

North Ayrshire Council  
8 September 2021

At a Meeting of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Marie Burns, Joe Cullinane, Scott Davidson, Anthea Dickson, John Easdale, Todd Ferguson, Robert Foster, Scott Gallacher, Alex Gallagher, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Ronnie Stalker, Angela Stephen and John Sweeney.

**In Attendance**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); K. Yeomans, Director and A. Laurenson, Senior Manager (Growth and Investment); C. Amos Interim Executive Director and R. Arthur, Head of Connected Communities (Communities and Education); M. Boyd, Head of Service (Finance), A. Craig, Head of Service, N. Shearer, Team Manager (Legal Services), M. McColm, Senior Manager (Communications), H. Clancy, D. McCaw and C. Stewart, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Democratic Services) (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Jimmy Miller.

**1. Provost's Remarks**

The Provost welcomed Members and officers to the meeting, which was proceeding on a wholly remote basis by electronic means, and dealt with preliminary matters.

The Provost extended a particular welcome to Councillor Ronnie Stalker who was attending his first meeting of the full Council following the recent Ward 6 Dalry and West Kilbride By Election.

**2. Apologies**

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

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

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

### **4. Previous Minutes**

The accuracy of the Minutes of the Ordinary Meeting held on 9 June 2021 and the Special Meeting held on 23 June 2021 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 31 May – 29 August 2021.

The Provost highlighted the following elements of his written report:

- a nationwide event to mark 100 years of the Royal British Legion, including a local wreath-laying ceremony and service in Saltcoats on 19 June 2021;
- Armed Forces Day celebrations in Irvine in June 2021;
- the official opening on 25 July 2021 of the new-look Ayrshire Hospice Store in Largs;
- the Marymass Festival, which took place on a virtual basis again this year;
- participation in one of the organised Harbourside Heritage Walks in mid-August 2021;
- attendance at a successful Irvine Burns Club Zoom event on 18 August 2021; and
- the launch in late August 2021 of a documentary entitled "Fakers and Forgers: Counterfeiting Robert Burns".

Noted.

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

Submitted report by the Leader of the Council for the period from 31 May – 29 August 2021.

Noted.

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

Submitted for noting and for approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 4 December 2020 – 18 August 2021.

Noted.

## **8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting Held on 11 March 2021**

Submitted report by the Interim Executive Director (Communities and Education) on the Minutes of the meeting of the Community Planning Partnership Board held on 11 March 2021.

The Chief Executive highlighted the following matters which had been discussed by the CPP Board:

- work on the Local Policing Plan, which had included a health inequalities self-assessment workshop;
- an update on Community Justice Ayrshire;
- actions arising from work undertaken on the cost of the school day; and
- the Community Food System and its links with Community Wealth Building.

Members asked a question in respect of the timing of submission of the CPP Board Minutes to the Council for noting and the publication of these Minutes on the Community Planning website. The Head of Service (Connected Communities) undertook look into this matter.

Noted.

## **9. Report of the Returning Officer**

Submitted report by the Returning Officer on the outcome of the North Ayrshire Council Ward 6 Dalry and West Kilbride By-Election and on the Declaration of Acceptance of Office by the new Elected Member for that Ward.

Noted.

## **10. Appointments to Committees and Outside Bodies**

The Council was invited to consider a number of committee and outside bodies nominations, for noting and approval, as appropriate.

Members asked a question on the financial implications of an appointment to the Licensing Board, in terms of the cost of the associated training and test. The Head of Democratic Services undertook to circulate the requested information to Members.

Councillor Marshall, seconded by Councillor Ferguson, moved that Councillor Stalker be appointed to serve on the Licensing Committee and Licensing Board.

There being no amendment, the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to appoint Councillor Ronnie Stalker to serve on the Licensing Committee and Licensing Board; and
- (b) to note:
  - (i) in terms of Standing Order 7.2, Councillor Stalker's appointment to the Police and Fire and Rescue Committee in place of Councillor Todd Ferguson, effective from 30 August 2021,
  - (ii) the appointment of Councillor Stalker to the Spier's Trust, in his capacity as a Ward 6 Member and
  - (iii) Councillor Stalker's intention to serve on the Garnock Valley Locality Partnership.

## **11. Committee Timetable 2022**

Submitted report by the Chief Executive on a proposed committee timetable for the period from January 2022 until the conclusion of the current Administration. The draft timetable was set out as the Appendix to the report.

The Council unanimously agreed (a) to approve the committee timetable for the period January – May 2022 set out in Appendix 1 to the report; and (b) to note that the dates for meetings referred to at Section 2 were subject to confirmation separately, in addition to those for any ad hoc committees and Special Meetings which may be required over the course of the year.

## **12. Hybrid Meetings**

Submitted report by the Head of Democratic Services on progress in terms of the introduction of hybrid meetings.

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

- the cost of hybrid meeting equipment; and
- whether consideration might be given to supporting Locality Partnership and community councils in terms of hybrid meetings in future.

Councillor Cullinane, seconded by Councillor Bell, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) agree that a hybrid meetings pilot take place prior to the next ordinary meeting of the Council in October 2021, involving a meeting(s) of the Licensing Committee and Integration Joint Board, subject to:
  - (i) consultation with the Health and Social Care Partnership with regard to the IJB arrangements,
  - (ii) any applicants/licence-holders attending the Licensing Committee do so on a remote basis only;
  - (iii) any hybrid meetings during the pilot proceeding as remote meetings (with physical participation) with no more than 50% of committee Members attending in person and on the basis that any failure of the hybrid equipment would result in the meeting reverting to a remote platform;
  - (iv) the pilot being suspended in the event of a reintroduction of social distancing requirements; and
  - (v) the extent of the pilot being dependent on the availability of sufficient staff resources
- (b) note that no further amendment to Standing Orders is required at this time in relation to hybrid meeting arrangements, but that officers use learning from the pilot to inform a Hybrid Meetings protocol for use by Members, Officers and other meeting participants;
- (c) agree that a further report be submitted to the Council meeting in October 2021 on:
  - (i) the outcome of the pilot;
  - (ii) options for the expansion of hybrid/physical meetings and
  - (iii) future public gallery provisions; and
- (d) note that any pilot hybrid meetings held in September 2021 would not require to include a physical public gallery but that, from October 2021, some public gallery provision would be needed for any meetings with a physical attendance component.

### **13. Ardrossan Strategic Regeneration Programme and Enabling Infrastructure Investment**

Submitted report by the Director (Growth and Investment) on the progress of a nationally significant development programme in Ardrossan and the infrastructure investment required to enable the regeneration of a major strategic site.

