



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of the **North Ayrshire Council** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 13 February 2019 at 13:00** to consider the undernoted business.

1 Apologies

2 Declarations of Interest

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

3 Previous Minutes

The accuracy of the Minutes of the meeting held on 19 December 2018 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

4 Provost's Report

Submit report by the Leader for the period from 10 December 2018 - 4 February 2019 (copy enclosed).

5 Leader's Report

Submit report by the Leader for the period from 10 December 2018 - 4 February 2019 (copy enclosed).

6 North Ayrshire Council Minute Volume (issued under separate cover)

Submit, for noting, the Minutes of meetings of committees of the Council held in the period 11 December 2018- 30 January 2019.

7 Congratulatory Motion

In terms of Standing Order 13.3, submit the undernoted motion, duly proposed and seconded, which seeks to congratulate, commend or recognise an individual or group in relation to their achievement or activities within North Ayrshire:-

(1) a motion in respect of concert band successes:-

"Council congratulates the North Ayrshire Music Service on the success of the 3 entrant bands at the National Concert Band Festival Regional Final held at Garnock Community Campus on Sunday 20 January.

- The Garnock Campus Concert Band achieved a Gold Award.
- The North Ayrshire Junior Concert Band achieved a Platinum Award.
- The North Ayrshire Schools Senior Concert Band achieved a Platinum Award.

This is a fantastic level of success for the pupils in the bands, the leaders of the bands, the Music Service and the families who support them. Attaining Gold and Platinum awards means that all 3 bands are now invited to attend the UK finals in Manchester in April. Council wishes them good luck on that occasion."

8 Meeting of the Council held on 19 December 2018: Motion (1)

Invite the Council to note that (a) following the decision of the last meeting of the Council held on 19 December 2018, the Chief Executive wrote to the Leader of the Conservative and Unionist Group to request that the latter 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; and (b) the Leader of the Conservative and Unionist Group has advised that, having previously verbally responded to this matter at the last Council meeting, he has nothing further to add.

9 Audit Scotland Report: Local Government in Scotland: Financial overview 2017/18

Submit report by the Executive Director (Finance and Corporate Support) to inform Council of the findings of the recent Audit Scotland report (copy enclosed).

10 North Ayrshire Charitable Trusts

Submit report by the Executive Director (Economy and Communities) to (a) seek the Council's approval for expenditure from Kilwinning Town Charitable Trust by Kilwinning Locality Partnership; (b) update the Council on the current balances of the dormant and low value charitable trusts; and (c) seek the Council's permission to allow Locality Partnerships to continue to spend balances from the dormant and low value charitable trusts which may result in the winding up of trusts, subject to OSCR approval (copy enclosed).

Questions

In terms of Standing Order No. 12 submit:-

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

"Can the portfolioholder for Economic Development please update the Elected Members on the work being undertaken at Lochshore, and in particular the contribution and agreement with Scottish Enterprise?"

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

"What is the current policy for student mobile phone usage within primary and secondary schools in North Ayrshire?"

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

"Can the Portfolio Holder for Place provide an update on progress of the realignment of the B714 between Dalry and Saltcoats?"

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

"The Fraser of Allander Institute recently produced the latest socio - economic briefing for North Ayrshire Council. I understand that, as well as providing an overview on a range of economic and social statistics for our area, the Fraser of Allander scrutinised the analysis used by the Government to determine the main operational locations for the new Social Security Agency. Can the Cabinet Member for Economy tell the Council what the Fraser of Allander's report states in relation to that decision?"

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

"Could I ask the Cabinet Member for Place if there are any plans for the building and land at Hazeldene in Kilwinning now that the Cabinet decision has been taken to close the Hazeldene Public Social Partnership with services to be provided at Trindlemoss in Irvine?"

(6) a question by Councillor Davidson to the Leader of the Council in the following terms:-

"In relation to the closure of the swimming pool and leisure facilities at Harvies proposed by the administration, the Council Leader appears to have provided reassurances to Cllr Sweeney on social media that a public engagement exercise will be held amongst Three Towns residents in regard to the closure.

Can he confirm that is the case and, if so, that this will be extended to residents of Kilwinning and other surrounding towns to ensure that the engagement is as wide as possible, and allows as many users of Harvies facilities to have their views recorded as possible?"

