

North Ayrshire Council
19 December 2018

IRVINE, 19 December 2018 - At a Meeting of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

C. Hatton, Chief Executive; L. Friel, Executive Director and M. Boyd, Head of Service (Finance) (Finance and Corporate Support); K. Yeomans, Executive Director (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); Y. Baulk, Head Service (Physical Environment) (Place); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services), M. McColm, Senior Communications Officer (Media and Internal Communications); H. Clancy and A. Little, Committee Services Officers and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

John Glover, Ellen McMaster, Ronnie McNicol and Angela Stephen.

1. Provost's Remarks

The Provost welcomed those present to the meeting and dealt with preliminary matters, which included an announcement that the Council meeting would be webcast.

2. Apologies

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

On behalf of the Council, the Provost took the opportunity to wish Councillor Glover a speedy recovery and extended his best wishes to the other Members whose apologies had been submitted.

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 Meeting of the Council held on 7 November 2018, 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 30 October - 10 December 2018.

The Provost highlighted the following elements of his written report:-

- the North Ayrshire Achieves awards ceremony which recognises the work of Council staff;
- attendance at a number of events to commemorate the end of the First World War;
- a recent town twinning visit to Voisins, France, including an opportunity to pay respects at a First World War battle site;
- attendance at Christmas Light 'switch on' events in Stevenston and Irvine; and
- the ongoing programme of visits to schools which is set to expand in 2019.

The Provost concluded his remarks by wishing those present a very happy Christmas and a peaceful New Year, and by extending an invitation to join him for festive refreshments following the meeting.

Noted.

6. Leader's Report

Submitted report by the Leader for the period from 30 October – 10 December 2018.

The Leader prefaced his remarks by offering his best wishes to Councillor Glover for his continued recovery and by welcoming back Councillor Macaulay following his recent period of ill health.

The Leader then highlighted the following elements of his written report:-

- the official opening of Castlepark Primary School's new eco-friendly playground; and
- Living Wage Week, including the Council's early implementation of the new Living Wage rate.

The Leader also referred to the recent budget settlement announcement from the Scottish Government, expressing dismay at a cut of 2.3% or £6.2m to the Council's core revenue funding, the lack of provision for the local government pay settlement, and the failure to give any assurances in relation to the shortfall in teachers' pensions. Councillor Cullinane intimated that the settlement would result in a £2.5m gap in the remainder of the Council's current 10-year capital programme and leave a £22.5m hole in the revenue budget for next year.

Notwithstanding the terms of the budget settlement, the Leader concluded his remarks by wishing those present a happy festive period.

The Provost thanked the Leader for his report and offered his congratulations to Councillor Cullinane on being recognised as 'Leader of the Year' at the inaugural Scottish Councillor awards.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 15 June - 10 September 2018.

Noted.

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of meetings held on 29 November 2018

Submitted report by the Chief Executive on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 29 November 2018. The CPP Board Minutes were set out in Appendix 1 to the report.

The Head of Democratic Services highlighted the following elements of the report:-

- the work of the Welfare Reform Working Group, the roll out of Universal Credit and the emerging devolved Scottish Social Security Agency and system;
- Community Investment Fund applications and awards, as well as the success of a recent Participatory Budgeting event held in the North Coast and Cumbraes locality; and
- the submission of a CPP response to the Local Governance Review consultation.

Noted.

9. Appointments to Committees

The Head of Democratic Services referred to vacancies for three representatives and three named substitutes to serve on each of the Ayrshire Regional Economic Joint Committee and the Ayrshire Regional Economic Partnership Sub-Committee, and to a vacancy for a named substitute to serve on the Integration Joint Board.