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

- whether statutory consultation respondents were aware of the contaminated nature of the site prior to responding;
- the guarantees to be provided by the companies engaged to remove contamination;
- whether the views of potential house-builders and hotel operators had been sought with regard to the issue of contamination;
- the funding mechanism for meeting the cost of enabling infrastructure works referred to in the report and whether any alternative loan sources might be identified;
- the likely impact of an increase in traffic volume on neighbouring streets;
- whether the Council had taken action with regard to any financial liability for decontamination costs which the previous operator of this site might bear;
- the availability of detailed information on the likely impact of the proposed expenditure on the Council's future capital programme;
- the rationale for the proposed phasing of the project, particularly with regard to the timing of the residential and commercial development of the site;
- the funding mechanism which might be associated with future maintenance of new seawalls/walkways at this location;
- the name of the site and plans for branding; and
- progress in respect of negotiations with Transport Scotland and Peel Ports.

Councillor Cullinane, seconded by Councillor Bell, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

In terms of Standing Order 14.3, Councillor McNicol asked that his dissent be recorded.

Accordingly, the Council agreed, Councillor McNicol dissenting, as follows:

- (a) to note progress to date of the Ardrossan North Shore outline business case; and
- (b) to approve further provision of up to £14.3M of investment in enabling infrastructure to support the development of a major strategic site.

#### **14. Processes for Future Consultations**

Submit report by the Interim Executive Director (Communities and Education) on how future consultation would address the issues raised during the Review of Libraries, Halls and Community Centres and Development of Community Hubs.

Councillor Cullinane, seconded by Councillor Bell, moved approval of the recommendations set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to approve the recommendations for future consultations set out in Section 2 of the report; and
- (b) that it be remitted to officers to implement the improvements.

#### **15. Questions**

In terms of Standing Order 12, submitted:

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

“Smoking is one of the voluntary threats to health right across society. I am particularly interested in how smoking has impacted on our young people in North Ayrshire during the Covid-19 pandemic because, whilst the risks to young people of having the Covid-19 and variant vaccinations is reputedly extremely small, taking up smoking has lifetime health implications.

I would be pleased to receive from the Cabinet Member for Health and Social Care any figures which might be available in relation to young people in North Ayrshire taking up smoking during the Covid-19 lockdowns (period March 2020 – August 2021 or figures as available) and advise of what steps might be taken in North Ayrshire to encourage our young people not to smoke. Secondly, please advise of any available figures on the uptake of the Covid-19 vaccination and what steps are being taken to encourage an even fuller uptake by our young people.”

Councillor Foster responded in the following terms:

“Specific information in relation to young people and smoking is normally collected and collated via school health and wellbeing surveys. Unfortunately, prolonged lockdown periods have meant there has been significant disruption to gathering this valuable information.

The NHS Ayrshire and Arran Smoking Cessation teams have continued to function this year. However, this service has been severely curtailed by staff members being redeployed to support the pandemic response, in particular to support with contact tracing to manage the COVID-19 cases.

Peer support is the most effective way to reduce the numbers of young people starting to take up smoking or vaping. Nicotine is highly addictive and young people require significant support to stop smoking /vaping. Working with schools, colleges or other areas where young people access to provide positive messages and cessation services is the most effective way to reduce the numbers of young people smoking. Encouraging parents, grandparents, other carers to access smoking cessation is an effective way to tackle intergenerational smoking. Many children are introduced to tobacco or vaping via their parents or other family members. A focus on the expense of smoking rather than health benefits is more effective with young people, highlighting the opportunity costs of spending cash on tobacco or vaping materials can be a powerful incentive and through consultation with young people, different needs are highlighted for different areas.

For North Ayrshire as at 7 September 2021 across adult members of the population 94.2% have had their first vaccination and 88.2% have has both doses. For our younger people aged 16 to 17, so far 47.8% have come forward for their first vaccination and 10% have had both doses, the vaccination programme roll-out and promotion to the younger group continues and is planned to be completed by the end of September. To encourage uptake, we have provided many drop-in vaccination clinics for young people and targeted media to encourage them to register online and access clinics. These targeted messages have also been aimed at those young people who are clinically vulnerable or who live with someone who is clinically vulnerable.”

(2) a question by Councillor Donald L. Reid to the Cabinet Member for Green New Deal and Sustainability in the following terms:

“My personal view is that our Waste Management Team in North Ayrshire have done an incredible job of work ensuring continuity of uplift of bins between March 2020 and the present. I would make special mention of the front-line team emptying our bins throughout the pandemic and sincerely thank them for their service during this difficult time. It would be remiss not to also acknowledge the organisational work of our NAC Waste Management team who have had to be innovative to support the front-line team through a challenging period.

Can the Portfolio Holder for Green New Deal and Sustainability advise on the current constraints faced by Waste Management in delivering a quality service during still challenging times and, in particular, make any comment in relation to brown bin uplifts in the Garnock Valley area which seem to be experiencing difficulty in continuity of service as detailed in the NAC calendar.”



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

“As all Members are aware, nationally, the pandemic has resulted in unprecedented difficulties for a range of sectors over the last 18 months and waste management is no exception.

A combination of factors, including more people at home generating additional waste, physical distancing requirements in our vehicles, and the impact of self-isolation on employee numbers, has presented significant resourcing challenges.

During the first phase of the pandemic, officers were able to mitigate this resourcing impact by training and redeploying colleagues from Streetscene and Roads Services from their normal duties. This swift action meant that we were able to continue our normal waste services uninterrupted, in stark contrast with most other local authorities across Scotland, who had to suspend one or more of their waste collections services for weeks and, in some cases, months.

During 2021, the challenge has shifted up a gear. The easing of restrictions nationally created visitor management challenges due to good weather and high levels of demand, particularly in our coastal areas, and resources have had to be returned to Streetscene to manage this effectively. In addition, the recent increase in positive cases has had an inevitable impact on levels of self-isolation absence. A continued factor is increased tonnages of waste for us to manage due to more people being at home. All employees have worked tirelessly to ensure waste collections remain as uninterrupted as possible and, in the main, our grey, blue and purple bin collections have been largely uninterrupted, with the occasional instances of brown bins being uplifted the day after their allocated day. To counter this, several Saturday shifts have been working during the summer period to ensure that brown bin service delivery is up to date by the end of the working week. Officers have sought to keep members and the public up to date with regular service updates being provided where areas have been affected.

Officers continue to monitor waste management activity on a daily basis and are responding dynamically to the challenges as they develop. As garden waste tonnages naturally reduce now as we move into autumn, we expect this to ease the recently experienced service pressure significantly.”

Councillor Montgomerie concluded by expressing his appreciation of the efforts of all frontline and other Council staff during the pandemic.

(3) a question by Councillor Donald L. Reid to the Cabinet Member for Participatory Democracy in the following terms:

“NAC Connected Communities have been “cautious in their approach to reopening community centres and halls.” They are now open. Whilst this approach is understood, concern has been expressed by some voluntary groups about the detailed form that each group is required to submit, signed by an office bearer on behalf of each group, before they are allowed to resume activities in NAC community centres and halls.

The form, drafted by NAC, headed: “*Conditions for Letting During Covid-19 (Version 6 – August 2021)*” has 28 individual sections which require to be completed. Issues raised by voluntary groups about this form include:

Item 8. I have read, understood and agree to the general terms of let provided to me. This requires one person to comply with the rest of the document.

Item 9. Relates to stopping people entering the hall. An individual volunteer has no right to stop anyone entering any NAC premises or indeed send anyone home who develops Covid-19 symptoms. Nor can a volunteer force anyone to wear a mask.

Item 12. A volunteer involved in running a group may have no knowledge about exemptions for wearing masks.

Item 13. A volunteer can have no control over individuals with regards to maintaining social distancing and has no control over NAC staff on the premises.

Item 14: How is this one individual who has to sign the form, the ability to promote the NHS Test and Protect app with service users?

Item 15: This asks for far too much information. At best it should be a simple contact number for one person.

Item 16: How can one person be expected to keep up with Government guidelines. A volunteer helping to run a group or club based in the community centre has a difficult enough job. It has been suggested that better wording for the section might be: “We can agree to endeavour to keep the guidance issued by the Community Association and North Ayrshire Council. As this is already different from the Government guidelines then it should be only these guidelines we are asked to follow.”

Item 17: A volunteer has no rights to control people entering an NAC building. A volunteer can only advise people to abide by rules set by the Community Association. People can be invited to leave the building in certain circumstances, but a volunteer has no right to evict them.

Item 18: A volunteer has no authority or medical knowledge to question or assess vulnerable people.

Item 19: For reasons already outlined above, a volunteer cannot force people to use the hand sanitiser, only request them to do so. It might be possible to promote the requirements, but difficult to control how this might operate in different parts of the building. Control the use of 'Catch Kill It' bins. How do you do that?

Items 20 & 23: A volunteer cannot spray or sanitise all equipment as this could damage the equipment viz camera club equipment. They can only use reasonable endeavours to ensure equipment is safe to use.

Item 25: Contact insurance holder to see if the group is covered for the let. This implies that the volunteer is legally responsible for any claims that might arise by individuals with reference to Coronavirus. Moreover, is there any insurance company that covers claims for Covid-19?

The whole document transfers the responsibility for Covid-19 virus control to one individual who may not be knowledgeable about Covid-19 and has no medical qualifications. In addition, the document applies standards of control that appear to be contrary to government expressed requirements. To comply each group would in reality have to set up a control group who would be monitoring the behaviour of all the members in all parts of the hall during a club meeting.

Although the document is initially stated as a survey it also states "Conditions for letting during Covid-19," implying it is part of the leasing contract. This is reinforced by statements within the document.

In essence this entire document is problematic for the individual required to sign on behalf of a club, group or organisation.

Put simply, it can be sorted by simplifying that the club, etc will make its best efforts to comply with the general requirements of the community centre.

Can the Cabinet Member for Participatory Democracy advise if this complex document can be simplified to reduce the onerous duties placed on the individual signing the NAC 'Regular Lets' booking form?"

Councillor McPhater responded in the following terms:

"We are currently reviewing the toolkit and form as part of the next stage of the phased return of Community Facilities and will take these comments into account.

The NAC 'Regular Lets' booking form is part of the service restart toolkit. When a 'let' is agreed, it forms a legal contract with the individual signing it. As such, the individual signing the contract must be completely clear about their responsibilities with regard to preventing the spread of COVID-19."

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

“Can the Cabinet Member confirm if any child has been assessed and placed in Early Years at Lockhart Campus?”

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

“Assessment of current need in the early years population is ongoing and assessment already undertaken has established that, at present, our local early years centres and classes can appropriately meet the needs of the children beginning this stage of their education.

Therefore, no child under the age of 5 is accommodated in Lockhart Campus at this time.”

As a supplementary question, Councillor Larsen asked the Cabinet Member to clarify what he would do to ensure that assessments and reviews were carried out as a matter of urgency to avoid delays in respect of any early years placements at the campus, and advise when the new Lockhart Campus uniform would be available.

Councillor Bell responded by reiterating that Lockhart Campus could accommodate early years children should an individual assessment point to it as the best fit for their specific needs. Councillor Bell advised of the commitment to provide inclusive and nurturing environments across the early years centres to allow children to flourish.

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

“To ask the Cabinet portfolio holder for Education to advise this Council how many primary and secondary school children in North Ayrshire have received a free laptop or a tablet, and a free internet connection as per the SNP election promises made in May 2021?”

Councillor Bell thanked the Member for his question and prefaced the following written response by advising that the Council had already purchased 1,000 devices and connectivity in session 2019-20 to enable home learning during the first lockdown, as reported to Cabinet in June 2020:

“During session 2020-2021, a total of 1734 devices were distributed to children and young people in North Ayrshire and a further 509 connectivity solutions. These devices were funded by the Scottish Government Digital Inclusion Grant Funding and do not form part of the SNP Election commitments from May 2021. We are still awaiting further detail around the arrangements for academic session 2021-2022. In addition to Scottish Government funding, NAC has invested in additional devices for pupil home use by creating a digital families fund and has committed £250,000 per year to provide access to devices and connectivity for online learning and activities.”

As a supplementary question, Councillor Ferguson asked whether the Cabinet Member would work with him in seeking to push the SNP Government to keep its promise to provide free laptops.

Councillor Bell responded by expressing confidence that the Council’s Education staff would be working to ensure that the best equipment was provided to our young people.

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

“To ask the Cabinet portfolio holder for Education how many school-aged children have received a free bike in North Ayrshire as per the SNP election promises made in May 2021?”

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

“None, the Scottish Government has announced the first six pilot projects selected to offer free bicycles for school age children who cannot afford one. North Ayrshire Council is not one of the initial pilot projects selected.”

Councillor Ferguson referred to the consistently reported levels of deprivation in North Ayrshire and, as a supplementary question, and asked whether the Cabinet Member would work with him to ensure that every child from a disadvantaged background was given access to a bike and to press for North Ayrshire to be included in a recently announced pilot.

Councillor Bell responded by expressing confidence that Education and other Council staff would be working to ensure that they got the best equipment for young people in North Ayrshire. Councillor Bell also expressed a wish that governments, when making promises about education, would reverse the cuts to councils in order to enable an increase in areas such as teacher numbers and classroom and support, as well as other initiatives.

(7) a question by Councillor Ferguson to the Cabinet Member for Green New Deal and Sustainability in the following terms:

“To ask the Cabinet portfolio holder for Green New Deal and Sustainability to advise this council how many trees have been planted by the council in North Ayrshire since this council declared a climate emergency in 2019?”

