



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 12 February 2020** at **14:00** 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 meeting held on 18 December 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 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 5 December 2019

Submit report by the Executive Director (Communities) (Interim) on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 5 December 2019 (copy enclosed).

5 Provost's Report

Submit report by the Provost for the period from 9 December 2019 - 2 February 2020 (copy enclosed).

6 Leader's Report

Submit report by the Leader of the Council for the period from 9 December 2019 - 2 February 2020 (copy enclosed).

- 7 Minute Volume (issued under separate cover)**
Submit, for noting, the Minutes of meeting of committees of the Council held in the period 14 June 2019 - 28 January 2020.

- 8 Outside Body Appointment**
Consider the undernoted nomination to serve on an outside body:-

Outside Body	Position	Nominee
Strathclyde Concessionary Travel Scheme Joint Committee	1 vacancy (main representative) following Cllr Miller's resignation	Cllr Donald Reid

- 9 Audit Scotland Report: Local Government in Scotland: Financial overview 2018/19**
Submit report by the Executive Director (Finance and Corporate Support) on the findings of the recent Audit Scotland report (copy enclosed).

- 10 Clyde Muirshiel Regional Park**
Submit report by the Interim Executive Director (Communities) to seek Council's approval to withdraw from the Clyde Muirshiel Minute of Agreement regarding Clyde Muirshiel Regional Park with Renfrewshire Council and Inverclyde Council (copy enclosed).

- 11 Questions**
In terms of Standing Order 12, submit:-

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

“There is a level of concern locally by parents of pupils, pupils, staff, and others in the Garnock Valley about some 13 leaks in the main Garnock Campus building which has resulted in recurring ingress of water when it rains heavily resulting one parent contacting me and stating that the building should be closed until all repairs are actioned. Similarly there is also a recurring flooding issue at the rear pupil entrance to the campus. I would ask the Cabinet Member for Education to comment generally on the current situation at Garnock Campus with these important issues and specifically:

1. What steps are being taken to rectify these building defects and the likely time-scale;
2. Are these issues covered by guarantee by the main contractor (Kier Construction) responsible for building the campus and will they rectify the faults or arrange for them to be sorted;
3. If the faults are not now covered by the main contractor (Kier Construction), who is responsible for carrying out repairs; and
4. What is the estimated cost of repairs for the 13 leaks and the rear door flooding issue and who will ultimately meet the costs involved.”

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

“In view of the ongoing major road engineering works at Barkip (A737) and the constant use of heavy construction traffic which has been using the now badly potholed Auchengree Road over the past 18 months, can the Cabinet Member with responsibility for Roads advise:

1. if the main contractors for the Barkip Realignment Project - which has been an excellent and welcome initiative in the Garnock Valley - will be paying for the NAC maintained and heavily potholed Auchengree road between its junction with the A777 at Longbar and where it joins the A737 at Highfield, to be brought back to a decent standard and, if so, when will this happen; and
2. will there be an assessment by NAC Roads Department of minor roads surrounding Barkip to gauge the negative impact of heavy construction traffic from the Den realignment project on these minor roads and if there are identified issues, will the main contractor be encouraged to accordingly make good all potholes and verge encroachments.”

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

“What actions will be taken by the council and/or the HSCP as a result of the recent drugs summit held at Saltcoats Town Hall?”

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

“Gourock has long been the Port of Refuge when the Arran Ferry could not dock at Ardrossan. In appendix A of schedule 5 of the 2016 Clyde and Hebrides Ferry Services contract (C&HRS 2016), it states that ‘ Gourock is included in our solution as an important port of refuge for some of the busiest routes on the CHFS network’. However, Gourock is not available as a port of refuge due to the reported lack of maintenance by Caledonian Marine Limited (CMAL) on the link span.

In addition, the second pier (Irish berth) at Ardrossan is also out of action due to lack of maintenance on the link span.

Both Gourock and the Irish Berth were used when certain weather conditions meant that the main Arran berth at Ardrossan was not usable. The only option Calmac has now is to cancel the service. One must also remember that alternative ports and berths are also an integral part of the safety policies should an emergency happen at sea (1.3.6 C&HFS 2016).

Does the Member agree that this is an unacceptable situation that compromises both the reliability of the Arran ferry service and the safety of passengers in the event of an emergency? Will he also agree that the Council will write to the Cabinet Secretary for Transport stating that this is an unacceptable situation and that immediate action is taken to provide the Arran ferry service with appropriate ports of refuge?”

(5) a question by Councillor Donald L. Reid to the Leader of the Council in the following terms:

“It is my belief that Councils should be able to charge a fee for answering Freedom of Information requests. Charging for some requests would deter individuals from ‘misusing’ FOI regulations for their personal benefit. Whilst members might support the overall aim of FOI in ensuring councils and other public bodies are open and accountable, current legislation makes it too easy for people to make requests that might not serve the public interest including ‘serial requesters’ who make frivolous and vexatious requests placing additional burdens on council information officers. Whilst it is likely that the majority of requests are submitted within the spirit of the legislation, it has been suggested that some of the original policy intentions have been lost because of the way the act is being used by certain individuals.

Against that backdrop can the Leader clarify:

1. How many FOI requests were made to NAC in 2019 or earlier period for which figures are readily available?
2. The number of serial or vexatious requests received”

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

“At the Rural Economy and Connectivity Committee earlier this month it became clear that after 4 years the basic design of the Glen Sannox ferry is still not complete. It was stated that 95% of the stage two design sign offs have not been completed, and that these would normally expect to be signed off within the first 6 to 9 months of a contract. It was clear listening to this initial inquiry meeting that there was a lack of coordination between the various parties involved that led to conflicts, delays, and mistakes.

The current new ferries are less than half built but the estimated cost of completion at £110 million is more than the original projected costs for the two ferries. This is an obvious waste of public money. Given that there is another privately run ferry service in Scotland that has procured a new environmentally efficient ferry in a 28-month timescale at a cost of £14 million, does the Member agree that serious consideration should be given to starting again from scratch?”

(7) a question by Councillor Ferguson to Councillor McMaster as the Council's representative on the Arran Ferry Committee, in the following terms:

“When Bute’s Wemyss Bay ferry service is cancelled travellers have the option to go via the Colintrave route. As this involves a 63 mile drive, Calmac offers compensation to offset the additional expense. However, if the Arran Brodick service is cancelled and travellers can still use the Lochranza route, even though this involves a 130 mile journey no similar compensation is offered.

Does the Member agree that this unfairly discriminates against Arran, and will she work with Calmac and the Scottish Government to get similar compensation arrangements for Arran?”

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

“Will the Leader of the Council inform Members of all interventions by the Council to improve the three Major North Ayrshire Town Centres of Irvine, Saltcoats and Largs between May 2017 until present? Will he also provide details of all costs associated with each specific intervention?”

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

"In December 2019 the Labour administration issued a statement to local press stating that, "Last year, Police Scotland were asked to carry out an investigation into allegations made in 'The Only Game In Town' documentary. Following this investigation, the Council was again cleared of any wrongdoing."

In fact, last year Police Scotland declined to carry out an investigation into allegations made in 'The Only Game In Town'. There was no police investigation and, therefore, the Council was not cleared of any wrongdoing. Any potential criminality may not lie with North Ayrshire Council, but until there is a full and thorough Police investigation into the North Ayrshire Council Schools PPP procurement process approved by the Labour administration, we will not know the truth.

Why was this misleading statement issued and would the Leader care to apologise for doing so?"

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

"When CalMac Ferries Ltd was awarded the 8 year contract to provide ferry services to the western isles, the company published a glossy brochure in which it listed the 5 key objectives for Scottish transport and the company's commitment to contributing to these objectives (see below for reference). Reading these objectives now it is almost laughable how poorly the current Arran ferry service fails to meet them. We are half-way through the 8 years and it is time to consider the options for the next contract.

Within the Clyde there is a ferry operator that provides an efficient, reliable, and frequent service across the upper Clyde from McInroy's Point to Hunter's Quay. Western Ferries, unlike CalMac, receives no public sector subsidy and does not benefit from the Road Equivalent Tariff. (RET). Does the Member agree that we should start engaging with Western Ferries to attempt to provide the Arran people with a reliable service?"

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

"Cancellations of the ferry service causes delays, inconvenience and financial loss to passengers. In addition there is a commercial financial cost to Arran as a whole when a ferry is delayed or cancelled but there is no agreed method to quantify these costs. Without this information the Scottish government does not appreciate the hardship that ferry issues cause and the impact delays and cancellations have on the island's economy.

Is the Council working with Arran businesses to quantify the losses incurred by ferry cancellations, and if so, will make the data public to ensure that the full cost of ferry cancellations is known?"

(12) a question by Councillor Glover to the Cabinet Member for the Economy in the following terms:

"The Council has been updated on the Ardrossan Harbour redevelopment. The costs for redevelopment have grown from £8 million pounds to around £35 million. One may remember that originally we were assured that the new ferry was designed to handle the constraints of Ardrossan with minimal modification. However, this became clear that this was not the case and that without substantial changes to the Port the service reliability would be adversely affected. The current proposed work was agreed after computer modelling of the proposed ferry.

Given that there is so much of the Glen Sannox that is still not been designed, what assurances do you have that the computer modelling was correct and that the proposed work will actually increase the reliability of Ardrossan?"

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

"I am aware of recent cases within North Ayrshire where hospital patients, including one terminally ill patient, cannot access a care at home package. This delays their hospital release for up to two months.

Since the weekly cost for a hospital patient is ca.£2800 and for a care at home package ca £220 , the provision of a package would provide a saving to the public purse of in excess of £20,000.

Can the Member:

- a. Explain why my constituent cannot access a package and thereby release a hospital bed
- b. State the current numbers of persons on waiting lists for a Care home place, a Care at home package and SDS and the average waiting times for each
- c. Estimate the additional budget that would be needed to ensure that all these waiting lists are eliminated
- d. State the number of North Ayrshire residents that are currently unable to be discharged from hospital due to lack of a care packages."

(14) a question by Councillor George to Councillor McMaster as the Council's representative on the Arran Ferry Committee, in the following terms:

"CMAL has built a new ferry terminal at Brodick at a cost of £33 million. After nearly two years of operation it has become very clear that when there are mild easterly winds the ferries are cancelled. This was not a feature seen with the old ferry terminal. What pressure can the Arran Ferry Committee put on CMAL to remedy these obvious design faults?"

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

“At the Council meeting held on Wednesday 25th September 2019 I asked if anyone at North Ayrshire Council had enquired either verbally or in writing regarding the availability or procurement of between 70 & 100,000 tonnes of dredged sand from the sea bed at Hunterston and if so what was it to be used for?

If no one at NAC enquired verbally or in writing what was NAC’s involvement in the proposals for the dredged sand at Hunterston?”

12 Motion

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Murdoch, seconded by Councillor Hill, in the following terms:

“Council notes that EDF have recommended that the boundary of the Detailed Emergency Planning Zone (DEPZ) around Hunterston B shall be 2km from the plant. Within the DEPZ, Iodine tablets are kept at home by all residents. This compares with the situation in France, where those living within 20km of a nuclear power station are offered the option of keeping iodine tablets at home. To enable all Members to be involved in this important decision, Council agrees that the determination of the DEPZ be remitted to the next Council”

13 Urgent Items

Any other items which the Provost considers to be urgent.

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North Ayrshire Council Sederunt

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John Easdale
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Robert Foster
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Alex Gallagher
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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: