalker and Stephen (9) and the amendment was declared carried.

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

(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 investigation of complaints is undertaken, and what can be done to streamline the eviction process in the most serious cases.”

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

Members asked question of clarification in respect of the following:

- the relevance of the ‘no evictions policy’ applicable during the pandemic to the timescales for eviction cited by the mover of the motion in his preamble;
- any potential new powers for the Council to expedite the evictions process; and
- whether an Elected Member seminar, rather than a report to Council, would be acceptable to the mover of the motion

In terms of Standing Order 16.5, and with the agreement of his seconder, Councillor McLean intimated a willingness to alter the terms of his motion to provide for this matter to be the subject of an Elected Member seminar, rather than a report to Council.

On that basis, Councillor Hill, with the agreement of his seconder, agreed to withdraw his amendment in favour of the motion, as revised. There being no further amendment, the motion, as revised, as declared carried.

Accordingly, the Council agreed that officers arrange an Elected Member seminar outlining (i) the anti-social behaviour provisions within housing tenancies, (ii) what tenants could do regarding anti-social behaviours of neighbours, (iii) how the investigation of complaints was undertaken and (iv) what could be done to streamline the eviction process in the most serious cases, including any potential new approach to expedite evictions.

15. Urgent Items

The Provost intimated that she had received a request that the Council consider a late question in terms of Standing Order 14, but that the matter did not meet the test for urgency and would not, therefore, be considered.

Noted.

The Meeting ended at 4.55 p.m.