Nominations, duly proposed and seconded, were received in respect of (i) the Leader of the Council (substitute: Depute Leader of the Council), Cabinet Member for the Economy (substitute: Councillor Sweeney), Leader of the Opposition (substitute: Depute Leader of the Opposition) and Councillor Marshall (substitute: Councillor Billings) to serve on the Ayrshire Regional Economic Joint Committee; (ii) the Leader of the Council (substitute: Depute Leader of the Council), Cabinet Member for the Economy (substitute: Councillor Sweeney), Leader of the Opposition (substitute: Depute Leader of the Opposition) and Councillor Billings (substitute: Councillor Marshall) to serve on the Ayrshire Regional Economic Partnership Sub-Committee; and (iii) Councillor Clarkson to serve as Councillor Sweeney's named substitute on the Integration Joint Board.

(i) Ayrshire Regional Economic Joint Committee

On a division, with Councillor Murdoch abstaining, there voted for the appointment of the Leader of the Council (substitute: Depute Leader of the Council) 22, the Cabinet Member for the Economy (substitute: Councillor Sweeney) 24, the Leader of the Opposition (substitute: Depute Leader of the Opposition) 22, and Councillor Marshall (substitute: Councillor Billings) 6.

Accordingly, the Council agreed to appoint the Leader of the Council, the Cabinet Member for the Economy and the Leader of the Opposition to serve on the Ayrshire Regional Economic Joint Committee and the Depute Leader of the Council, Councillor Sweeney and the Depute Leader of the Opposition, respectively, as their named substitutes.

(ii) Ayrshire Regional Economic Partnership Sub-Committee

Councillors Billings and Marshall withdrew their nominations as representative and named substitute, respectively. There being no further amendments, the remaining Members were duly appointed.

Accordingly, the Council agreed to appoint the Leader of the Council, the Cabinet Member for the Economy and the Leader of the Opposition to serve on the Ayrshire Regional Economic Joint Committee and the Depute Leader of the Council, Councillor Sweeney and the Depute Leader of the Opposition, respectively, as their named substitutes.

(iii) Integration Joint Board

There being no further nominations received, the Council agreed to appoint Councillor Clarkson as Councillor Sweeney's named substitute on the Integration Joint Board.

10. Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2019/20

Submitted report by the Executive Director (Finance and Corporate support) on the HRA capital investment programme and revenue budget for 2019/20 and the consequential rent levels.

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

Accordingly, the Council agreed to (a) approve the HRA capital investment programme for 2019/20, as detailed in Appendix 1 to the report; (b) approve the HRA revenue budget for 2019/20, as detailed in Appendix 2 to the report; (c) approve a rent increase of 2.93% in 2019/20 for council houses, garage sites, lock-ups and sheltered housing service charges; and (d) note the indicative rent increases of 3.65% for 2020/21 and 2.50% for 2021/22.

11. Questions

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

“Following a recent event where an elderly and disabled couple in Beith were given a time scale of 60 days for the repair of an outside light at their front door, can I ask if NAC will consider adopting a policy of giving priority treatment to older and disabled tenants for repairs which are important for their well-being and safety.”

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

“Section 5.1 of the Council’s Housing Repairs Policy sets out the timescales for fabric repairs being carried out. The Policy has two main categories of repair: (1) emergency and (2) non-emergency repairs.

Emergency repairs are undertaken within 4 hours and non-emergency repairs are carried out, on average, within 7 working days. A repair to an external light is classified as a non-emergency and would be responded to much more quickly than the 60 day maximum timescale which was quoted by the call centre operator to the tenant.

The Repairs Policy allows for repairs to be re-categorised to support the needs of vulnerable tenants, e.g. older people and anyone who has a serious medical condition, where this is brought to the attention of the call handler. In this case the request should have been prioritised by the call centre operator as a next day repair.”

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

"Is the better measure of school performance pupils' "Insight "or "position in school league tables"?"

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

"In my view, a school's position in a league table does not manage to summarise all aspects of our learners' achievements.

The league tables simply measure the percentage of leavers who have gained either 3 or 5 passes at Higher grade.