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

“This Council declared a climate emergency in summer 2019. Recognising the vitally important role of trees in tackling climate change, in March 2020, the Council allocated £500,000 of funding for a major tree planting programme. Despite the challenges presented by the pandemic, work progressed on a detailed Tree Planting Strategy, which was approved by Cabinet in January 2021. This set out our ambitious plans to plant 108,000 trees across North Ayrshire this decade as part of the Council’s commitment to be ‘net-zero’ by 2030.

Officers have been working closely with our community partners, and together we have already planted 2,660 trees at a variety of locations since the climate emergency was declared. Officers are also continuing to collaborate with partners on a large pipeline of various projects, ranging in scale from a few hundred trees to tens of thousands. One of the larger projects will be as part of our major Community Wealth Building regeneration initiative at Lochshore in Glengarnock and this is scheduled for planting to commence in this coming growing season with an anticipated 20,000 trees being planted overall when completed. Officers are also engaged with a number of local schools to develop local planting initiatives with young people which will see 4,000 saplings donated by Woodland Trust for school tree planting sites across the whole of the school estate. This planting will commence shortly. The overall tree planting programme will create a new woodland resource in North Ayrshire by 2030, with an ambition to complete all the planting required by the 2025/26 growing season to ensure that saplings are well on their way to maturity by the 2030 target.”

As a supplementary question, Councillor Ferguson asked if the Cabinet Member would work with local Ward 6 Members to identify sites for future tree-planting.

Councillor Montgomerie responded in the affirmative.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.30 p.m. for a comfort break. The meeting reconvened at 3.45 p.m. with the same Members and officers present and in attendance and resumed consideration of Agenda Item 14 (Questions):

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

“It has been reported that the Scottish Government does not agree with the proposed funding arrangements for the development of Ardrossan Harbour. Reports indicate that the Scottish government wants the port’s owner to take a greater responsibility for the funding of the work. At the meeting of North Ayrshire Council in February 2021 we were told that if the work on the development of the harbour didn’t start by this summer there is no way that the port would be ready to take the new Glen Sannox ferry, which we are told will come into service in 2022.

Please could the Leader of the Council provide members with an update on what is happening with the Ardrossan Harbour project?”

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

“Discussions between Transport Scotland and Peel Ports Group continue on the commercial arrangements for the delivery of the project. Scottish Ministers continue to advise us that they are committed to the ferry service operating from Ardrossan and that they are working to secure a cost-effective solution that delivers the upgrade of Ardrossan Harbour. NAC remains in on-going dialogue with officers in Transport Scotland and the Minister to try and bring this to a satisfactory conclusion as soon as possible enabling these much-needed works to progress.

Given the significant delays that have been caused to this project because of the failure to conclude satisfactory agreements on the Harbour redevelopment, it is virtually impossible that construction works at Ardrossan could be completed in time to accommodate the new Glen Sannox when it comes into operation between July 2022 to September 2022.”

Councillor Billings referred to the possibility of an alternative style of ferry ultimately coming into operation and, as a supplementary question, asked what assurances had been given that the planned works to Ardrossan Harbour would make it suitable for whatever type of ferry might operate from the harbour in future.

The Leader responded by advising that a request had been made for the Minister to convene a meeting of the Ministerial taskforce, which had not met since the start of the year, and that this would provide an opportunity to discuss the design work in detail. Councillor Cullinane advised that, in the meantime, there appeared to be confidence that tendering would soon be undertaken with regard to the design work. Councillor Cullinane also indicated that he was looking forward to speaking with the Minister in the coming week, as well as the Cabinet Secretary for the Islands and a number of stakeholder groups.

Councillor Hill left the meeting at this point.

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

“Consequent on the power-sharing deal between the SNP and the Greens the latter have been empowered to bring forward proposals for rent controls in the Private Rented Sector (PRS).

What benefit, if any, will accrue to the PRS in North Ayrshire?”

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

“Rent controls can take many different forms and there are currently no details as to what mechanism will be proposed. The member will be aware for example that the Scottish Government previously responded to Living Rent’s campaign for rent controls with the legislative power for local authorities to introduce rent pressure zones – a mechanism which has proven completely ineffectual with not a single local authority in Scotland introducing a RPZ due to the hurdles placed in front of them by the Scottish Government’s legislation.

Last year, we did respond to Labour MSP, Pauline McNeil’s, Fair Rents (Scotland) Bill consultation in which we supported, in principle, proposals to include caps on annual rent increases in the private sector at CPI plus 1%, and the introduction of a mechanism to allow a tenant in a private residential tenancy to apply to have a ‘fair open market rent’ determined by a Rent Officer.

The benefits of proper, meaningful, and effective rent controls would be felt by tenants. This would particularly be the case in a locality such as Arran where the housing situation is very pressurised making it much less affordable for the islands young people and those who rely on the islands tourism industry as their principal employment.

Only once we have seen the detail of the proposed mechanism of rent controls will be able to fully assess their impact on the local housing market.”

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

“Does the Leader of the Council agree that an Elected Member should represent their constituents, constituency and local environment, as best they can, asking questions and raising concerns on subjects that may have an impact or effect on public and environmental wellbeing?”



Councillor Cullinane thanked the Member for his question and responded by advising that he was unsure of the purpose of the question, but was certainly not going to suggest that an Elected Member should ever go out of their way not to represent their Ward to the best of in their ability. The Leader noted Councillor Murdoch's reference to asking questions and acknowledged that questions were one of the tools available to Members in undertaking their duties. However, Councillor Cullinane considered that there were many others, including tabling motions, providing input into the development of policies and strategies, and being a member of committees.

Councillor Murdoch referred to consideration of the new Ardrossan Campus at the last meeting of the Council on 23 June 2021 and to the Leader's characterisation of Councillor McNicol's contribution to the discussion as "absolutely shameful". As a supplementary question, Councillor Murdoch asked whether the Leader regretted the statement as too harsh and whether he felt he owed Councillor McNicol an apology.

Councillor Cullinane responded by declining to apologise for the statement. The Leader provided examples of a number of initiatives which Councillor McNicol had opposed and reiterated his view that this was not the legacy which any councillor seeking to represent their constituency should want to leave.

(11) a question by Murdoch to the Leader of the Council in the following terms:

"Can the Leader of the Council please provide any examples of a North Ayrshire Sole Trader winning a tender for work with NAC through the Community Wealth Building Initiative and can you please provide details of how many North Ayrshire Sole Traders or small businesses with one or two employees are on the tendering list?"

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

"Procurement is one of the key pillars of the Community Wealth Building Strategy. From Council spend analysis in 2019/20, 20% of total procurement spend, equating to £43.2m, was spent on a total of 851 local suppliers. Spend data covering the 2020/21 financial year is currently in the process of being finalised and we would anticipate a further improvement on this position as we work towards the Council Plan target of 26% of spend to local enterprises by the year 2024. Public sector procurement do not operate a tendering list as such, this is something which occurs in the private sector. Public sector procurement is represented by various procurement exercises including quick quotes and tenders for each individual contract and framework. Procurement spend includes a range of activity and the type of procurement route is determined by the contract value, with lower value spend of up to £10,000 governed by verbal and written quotes, contracts up to £50,000 for supplies and services and £100,000 for works being the area where Quick Quotes operate and tenders operating above these thresholds.

The procurement route for Sole Traders and small businesses is determined by their scale and capacity to deliver (usually measured by turnover) and relevant insurance thresholds. To set some additional context around procurement frameworks, a total of 7 frameworks were put in place during 2020/21 with a value of £39.9m. This included 151 suppliers of which 108 are local suppliers.

Examples of procurement awards specific to small businesses across a range of procurement activities from April 2020 has been provided to elected members for information. Based on the way data is captured this includes 26 small local businesses recorded as having up to 4 employees. It is also recognised however through spend analysis that local businesses of all sizes benefit through high volume, low value spend (under £10,000).

Community Wealth Building aims to continue to build capacity within the small business base and the Business Development Team this financial year have provided over 120 instances of support for businesses from ranging from specialist consultancy, support to access new supply chains, specific help in bidding for local work, access to training support and introduction to new businesses.”

As a supplementary question, Councillor Murdoch asked what the Council was doing to make local businesses aware of Community Wealth Building and how the system could be simplified to allow sole traders and small businesses to get involved.

Councillor Cullinane responded by referring to the final paragraph of his written response which illustrated the work being done to build capacity within the small business base.

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

“Can the Leader of the Council please provide details of any future tourism related investment in the North Coast other than the Millport Flood Defence or Largs Seawall-related projects?”

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

“The Ayrshire Growth Deal contains a programme related to marine tourism, which provide £9.5m investment for expansion of Ardrossan Marina (£5.5m) and the remaining £4m to support development of transit or destination marinas on Arran and Cumbrae. Council officers are currently working to develop the transit marina projects. Progress to date includes appointment of marine tourism manager, co-funded through the Council’s partnership with Crown Estate Scotland; engagement with the Millport flood protection scheme team to identify project interdependencies, preparation of a technical brief to identify options for the transit marina facilities, engagement with communities to identify priorities and discussions with Crown Estate Scotland to identify potential funding support for the projects. Although there is significant project development work to take place, it is currently targeted that the marina developments will be implemented shortly following the completion of flood protection works, which is understood to be the optimal development phasing.

A Visitor Management Officer Group has been set up to identify external funding to address the impact of increased visitor numbers. A successful application to NatureScot’s Green Recovery Better Places Fund has enabled the Council to provide additional Street Scene services (operatives, volunteer litter picking packs and additional bins) to cover the summer season at key tourism sites. An application is currently in progress to the Rural Tourism Infrastructure Fund to provide a network of visitor service hubs around Arran and Cumbrae that aims to alleviate visitor pressure points and provide facilities for motorhome facilities. If successful, additional funding will be sourced to extend this project at other visitor pressure point sites along the coast. In June 2021, Cabinet approved initial investment proposals totalling £900,000, specifically related to play park, park and other public realm improvements. Officers have been working up detailed project proposals for expenditure of this funding to help improve amenities for both residents and visitors to North Ayrshire.

For the North Coast ward, this will involve a share of this investment, and officers have already scheduled ward by ward discussions with members to discuss draft proposals for feedback and finalisation. The projects include upgrades to play parks, and new street furniture, including bins and benches. Decorative lighting columns at Largs and Millport shorefront are also scheduled for repainting.

The project to replace the sea front car park charging infrastructure is well-advanced, and discussions are progressing with regards to investment proposals for upgrade of the Gallowgate toilets and other toilet blocks in Largs.

**Millport CARS:** Millport Conservation Area Regeneration Scheme (CARS), due for completion in March 2022, is supporting Cumbrae’s tourism economy by investing in the community, local businesses and heritage assets and by delivering physical improvements to the conservation area and its environs. The overall scheme represents a total investment of approximately £2.2M.

**Millport Town Hall:** The Regeneration of Millport Town Hall will deliver further investment on Cumbrae, totalling approximately £2M and including grants from the Regeneration Capital Grant Fund (RCGF) (£1.5M), Crown Estates (£0.118M) and £50k from the Town Centre Fund. This community led project will be delivered in partnership with Connected Communities and Regeneration. It will deliver 3 holiday lets, a café, performance venue and community facilities including Men Shed. This project is currently at tender stage, and once a contractor is formally appointed, it is hoped that works will commence on site at the end of September 2021, with completion anticipated in June 2022.

**Largs Promenade:** Officers are developing a brief to procure a consultant to undertake a feasibility and design exercise to inform the upgrade of the Promenade to support active and sustainable travel and tourism. This will identify a coherent route for the National Cycle Network (NCN) through the town going forward. It will be developed through extensive community and stakeholder consultation and inform future funding applications for implementation.

**Place Framework Pilot Project:** A funding application was submitted to the UK Government's Community Renewal Fund for a pilot project to develop Place Frameworks for Largs and Saltcoats. This is aligned to a £40k allocation under the Place Based Investment Programme recently approved by Cabinet. This will build on earlier planning and community engagement work and will progress from the identification of need and issues, to the generation of solutions and new initiatives. They will inform Council and community led action to create attractive and successful places through:

- A new future and strengthened position for our town centres;
- Town Centre living that meet our residents' needs;
- Development on strategic regeneration sites for direct economic benefit and to signal positive change;
- Responding to derelict land and property in town centres;
- Articulating and developing the Town Centre First approach; and
- Applying the Place Principle and 20-minute Neighbourhood concept
- Supporting environmental, economic and social recovery of our coastal communities.

The Place Frameworks will identify actions under the Regeneration Delivery Plan going forward and for implementation under funding streams such as the Place Based Investment Programme. The outcome of the application is anticipated in Autumn 2021. A member/officer Tourism Forum is to be established, and officers are conducting a round of ward member discussions to explore issues arising from increased domestic tourism and priorities for development a wider visitor management and tourism strategy.”

As a supplementary question, Councillor Murdoch asked, given the huge number of visitors to Largs, Cumbrae and the North Coast, what steps the Council was taking to promote visitor attractions and the surrounding infrastructure.

Councillor Cullinane responded by suggesting that, in respect of Millport, the level of public investment per head of population probably exceed that of any other community in Scotland. The Leader referred to the significant sums being invested in the projects mentioned and the levels of investment going into the North Coast generally and every part of North Ayrshire.

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

“When will North Ayrshire Council have a Policy in place on Motor Homes and Camper Vans?”

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

“The Council intends to develop a strategic position relating to the use of motor homes and camper vans. It is noted that there has been an increase in domestic tourism over the summer of 2021, due to the global pandemic. While this is having a positive effect on North Ayrshire visitor economy business base, it has also presented operational challenges related to place management through additional pressures.

It is currently targeted that a visitor management strategy will be developed in advance of the 2022 peak summer season. The strategy development will be guided by an operational steering group comprising officers from a cross-representation of related services.

A series of meetings with all members (grouped by ward) have been arranged to establish issues and priorities within each ward and this will inform the establishment of a visitor management and tourism member forum to guide strategy development.

In advance of the establishment of a clear policy position, promotion materials will be published to encourage responsible tourism and the Council has been successful in early funding rounds of VisitScotland’s Rural Tourism Infrastructure Fund designed to support the management of the impact of increased domestic tourism in rural areas. Additionally, specific issues have been addressed at Bowencraigs Car Park adjacent to Largs Yacht Haven, and fronting the water, to install a temporary height barrier to manage the location of motorhomes at this site.”

Councillor Murdoch expressed his objection to a new height barrier installed by a private business in the public car park adjacent to Largs Marina and, as a supplementary question, asked whether the Council would take into account that this had resulted in the displacement of a significant number of motor homes to residential areas of Largs and ensure that a policy was in place before March 2022.

Councillor Cullinane responded that the plan was to have a strategy in place for the peak summer season in 2022 and that he would endeavour to involve local Members in the proposed forum.

(14) a question by Murdoch to the Leader of the Council in the following terms:

“Will North Ayrshire Council be reconsidering how public toilets are funded, maintained and accessible to members of the public as a result of Covid-19 and the need for public facilities to assist with public hygiene, health and wellbeing and tourism?”

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

“Under the previous Administration, the annual budget meeting in 2016 considered a proposal to close all remaining public toilets. This followed a previous year’s budget decision to remove all automated public conveniences. Two separate amendments to the 2016 proposal were put forward and accepted at the meeting: firstly, to retain the public toilets in Largs through recurring funding from the Largs Car Park Fund for their upkeep and maintenance; and secondly to retain the facilities in Saltcoats and Ardrossan by making savings in other General Services revenue budgets.

Since the budget meeting of 2016, the financial position of Scottish Local Government has continued to be challenging with disproportionate cuts to core Council budgets. In light of this challenging financial climate, no Councillor, of all political parties and of none, has proposed to invest more general revenue funding in public toilets by cutting budgets in other areas of service provision.

I can confirm that all available budgets for managing our public conveniences are fully committed and that in addition, recognising the challenges presented by COVID-19 and the unprecedented footfall in our coastal towns over the summer months, additional staff resources have been deployed to provide more frequent cleaning. Temporary support was also arranged over the summer period for facilities operated by local community groups.

Options are currently being explored for the upgrade of the public conveniences in Largs, which will require the use of cash available from Largs Car Park Fund. Officers are also working with local community groups who manage public conveniences to pursue opportunities for external grant funding to enable the upgrade of their premises. Officers continue to monitor the public toilets in Saltcoats/Ardrossan to determine required maintenance needs.

Officers will also continue to work with partners to ensure that adequate signposting is available – both physical and virtual - to direct the public to their nearest available facility.

The budget process for 2022/23 will commence in the coming months. Elected Members may choose to use this process to change the current level of provision. Any such motion or amendment would require to be fully costed, equality impact assessed, and a corresponding level of savings identified in order to return a balanced budget. Council officers are available to support Elected Members through this process.”

As a supplementary question, Councillor Murdoch asked whether the Leader considered it appropriate that public conveniences be run by the community on Cumbrae but that the costs of the facilities in Largs should be borne by the Largs Seafront Car Park Fund.

Councillor Cullinane responded indicating that the position around public toilets was inherited and that a change in policy would require a funding proposal to bring the operation of these facilities back in-house. Councillor Cullinane invited Councillor Murdoch to consider the benefits of having an income stream in Largs and the potential to use this to enhance the public realm works.

## **16. Motions**

In terms of Standing Order 13, submitted:

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

### “MOTION PREAMBLE

While we appreciate that there is high-level planning for future specific projects particularly those associated with the Ayrshire Growth Deal such as the Great Harbour Project and Marine Tourism, there has been little if any involvement by Local Elected Members nor attention to current Tourism issues in the established Tourist resorts. Currently given the huge increase in the staycation market and noting that Tourism is the main industry of our coastal towns, islands and villages, the Council is failing to scrutinise performance related to tourism related service delivery and the implementation of strategy policy and service plans as they relate to tourism issues. Specific performance issues that require scrutiny include rural car parking policy, ferry service issues, provision of campervan facilities, operation of high-quality public toilets, tourist signage, quality of the public realm along seafronts, etc etc

I have attempted to raise this issue with a senior Officer and a Member of the Council specifically questioning who is in charge of tourism, what is the staffing, what is the budget, how does the Council relate to the Trade and is there support for a Tourism committee or Member Officer working group? Answers came there none.

## MOTION

Councillor Marshall seconded Councillor Ferguson moves that recognising the importance of a reinvigorated tourism market in North Ayrshire, the Council agrees to appoint a Tourism Member/ Officer working group. This Group would comprise Members whose Wards contained significant Tourist businesses and would initially have the following remit:

1. to consider and recommend the introduction of new policies or changes to existing management policies to manage tourist pressures through the preparation of a visitor management plan
2. to consider and recommend the introduction of investment priorities for new facilities for visitors and in maintenance of existing facilities
3. to consider the wider socio-economic reports on the impact and value of the tourism sector in North Ayrshire.
4. to develop and review a tourism strategy
5. To report its recommendations to Cabinet periodically”

As an amendment, Councillor Dickson, seconded by Councillor Larsen, moved the terms of the motion subject to deletion of the phrase “whose Wards contained significant Tourist businesses”.

As a further amendment, Councillor Cullinane, seconded by Councillor Bell, moved as follows:

“Council notes that:

- Sessions have been arranged for Elected Members to establish issues and priorities within each ward and this will inform the establishment of a visitor management and tourism member forum.
- The sessions will also allow local Elected Members to input into the planned investment in coastal playparks and infrastructure approved by Cabinet in June 2021.
- The Member/officer forum will assist with the development of a new visitor management strategy to be prepared in advance of the 2022 peak summer season.
- At a regional level, an Ayrshire Visitor economy strategy is just being commissioned through the Ayrshire Visitor Economy Steering Group, chaired by Malcolm Roughead CEO of Visit Scotland which will scope out the vision for tourism in Ayrshire, key priorities and actions. North Ayrshire Council will participate fully in this work and Council agrees that the new Member/officer forum should engage in supporting the development of the regional work.”

In terms of Standing Order 14.5, Councillor Dickson, with the agreement of her seconder, agreed to withdraw her amendment in favour of the amendment by Councillor Cullinane, seconded by Councillor Bell.



In terms of Standing Order 14.5, Councillor Marshall, with the agreement of his seconder, agreed to alter his motion to remove the phrase “whose Wards contained significant Tourist businesses”.

Members then asked a question of clarification of the mover of the amendment, including confirmation sought and received by Councillor Marshall that the forum proposed by Councillor Cullinane’s amendment would be convened at the earliest opportunity.

Thereafter, in terms of Standing Order 14.5, Councillor Marshall, with the agreement of his seconder, agreed to withdraw his motion (as amended) in favour of the amendment by Councillor Cullinane, seconded by Councillor Bell. There being no further amendment, the amendment was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note that:
  - (i) sessions had been arranged for Elected Members to establish issues and priorities within each ward and this would inform the establishment of a visitor management and tourism Member forum;
  - (ii) the sessions would also allow local Elected Members to input into the planned investment in coastal playparks and infrastructure approved by Cabinet in June 2021;
  - (iii) the Member/officer forum would assist with the development of a new visitor management strategy to be prepared in advance of the 2022 peak summer season; and
  - (iv) at a regional level, an Ayrshire Visitor economy strategy was being commissioned through the Ayrshire Visitor Economy Steering Group, chaired by Malcolm Roughead CEO of Visit Scotland, which would scope out the vision for tourism in Ayrshire, key priorities and actions and that North Ayrshire Council would participate fully in this work; and
- (b) that the new Member/officer forum should engage in supporting the development of the regional work.”

Councillor Davidson left the meeting during consideration of the following item of business.

(2) a motion by Councillor Sweeney, seconded by Councillor Gallagher, in the following terms:

“This Council notes:

- 1 in 10 workers have experienced ‘fire and rehire’ - told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers, since March 2020 (TUC research, January 2021). A quarter of all workers have experienced a worsening of their terms and conditions – including a cut in their pay - since the pandemic began.
- That while the Prime Minister has called the practice “unacceptable” he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom as an escalating number of employers across all sectors using our weak employment protections employers as they force their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what can be devastating consequences for workers and their families.
- Even before the pandemic, 1 in 9 workers – 3.8 million people – were already ‘insecure’, meaning they did not have access to basic rights at work and could be dismissed at will; including those on zero hour contracts and agency workers.

This Council therefore resolves to:

- Ensure local residents are protected against such unscrupulous employers and agrees to ask the Leader of the Council to write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions.
- Not use fire and rehire itself as an employer and to prevent, where possible, its use by council contractors, and to ensure the council has a procurement practice that ensures we are working with contractors that have good employment, trade union, equality and environmental records.
- Continue to work with the increasing number of progressive local employers prioritising their employees’ standard of living and their wellbeing, work with our anchor institutions and key partners to bring forward plans to ensure all have best practice employment and to work with recognised trade unions on this.
- Support the TUC campaign for a ‘New Deal for Working People’.”

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

- Notes that North Ayrshire Council is committed to ensuring that all local residents have the best possible terms and conditions of employment and are protected against unreasonable acts by employers who seek to unilaterally diminish their employees' terms and conditions. The Council welcomes recent announcements by the Minister for Small Business, Consumers, and Labour Markets which directs ACAS to produce specific requirements and guidance to ensure employers explore all options before considering dismissal and re-engagement of their workforce.
- Asks the Council's Chief Executive to write to the Prime Minister expressing North Ayrshire Council's support for the ongoing work by the UK Government to strengthen workers' rights by controlling the use of 'Fire and Rehire', and to urge the Prime Minister to introduce appropriate legislation and good-practice guidelines once ACAS finalises its current work.
- The Council commits to being an industry leader of best employment practice and will engage with its workforce through a fair and reasonable negotiation process that involves the recognised unions and follows employment best practice.
- The Council commits, where it is possible, to ensure that the suppliers the Council uses do not use 'Fire and Rehire' practices as a method to renegotiate the employment terms and conditions of their employees and should instead seek to engage with their workforce through a fair and reasonable negotiation process that involves the recognised unions and follows employment best practice.

Members then asked questions of the mover of the motion and amendment.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment by Councillor Ferguson, seconded by Councillor Billings, Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Stalker and Stephen (10), and for the motion by Councillor Sweeney, seconded by Councillor Gallagher, Councillors Bell, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan, Montgomerie, Murdoch, Donald Reid, Donald L. Reid and Sweeney (20), and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note that:
  - (i) 1 in 10 workers had experienced 'fire and rehire' - told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers, since March 2020 (TUC research, January 2021) and a quarter of all workers had experienced a worsening of their terms and conditions – including a cut in their pay - since the pandemic began;
  - (ii) that while the Prime Minister had called the practice “unacceptable”, he had continually refused to take action to outlaw the practice, raising concerns that he would not intervene in this race to the bottom as an escalating number of employers across all sectors using our weak employment protections employers as they forced their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what could be devastating consequences for workers and their families; and
  - (iii) even before the pandemic, 1 in 9 workers – 3.8 million people – were already ‘insecure’, meaning they did not have access to basic rights at work and could be dismissed at will, including those on zero-hour contracts and agency workers; and
- (b) to ensure local residents were protected against such unscrupulous employers and to ask the Leader of the Council to write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions;
- (c) not use fire and rehire itself as an employer and to prevent, where possible, its use by council contractors, and to ensure the Council had a procurement practice that ensured it was working with contractors that had good employment, trade union, equality and environmental records;
- (d) continue to work with the increasing number of progressive local employers prioritising their employees’ standard of living and their wellbeing, work with anchor institutions and key partners to bring forward plans to ensure all had best practice employment and to work with recognised trade unions on this; and
- (e) support the TUC campaign for a ‘New Deal for Working People’.”

Councillor Gallacher lost his connection to the meeting during the following item of business and effectively left the meeting at this point.

(3) a motion by Councillor Foster, seconded by Councillor McPhater, in the following terms:

“On 6th October, over 10,000 families in North Ayrshire (according to a recent study by the Joseph Rowntree Foundation) are set to lose £1,034 per year as a result of the UK Government cutting Universal Credit by £20 per week.

North Ayrshire Council expresses its outright opposition to this cut which will push more families into poverty.

Council agrees:

- that the Chief Executive write to the Chancellor calling for the planned cuts to Universal Credit to be abandoned
- that the Council uses Challenge Poverty Week to campaign against cuts to Universal Credit and for a more humane social security system that provides a dignified standard of living for every citizen of this country”

At the invitation of the Provost, the Head of Democratic Services provided advice to Members on the competence of second bullet point of the above motion, which, as the Council’s Monitoring Officer, she considered may be in breach of the prohibition of political publicity, in that it was identifiable as the view of one political party and not of another.