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

“Will the Leader of the Council provide members with:-

- 1) Details of all deposits made by North Ayrshire Council to Icelandic Banks/Financial Institutions between 2004/2008, to include name of Bank/Financial Institution, amount/term of investment, rate of interest and interest received from each investment?
- 2) The Institution that advised the Council on its Icelandic Investment Strategy?
- 3) The full and final repayment received by North Ayrshire Council in 2014 from the investments of 5 million pounds in Landsbanki and 10 million pounds in Glitnir banks?
- 4) Details of all fees/charges paid to banks, consultants, and individuals in relation to the Icelandic Bank transactions?”

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

"Does the Leader of the Council still cling to the belief that the purchase of a Shopping Mall by the Council, with an asking price of £55 million, was a wise and commercially prudent move, in the light of a shopping centre in Fife put up for auction with a reserve price of only £1, being sold for £310,000?"

(9) a question by Councillor Marshall to the Cabinet Member for Health and Social Care in the following terms:-

“A question to the portfolio holder for Health and Social Care.

Please list for each of the last five financial years the average number, within North Ayrshire, of

- a. Care home placements - both the total available and the number funded by the Council
- b. Nursing home placements - both the total available and the number funded by the Council
- c. Care at home packages funded by the council and the waiting list at the end of each year.”

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

"Question to the portfolio holder for Education.

What is the Council's policy in relation to pupils who

a. are caught in school in possession of drugs with intent to supply

or

b are charged/convicted of being in possession of drugs with intent to supply out with the school premises?"

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

"While I welcome the proposal for a new Ardrossan Academy , can the Cabinet Member for Education give an assurance that issues raised by my constituents will genuinely be taken into account during what I have been assured is simply an initial period of public engagement?"

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

"A multi million pound contract to build a new ASN school has been awarded by the Labour administration to Morrison Construction, a company named in the Scottish Affairs Select Committee Report as having used the Consulting Association blacklist to identify, deny employment to or terminate the jobs of trade union members.

The contract was awarded by Hub West Scotland.

However, as it is a North Ayrshire Council led project, can the Portfolio Holder advise me what representations, if any, they have made to hub West Scotland about Morrison Construction winning the contract and how does the award of the contract conform with this Council's previous commitment that companies exposed as having blacklisted workers should be excluded from Council contracts?"

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

"Recipients of Universal Credit can have a single deduction taken from their benefit to be allocated equally between the recovery of an overpaid Tax Credit, Universal Credit or Housing Benefit. There is a legal maximum set for this but over and above this maximum, NAC is contacting customers to ask them to repay more. Can the Leader confirm how many people are currently repaying on this basis and provide a breakdown of the income it has brought into the council since the introduction of Universal Credit?"

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

"Local SNP MSP, Kenneth Gibson claims North Ayrshire Council have received a 9.5% funding uplift for 2019/20. Does the Leader of the opposition agree with me that there is a deep dishonesty in the way that the MSP has presented those figures to his constituents with the result being the public being misled on the financial reality faced by this Council?"

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

"What dialogue have NAC had regarding the Liaison Committee for the Oil Rig Decommissioning Site at Hunterston since the last Full Council meeting in December?"

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

"Why are Largs and Skelmorlie Community Councils not included in the Liaison Committee for the Oil Rig Decommissioning Site at Hunterston?"

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

"Will the promotion and operation of tourism be affected by the Oil Rig Decommissioning Site at Hunterston and the operation of industry within Hunterston Park?"

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

"What has been done to implement the decriminalisation of parking and what measures have been taken to create new parking in Largs since the Full Council Meeting held on 9 May 2018?"

(19) a question by Councillor Murdoch to Councillor Marshall (as a Council representative on an outside body) in the following terms:-

"Why did Councillor Marshall raise the following motion to the Hunterston Site Stakeholder Group at the meeting held on Thursday 6 December?"

That Hunterston Site Stakeholder Group issues a press statement saying "Hunterston Site Stakeholder Group has every confidence in EDF and ONR and their staff in the safe and continuing operation of Hunterston B Station."

12 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Dickson, seconded by Councillor Montgomerie, in the following terms:-

"Safe Leave for Staff

New Zealand's world leading Victims' Protection Bill requires employers to give victims of domestic violence up to 10 days leave from work, separate from annual leave and sick leave entitlements. A similar policy in North Ayrshire Council, would assist victims to leave their partners, find new homes and help protect themselves and any dependent children. Council is asked to request officers to consider the introduction of up to 10 days 'safe leave' and bring forward a paper outlining the proposals to Cabinet."