Insight provides a better evaluation of how a school has developed all its students including those young people who are aspiring towards vocational, artistic or other specialised careers as well as SQA performance. When it comes to young people, one size definitely does not fit all."

As a supplementary question, Councillor Marshall asked why the Council did not celebrate schools' success in terms of league tables, given that this was a measure recognised by parents and which would promote North Ayrshire.

Councillor Bell responded by expressing the view that the achievement and performance of schools should be about all students, while league tables were relevant only to some 50% at best. He added that, in some other Council areas, league tables encouraged competition rather than collaboration between schools. The Council's aim was to close the attainment gap and Insight measures were a valuable support for this.

(3) a question by Councillor McClung to the Cabinet Member for Place in the following terms:-

"Given the Scottish Government's commitment to green energy, and pledge to phase out diesel and petrol-driven vehicles by the year 2032, eight years before the UK Government, could the Cabinet Member for Place please give an update on the steps being taken to increase the availability of electric vehicle charging stations in North Ayrshire, in particular the more efficient "fast chargers"?"

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

"The latest North Ayrshire Environmental Sustainability and Climate Change Strategy, which was approved by Cabinet in January 2017, sets out a range of actions across five different workstreams. One of these is to work in partnership with government agencies to explore the potential for further electric charging infrastructure throughout North Ayrshire.

I'm pleased to confirm that North Ayrshire already has a robust network of 12 charging points, with installations in each of our localities. Of these 12, eight are categorised as 'fast' 22 kilowatt charging points, and three are 'rapid' 50 kilowatt chargers. The remaining point is a 7 kilowatt standard charger.

The Council has been successful in securing £168,000 of grant funding during the current financial year to support the installation of a further six charging points. Three of these will be 'fast' and three will be 'rapid'. The new points will be located in Ardrossan, Beith, Dalry, Irvine and West Kilbride, and will all be operational prior to the end of March 2019.

Within the Place Directorate Plan, there is a commitment to preparing a North Ayrshire Electric Vehicle Strategy. This strategy will be informed by an in-depth feasibility study which will include recommendations on locations for additional accessible charge points for a range of user groups including domestic vehicles, taxis and private hire vehicles.

Lastly, I can advise that officers are in active discussions with the Energy Savings Trust to explore opportunities for further improvements to the Council's workplace charging infrastructure.

I would be happy to provide any colleague with a copy of the asset register which details the location and type of all of our electric vehicle charging infrastructure across North Ayrshire.”

As a supplementary question, Councillor McClung asked for information on the source of the £168,000 in grant funding referred to by the Cabinet Member.

Councillor Montgomerie responded by undertaking to provide the requested information to all Members.

(4) a question by Councillor Billings to the Cabinet Member for the Economy in the following terms:-

“In October 2018, there were two public consultation events relating to the harbour development at Ardrossan. Can the Member provide feedback on the outcomes from the events, and how is this information going to be used to inform the harbour project?”

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

“Following the Minister’s decision on the mainland port for the Arran and Kintyre ferry service, North Ayrshire Council and Peel Ports Group working with Transport Scotland, CMAL and CalMac have been developing the proposals for Ardrossan. The Client Steering Group were keen to secure early engagement and review emerging thinking with stakeholder and user interests at an early stage. The consultation was progressed in a clear understanding that the proposals outlined would be subject to change. Two events were held Brodick (23 October 2018) and Ardrossan (24 October 2018).

The event was organised as a drop-in event within accessible local centres. Consultation involved a series of boards and graphic material summarising outline proposals. 192 people attended the events.

The events were advertised by the following:

- posters in Ferry Terminals
- posters on the Brodick /Kintyre ferries
- posters in Community Buildings

Circulation of posters to:

- Stakeholder Groups
- Community Council
- Arran Ferries Group
- advertisements in Arran Banner / Ardrossan and Saltcoats Herald
- web- Social Media Links

Key issues identified included:

- the reliability of the ferry service
- apparent lack of link to the wider transport network from Ardrossan
- the design of the terminal building
- accessibility issues
- how the service and development would withstand adverse weather conditions
- how the consultation was undertaken”

Councillor Gallagher advised that a summary of the feedback from the consultation events had now been added to the public website that has been developed to support consultation on the proposals in the New Year and that all comments would be considered in the design proposals for the Harbour as matters developed. He undertook to provide the Member with a link to the feedback and confirmed that further consultation would be undertaken in 2019, following technical, feasibility and preliminary design work.”

As a supplementary question, Councillor Billings asked the Cabinet Member to ensure that the review of the feedback included details of the preferences expressed by those who had attended the consultation events and also indicated any changes which would be made to the project in light of the feedback received.

Councillor Gallagher responded by confirming that it was the intention to use the feedback received to inform the project, and he undertook to put Councillor Billings' other request to officers. The Cabinet Member also advised that he had now sent the website link to Councillor Billings.

(5) a question by Councillor Marshall to the Leader of the Opposition in the following terms:-

"The Scottish Government recently consulted on the removal of the single person discount on the Water Charge. Questioned on 8 November 2018 by Jackie Baillie MSP, the First Minister refused to give assurance that the Government would not rule out cuts to the single person Council Tax discount.

Would the Leader of the Opposition support the removal of the single person Council Tax discount for North Ayrshire residents?"

Councillor Burns responded in the following terms:-

"I thank Cllr Marshall for his continued interest in my personal opinion. There is no proposal to remove the single person Council Tax discount and, until there is, I won't waste this Council's time answering hypothetical questions."

As a supplementary question, Councillor Marshall asked whether Councillor Burns might be encouraged to provide a response by the fact that 1,904 people in her own Ward received the single person Council Tax discount and would be poorer by £0.5m if they were to lose it.

Councillor Burns responded by reiterating her original response, that the question was hypothetical given that there were no plans, as far as she was aware, to change the discount. Councillor Burns advised that a consultation was currently underway in relation to the water charge element only, its purpose being to look at the best way of ensuring targeted support was given to those who needed it most.

(6) a question by Councillor Murdoch to the Chair of the Planning Committee in the following terms:-

"Councillor Robert Barr and I were nominated and sanctioned by the Full North Ayrshire Council to represent them at the new Liaison Committee for the Oil Rig Decommissioning site at Hunterston.

I believe that this was a planning condition and as such had a time limit for arranging and conducting the first meeting.

I believe that the time limit was within three months. Can you please let me know if this is the case and if there has been a breach of planning conditions?"

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

“Condition 8 of planning permission ref. 17/01273/PP, which was granted by the Council's Planning Committee on 25th April 2018, stated that a draft code of practice for the operation of the construction, repair and decommissioning of marine structures shall be submitted for the written approval of North Ayrshire Council as Planning Authority within three months of the date of the decision (i.e. not later than 25th July 2018). This was in the interests of the amenity of the area. The draft code of practice shall include the formation of a liaison committee comprising of local councillors, local community group members, the site operator and other interested parties, and should include the timescales for the meetings of the liaison committee.

Peel Ports contacted Planning Services by letter on 20th July 2018 and advised that there would be a delay in submitting this information. However, Peel Ports then submitted relevant details during Autumn 2018 which set out the proposed draft code of practice. For the avoidance of doubt, the planning condition does not place a time limit for arranging and conducting the first meeting of the liaison committee.

Peel Ports accepted the terms of the Condition at the Committee and Officers contacted Peel in both July and the Autumn to remind Peel of the need to submit the required details to purify the terms of the condition. Peel did not submit the details until the Autumn, claiming that the operational plan was still in preparation. In accordance with the Council's approved Enforcement Charter, it is considered that resolving the breach through negotiation was appropriate and it was not expedient to take formal enforcement action to require compliance.

It should be noted that non-compliance with Condition 8 did not invalidate the planning permission.”

As a supplementary question, Councillor Murdoch asked if the Chair of the Planning Committee agreed with him that the liaison committee should have met by now; when the liaison committee would hold its first meeting; and why it had taken so long for Councillor Murdoch to receive a written response to his repeated enquiries on this matter.

Councillor Marshall responded by expressing the view that it would not be appropriate to seek to resolve the matter via enforcement action and that the absence of a site operator had no doubt contributed to the delay. Councillor Marshall assured the Member that the Planning Manager was in regular contact with Peel Ports and that the liaison committee would be operating as soon as possible

(7) a question by Councillor Murdoch to the Chair of the Planning Committee in the following terms:-

“At the last Planning Committee meeting held on Wednesday 5th December, Ms Rita Holmes, Chair of Fairlie Community Council was mentioned in part of a discussion regarding the Hunterston Decommissioning Site.

Can you confirm in what context was her name mentioned and why considering she was present at the meeting was she not allowed to answer on her own behalf.”

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

“As a background comment, I reminded the Planning Committee that Planning Permission for decommissioning at Hunterston was granted in April and at that time a Hearing was convened at which Mrs Holmes participated representing Fairlie Community Council.

At the December meeting of the Planning Committee there was tabled a Consultation Response on behalf of the Council to SEPA with respect to the application for a waste management license at Hunterston Construction Yard.

Despite Standing Orders not specifically allowing for convening a Hearing on a Consultation, and given the Public Interest, it was decided to allow a formal request by “Friends of the Clyde” to present their objections at a Hearing. Mrs Holmes did not ask to be heard as part of that Hearing and indeed prior to meeting indicated to me that she was present as an observer only.”

12. Motions

In terms of Standing Order 13, submitted:-

- (1) a motion by Councillor McTiernan, seconded by Councillor McClung in the following terms:-

“North Ayrshire Council fully supports the principle of openness and accountability in terms of donations to, and funding of, political parties. As such, Council agrees that the Chief Executive should write to the Leader of the Conservative and Unionist Party Group to request him to make a statement to the next Council meeting in relation to the original source of an April 2016 donation of £100,000 received by the North Ayrshire and Arran Conservative and Unionist Association from the Irvine Unionist Club.”

On a point of order, the Depute Provost sought and received confirmation as to the competence of the motion.

As an amendment, Councillor Marshall, seconded by Councillor Ferguson moved that the Council:-

- a. note that the Scottish Conservative and Unionist Party is committed to openness and transparency in all political donations; and
- b. be aware of the following statement by the Scottish Conservative and Unionist Party

“The Electoral Commission has investigated the donation, and has concluded that the Trust was not exempt in terms of the 2000 Political Parties Act’s reporting requirements. The Trustees have accepted that they were at fault in failing to register the donation, and have paid the £400 fine. The Conservative Party was not investigated nor subject to any fine. The donation was not illegal.”

Following questions, debate and summing up, on a division, there voted for the amendment 8 and for the motion 10, and the motion was declared carried.

(2) a motion by Councillor Foster, seconded by Councillor Cullinane, in the following terms:-

"Rent Support for Care Experienced Students

North Ayrshire Council recognises the Care Experienced Bursary, provided by the Students Awards Agency for Scotland, is designed to provide financial support for travel, books, food etc while recognising that many care experienced students will be unable to access the same family support while studying that many other young people receive. Care experienced students are very unlikely to be eligible for any benefits out with of the Care Experienced Bursary therefore resulting in a rent liability.

North Ayrshire Council currently have 10 young people who are in Council tenancies and eligible for the Care Experienced Bursary who have a rent liability. North Ayrshire Council therefore agrees to work with the Integration Joint Board to provide financial support to care experienced students who are our tenants and in receipt of the Care Experienced Bursary."

There being no amendment, the motion was declared carried.

The meeting ended at 3.20 p.m.