On the advice of the Head of Democratic Services, and in terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 5.00 p.m. to allow him to consider the advice provided and to afford the mover and seconder of the motion an opportunity to consider revising it. The meeting reconvened at 5.10 p.m. with the same Members and officers present and in attendance.

The Provost, having considered the advice of the Head of Democratic Services as Monitoring Officer, determined, in terms of Standing Order 5.7, that the second part of the motion by Councillor Foster, seconded by Councillor McPhater, was not competent and invited the mover of the motion to submit a revised motion.

On a point of order, Councillor Burns, sought clarification on the ruling. The Monitoring Officer provided further information on the terms of the Local Government Act 1986 which prohibited political campaigning.

Councillor Foster agreed, in terms of Standing Order 14.5 and with the agreement of his seconder, to amend the second part of his motion, to read as follows:

“That the Council uses Challenge Poverty Week to promote the importance of the benefits system in alleviating poverty and the benefits of the Council’s Community Wealth Building approach to improving the standard of living of every citizen in our area.”

On a point of order, Councillor Ferguson objected to Councillor Foster’s use of the term “Tories” and “right-wing” in the preamble to his motion, on the basis that the language was derogatory. In terms of Standing Order 5.7, the Provost reminded Members of his earlier ruling that the term “Tories” was not respectful and should be avoided.

On a further point of order, Councillor Burns sought clarification on which provision within Standing Orders which prohibited the use of the term “Tories”. The Head of Democratic Services referred to the Provost’s earlier ruling on this matter, reminding Members that, in terms of Standing Order 12.11, the decision of the Provost on a question of order, was final.

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

“That the Council notes that the uplift to universal credit was always temporary and was designed to help claimants through the economic shock and financial disruption of the toughest stages of the pandemic, has cost the taxpayer more than £9 billion and if continued would cost £6 billion each year.

We move, noting that the Scottish Parliament was given significant powers in the Scotland Act 2016 and thus has extra welfare powers which they have not used, that the Council write to the First Minister suggesting that her Government should use these powers to top-up existing benefits, pay discretionary payments, or create entirely new benefits (noting that they have the opportunity to increase the Scottish Child Payment from its existing £10 per week) and that they should target these payments or benefits to mitigate any potential poverty issues.”

On a further point of order, Councillor Gurney sought clarification on an apparent contradiction between the requirement within Standing Orders for Members to avoid remarks which were untrue and the Provost’s ruling that the term “Tories” should not be used. Councillor Gurney considered that this presented a difficulty for him in accurately referencing the “Scots Tories” Twitter account. The Head of Democratic Services provided advice that the Provost’s ruling sought to ensure that Members were respectful in the meeting and did not preclude a factual reference to the “Scots Tories” Twitter account.

Members asked questions of the mover and seconder of the motion and amendment.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment by Councillor Marshall, seconded by Councillor Ferguson, Councillors Ferguson, George, Glover, Marshall, Stalker and Stephen (6), and for the motion (as amended) by Councillor Foster, seconded by Councillor McPhater, Councillors Bell, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan, Montgomerie, Donald Reid, Donald L. Reid and Sweeney (19), Councillors Barr, Billings, McNicol and Murdoch abstaining, and the motion (as amended) was declared carried.

Accordingly, the Council agreed as follows:

- (a) that the Chief Executive write to the Chancellor calling for the planned cuts to Universal Credit to be abandoned; and
- (b) that the Council uses Challenge Poverty Week to promote the importance of the benefits system in alleviating poverty and the benefits of the Council's Community Wealth Building approach to improving the standard of living of every citizen in our area."

Councillor Foster left the meeting during consideration of the following item of business.

- (4) a motion by Councillor Billings, seconded by Councillor Marshall, in the following terms:

"The Scottish government is currently consulting on its proposals to make permanent many of the temporary Covid restriction powers that were granted at the start of the Covid pandemic. The consultation is titled "Covid recovery: public health, services and justice system reforms" and can be viewed on the Scottish Government's website.

The Covid pandemic forced us all to review how we work, meet and interact with each other, and there may be benefits in keeping and developing some of these new ways of working. However, other Covid powers severely restrict the rights of individuals and businesses, and it would be inappropriate to make these powers permanent just in case they might be needed. Once powers are enshrined in law history has shown that they will be used and often with little public scrutiny and for purposes that they were not intended for. The Scottish government's proposals are far reaching and if implemented would affect many aspects of the lives of all of us living in North Ayrshire.

Therefore, this motion proposes that:

- arrangements are made to enable Members of North Ayrshire Council to discuss and comment on the Scottish government's proposals regarding making Covid powers permanent;

- a report on the Scottish Government's Covid powers consultation is brought to the Council meeting on 27<sup>th</sup> October 2021. The report should include a review of the implications for North Ayrshire Council and include the views expressed by Members of Council on any part of the proposals; and
- following the Council meeting on 27<sup>th</sup> October 2021, North Ayrshire Council submits the agreed report as the Council's submission to the Scottish government's consultation."

As an amendment, Councillor Cullinane, seconded by Councillor Bell, moved approval of the terms of the motion, subject to replacing from "a report on the Scottish Government's" with "a report, reflecting the views of Elected Members expressed at the Members briefing session, be brought to Cabinet to form the Council's submission to the Scottish Government's consultation."

Members asked questions of clarification on the terms of the amendment.

On a point of order, Councillor Gurney requested clarification on the competence of the motion given that it called for a matter to be considered by the Council, rather than by the Cabinet as was appropriate. The Head of Democratic Services confirmed that the motion was competent.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment by Councillor Cullinane, seconded by Councillor Bell, Councillors Bell, Burns, Clarkson, Cullinane, Dickson, Easdale, Gallagher, Gurney, Larsen, Macaulay, McClung, McMaster, McNicol, McPhater, McTiernan, Montgomerie, Donald Reid and Sweeney (18), and for the motion by Councillor Billings, seconded by Councillor Marshall, Councillors Billings, Ferguson, George, Glover, Marshall, Donald L. Reid, Stalker and Stephen (8), Councillors Barr and Murdoch abstaining, and the amendment was declared carried.

Accordingly, the Council agreed as follows:

- (a) that arrangements be made to enable Members of North Ayrshire Council to discuss and comment on the Scottish government's proposals regarding making Covid powers permanent; and
- (b) that a report, reflecting the views of Elected Members expressed at the Members' briefing session, be brought to Cabinet to form the Council's submission to the Scottish Government's consultation.

The meeting ended at 6.15 p.m.