(2) a motion by Councillor Marshall, seconded by Councillor Ferguson, in the following terms:-

"That North Ayrshire Council

a. supports the comments made by Glasgow Labour Leader Frank McAveety and Glasgow Airport Managing Director Mark Johnston in their campaign to ensure that Glasgow Airport has a direct rail-link to the city centre, Glasgow being the only airport of its size in Europe dependent on road access.

b. acknowledges that the airport contributes £1.44bn to economy and supports 30,000 jobs ,both of which contribute to the economy of North Ayrshire, and more so if the Airport capacity is increased.

c. agrees to write to Michael Matheson, Transport Secretary and to Susan Aitken ,Glasgow City Council Leader expressing support for the provision of a rail link as envisaged in the 2014 Glasgow City Deal."

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

“Austerity in Scotland continues to fall disproportionately on Scottish Local Government, with the cuts experienced by Scotland's Councils in recent years being several times greater than the cut to the Scottish block grant from Westminster.

MSP's in the Scottish Parliament have failed to use the powers of that Parliament to offer an alternative to austerity, continuing to cut taxes for business whilst making timid variances to Income Tax bands designed not to offer protection for vital public services but rather designed to fit on a leaflet.

Serious reform of local taxation, that is more progressive and enables local services to be protected, has failed to materialise due to a lack of political vision. The latest budget deal between the SNP and Scottish Greens kicks any prospect of real reform on local taxation into the long grass.

What has been presented as "fiscal empowerment" for Local Government is a Tourist Tax and a Workplace Parking Levy.

North Ayrshire Council has called for the power to introduce a Tourist Tax to be given to Scottish Councils and therefore welcomes any move towards this. However, we acknowledge that whilst a Tourist Tax will raise millions of pounds per year for City Councils it will raise considerably less for the rest and this is therefore not an adequate solution in itself. North Ayrshire Council believes this must be taken into consideration prior to the introduction of the power.

However, North Ayrshire Council believes the idea that "fiscal empowerment" of Local Government should be achieved through means such as a Workplace Parking Levy is a damning indictment of the failure of the Scottish Government to adequately fund Local Government and to devolve real fiscal powers to Councils to end austerity. Having made the political decision not to prioritise and protect Local Government funding, having failed to use its fiscal powers to raise the revenue to protect local services the SNP Government and Scottish Greens are now asking Councils to decide whether to cut vital jobs and services or introduce a car parking tax on workers. A tax that could apply to local government workers from every service we provide including janitors, support staff and teachers in our schools - this could lead to proposing a pay offer in one hand and handing out a bill for several hundred pounds to park at work with the other.

North Ayrshire Council opposes the idea of a Workplace Parking Levy and therefore signals our intention not to introduce one if the power is created. Furthermore, the Council resolves to write to the Scottish Government outlining our position on the Levy.

The Council also wishes to raise, whilst stating our support for the power to be devolved to councils, the disparity between what a Tourist Tax will raise in City areas in comparison to other local authority areas and therefore to emphasize the need for "fiscal empowerment" of Local Government to offer equitable benefits for all local authority areas.

North Ayrshire Council wishes to state, in no uncertain terms, the urgent need to end austerity, to protect local services and jobs and outline to the Scottish Government our opposition to the proposed cuts to be imposed on North Ayrshire Council through the Scottish Budget."

(4) a motion by Councillor Miller, seconded by Councillor Foster, in the following terms:-

"North Ayrshire Council opposes any changes to the free television licence for over 75's and resolves that the Chief Executive write to the Secretary of State for Digital, Culture, Media and Sport and the Director-General of the BBC to outline our opposition."

13 Notice

Submit a notice of motion to amend Standing Orders in terms of Standing Order 22:-

"Insert a new Standing Order 12.9 as follows:-

"In relation to both a Question submitted in advance of a meeting and a question relating to an item on the agenda, the person answering must ensure there is a reasonable factual basis for any statement of fact made in their response."

14 Urgent Items

Any other items which the Provost considers to be urgent.

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North Ayrshire Council Sederunt

Ian Clarkson (Provost)
Robert Barr (Depute Provost)
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
John Glover
Tony Gurney
Alan Hill
Christina Larsen
Shaun Macaulay
Jean McClung
Ellen McMaster
Ronnie McNicol
Louise McPhater
Davina McTiernan
Tom Marshall
Jimmy Miller
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending: