

North Ayrshire Council
18 December 2019

IRVINE, 18 December 2019 - 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, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Ronnie McNicol, 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 (Financial and Customer Services) (Finance and Corporate Support); S. Brown, Director (Health and Social Care Partnership); K. Yeomans, Director (Growth and Investment); R. McCutcheon, Executive Director and Y. Baulk, Head of Service (Physical Environment) (Place); A. Sutton, Interim Executive Director (Communities) (Communities); and A. Fraser, Head of Democratic Services, M. McColm, Communications Manager; A. Little and D. McCaw, Committee Services Officers and M. Anderson, Committee and Member Services Manager (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

Apologies

Ellen McMaster 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.

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 held on 13 November 2019 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 4 November – 8 December 2019.

The Provost highlighted the following elements of his written report:

- the recent North Ayrshire Achieves event to recognise the excellent work carried out by Council staff;
- the launch of the White Ribbon Campaign on 25 November 2019 aimed at ending men's violence against women and girls;
- attendance at a number of local events, including the St Andrew's Night Concert hosted by Irvine Lasses Burns Club, the Caring Trees project at the Portal hosted by Irvine Seagate Rotary, the switch-on of Irvine's Christmas Lights and the Editing Roberts Burns for the 21st Century event hosted by Glasgow University and Irvine Burns Club;
- attendance at a number of events outwith North Ayrshire, including a reception to mark the assumption of office of the new Consul General of China in Edinburgh, the 5th Annual St. Andrew's Day Conga at Hampden Park, Glasgow and the 21-Gun Royal salute at Stirling Castle to mark the birthday of HRH Prince Charles, Duke of Rothesay;
- the recent Cash for Kids Christmas lunch at Ayr Racecourse; and
- the annual festive concert in St Peters Church, Ardrossan on 8 December 2019.

The Provost congratulated Councillor Montgomerie on completing 16 marathons in 16 days in aid of the White Ribbon Campaign.

The Provost also referred to the sad passing of former MP David Lambie and, on behalf of the Council, extended his heartfelt condolences to family and friends.

The Provost concluded his remarks by wishing those present a very merry Christmas and a happy 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 of the Council for the period from 6 September – 3 November 2019.

Noted.

7. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 9 September – 4 December 2019.

Noted.

10. Committee Appointment

The Head of Democratic Services referred to a vacancy in respect of the position of Vice Chair of the Police and Fire and Rescue Committee and invited the Council to consider a nomination, duly proposed and seconded, which had been submitted in favour of Councillor Miller.

There being no amendment, the Council agreed to appoint Councillor Miller as Vice Chair of the Police and Fire and Rescue Committee.

11. Financial Outlook 2021/22 to 2022/23

Submitted a report by the Executive Director (Finance and Corporate Support) on the likely financial position of the Council's General Fund in the medium term in order to inform the development of budget proposals.

Members asked questions and received clarification in respect of:

- the graph at Section 2.3 of the report and whether the reduction in revenue funding made to local government by the Scottish Government was greater than the budget cuts imposed by the UK Government on the Scottish Government itself;
- if any work had been done to compare local government budget cuts in Scotland with those in England and Wales;
- whether any additional funding had come to North Ayrshire as a result of budget decisions made by the Scottish Government;
- the average Council Tax charge in Scotland being lower in Scotland than in England;
- the total funding gap (between core grant received and the level of funding required) in period between 2009/10 and 2019/20;
- whether the removal of Police and Fire Service funding from the local government financial settlement approximately six years ago had made a difference to funding levels;
- the basis of the assumptions made about next year's financial settlement (Section 3.5 of the report); and
- the annual repayment costs associated with the construction of the four schools built in North Ayrshire in 2007 under PPP.

The Head of Service (Financial and Customer Services) undertook to provide Members with more information on (i) the extent of cuts to local government funding in England and Wales compared with those in Scotland, (ii) additional or ringfenced funding provided to North Ayrshire Council arising as a result of Scottish Government initiatives, (iii) the average Council Tax charge in Scotland compared with the position in England and Wales and (iv) the annual repayment costs associated with four PPP schools in North Ayrshire.

The Council agreed to note (i) the potential scale of the financial challenge which the Council faced over the next 3 years; and (ii) that proposals be brought forward to set a balanced budget for 2020/21 and beyond.

12. Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2020/21

Submitted report by the Executive Director (Place) on the proposed HRA capital investment programme and revenue budget for 2020/21 and the consequential rent levels. Appendices 1 and 2 to the report set out the draft HRA capital plan and draft HRA revenue budget 2020/21, respectively. The results of the rent consultation exercise were summarised at Appendix 3.

Members asked questions and received clarification in respect of:

- any future plans to engage with Council tenants on tenant-led budgeting;
- the rent consultation exercise with tenants and whether any element of it had been undertaken electronically;
- the current level of Council tenant rent arrears and whether the figure of 3.34% was likely to be bettered in future years; and
- the positive face-to-face feedback obtained by Elected Members in visiting Council housing complexes.

The Provost, on behalf of the Council, echoed positive comments made by Councillor Donald L. Reid in relation to the high standard of service provided by staff within the Council's Housing Service.

The Council agreed to (a) approve the HRA capital investment programme for 2020/21, as detailed in Appendix 1; (b) approve the HRA revenue budget for 2020/21, as detailed in Appendix 2; (c) approve a rent increase of 2.99% in 2020/21 for Council houses, garage sites, lock-ups and sheltered housing service charges; and (d) note the indicative rent increases of 2.50% for 2021/22 and 2.50% for 2022/23.

13. Ardrossan Harbour Redevelopment

Submitted update report by the Director (Growth and Investment) on the proposed redevelopment of Ardrossan Harbour. Appendix 1 to the report illustrated the preferred option for realignment of the Arran berth. Appendix 2 set out the temporary works package, and the draft lease area was shown in Appendix 3.

The Director (Growth and Investment) provided a verbal update on the positive outcome of her meeting with Transport Scotland on 17 December 2019 and plans for a further meeting early in January 2020.

Members asked questions and received clarification in respect of:

- the anticipation completion date of the harbour project;
- whether the Arran Ferry Action Group would be included in future consultation;
- plans for the lease to revert to Peel Ports after a period of 30 years and whether this would result in a lost opportunity in terms of ongoing income generation;
- assurances that consultation with communities on Arran and in Ardrossan would be undertaken on a genuine, fair and open basis; and
- whether the proposed letter to the Minister for Energy, Connectivity and the Islands would be written by the Chief Executive or the Leader on behalf of the Council.

The Council agreed:

- (a) to note (i) the identification of a preferred option for the reconfiguration of Ardrossan harbour, as set out at Appendix 1 to the report, (ii) the need for a decision by the Transport Scotland Board on the financial investment package required to allow the project to proceed and (iii) that the Council's investment in the project will be funded through revenue from the car park and terminal building and secured through a lease between the Council and Peel Ports Group; and
- (b) to write to the Minister for Energy, Connectivity and the Islands to stress the need for a decision by the Transport Scotland Board in January to allow the main construction works contract to commence in Autumn 2020.

14. Questions

In terms of Standing Order 12, submitted:

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

“Noting that future economic growth and employment generation in North Ayrshire depends on a well-educated workforce, what impact does the steady decline in PISA scores in Mathematics in Scotland, over at least the last 10 years, have on future prospects for young people in North Ayrshire.”

Councillor Bell thanked the Member for his question and made reference to the following written response:

“The details of performance in the PISA survey are not available at local authority level, so it is not possible to directly connect the PISA performance to the young people of North Ayrshire.

The performance data that we do hold for our young people shows a broadly improving picture in mathematics in North Ayrshire. The recently published Achievement of Curriculum for Excellence Levels data (December 2019) shows that the proportion of learners in our primary and secondary schools who achieved the expected level in mathematics has increased since 2016. This will be reported to Cabinet along with the next set of SQA attainment at a future Cabinet meeting in the new year.

Similarly, in the senior phase, the proportion of pupils who left school in 2018/19 with a qualification in mathematics at SCQF* Level 4 or SCQF Level 5 was either maintained or improved in comparison with previous years. The performance at SCQF Level 6 has been maintained over the last 3 years and is slightly higher than the virtual comparator. This positive trend is included in the School Attainment Results 2018 paper, which was submitted to Cabinet on 14 May 2019.

Despite the improving picture of attainment in mathematics in North Ayrshire, there is still scope for further improvement. The education service is committed to securing further improvements to pupil outcomes across all subject areas, including mathematics. That is why the service is working closely this year with colleagues from Education Scotland to co-design specific actions which focus in on improving outcomes in mathematics and numeracy, building on the already successful impact of our Professional Learning Academy.

Attainment and achievement must be seen in terms of the totality of the curriculum, and not only through the lens of a single subject area. The May 2019 Cabinet paper shows a positive trend of attainment over time across a range of qualifications and levels in North Ayrshire.

A focus on developing a well-educated workforce and improving the future prospects of our young people in North Ayrshire remain our top priorities. The improving picture of attainment over time and the fact that almost 96% of our young people left school to go on to a positive destination last year are strong indicators of positive progress in this regard."

**SCQF = Scottish Credit and Qualifications Framework*

Reference: equivalents
Level 4 = National 4
Level 5 = National 5
Level 6 = Higher
Level 7 = Advanced Higher

As a supplementary question, Councillor Marshall referred to a decline in the performance of the highest achieving pupils and asked whether the Cabinet Member was sure that the reduction in the attainment gap in North Ayrshire had not been at the expense of the brightest pupils.

Councillor Bell responded by referring to the continued rise in the literacy and numeracy results in North Ayrshire, which exceeded the national figures and those of comparator authorities. The Cabinet Member then outlined the key elements required to raise attainment, namely, good teachers teaching, engaged learners learning, parents and carers caring and no further cuts to Council budgets this year.

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

“At the Full Council Meeting held on Wednesday 25th September 2019 I asked the following question:

When considering the original (EIA) screening and planning applications in 2017/2018 and the second (EIA) screening in 2019, what tide lines did NAC use as part of their determination? Was it means high water springs or means low water springs?

In his answer the Chair of Planning confirmed that the Legal Cadastre was the High Water Mark and I quote, “Planning Permission and consequential EIA Screenings would be required for works above the High Water Mark and below that mark would be the responsibility of Marine Scotland.”

Can the Chair of Planning please confirm that the answer he gave was the correct answer?”

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

“I welcome the opportunity to clarify the position. The concept of a Legal Cadastre is not relevant as a Cadastre is a register of land ownership, similar to the Scottish Land Register or Register of Sasines. What we should be talking about is the extent of the respective jurisdictions of the Council as planning authority and Marine Scotland. In the area between high and low water mark there is an overlap between the jurisdiction of Marine Scotland and the Council, as Planning Authority. If development is proposed in that area, both planning permission from the Council and a marine licence from Marine Scotland are likely to be required.”

As a supplementary question, Councillor Murdoch asked for confirmation that the Planning Authority’s jurisdiction extended to current low water springs and not to that of Ordnance Survey. He asked if the decision to grant planning permission without an EIA had been made without due consideration of tens of thousands of square metres of inter-tidal land, effectively beach, which had the potential to impact on the SSSI.

Councillor Marshall responded by advising that the Planning Committee’s jurisdiction extended to low water and that of Marine Scotland to high water, meaning that there was an overlap. He indicated that the Council consulted with Marine Scotland and vice versa. In terms of the EIA, Councillor Marshall advised that it was his understanding this was done down to the low water mark.

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

“To ask the Leader of the Council what his Administration’s position is on Rates Reliefs for businesses.”

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

“Non-domestic rates (NDR) are paid into a national pool administered by the Scottish Government and redistributed to Local Authorities based on an estimate of the amount of business rates the Council will collect. The risk of any shortfall in the level of NDR collected lies with the Scottish Government.

The gross rates bill for North Ayrshire in 2019/20 is £56m. The total value of reliefs anticipated in 2019/20 is £13.6m, of which £170,000 is funded by the Council.”

As a supplementary question, Councillor Brahim asked for the Leader’s views on the Non-Domestic Rates Bill to delegate the administration of rates relief to Councils.

On a point of order, Councillor Hill, requested, and received, clarification in respect of the amount of time permitted for a Member to ask their supplementary question in terms of Standing Orders.

Councillor Cullinane responded by expressing the view that devolving powers to local authorities in relation to rates relief would operate in a similar way to devolved powers around a workplace parking levy or a tourist tax, with Councils able to take local decisions based on local circumstances.

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

“According to an article in the Irvine Times edition dated 28th November 2019, it stated that the Irvine Special Events Forum were ‘promising a Sea of Lights through the High Street’ after having been awarded £30,000 for the Big Event.

Will the Portfolio Holder for Place inform Members from which fund the £30,000 was granted and what the monies were spent on? Will he also inform Members what the Council’s budget is for Decorative Lightings, for year 2019/2020, and what is the likely out-turn?”

Councillor McNicol also took the opportunity, on behalf of local groups, to extend his thanks to staff within Building Services and Streetscene to their assistance in erecting festive lighting within the community.

Councillor Gallagher, Cabinet Member for the Economy, thanked the Member for his question and responded by referring to the following written response:

“Irvine Special Events spent £25,049.34 on the Irvine Christmas lights this year. The group received £12,500 from the Town Centre Fund and £12,500 from the Community Development budget.

The breakdown of the spend on the Irvine lights has been made available and totalled £25,049.34.

The Council's budget for erecting and dismantling festive lights for local communities is £38,000 and is held within Streetscene. The works are carried out by Building Services.

Council employees across a number of services including Building Services, Roads, Streetscene and Connected Communities also provide significant support to local communities to assist in festive lighting displays and costs are met from within existing resources. Support for lights and switch-on events is also provided through advice to groups to access local grants and external funding.

In addition, Beith and Dalry have each been allocated £10,000 from the Town Centre Fund for their Christmas lights display in 2020."

Councillor Gallagher concluded his response by referring to a variety of funding sources to which groups from the Three Towns could similarly make funding applications.

As a supplementary question, Councillor McNicol referred to a CIF application made by the Irvine Christmas lights group to the Irvine Locality Partnership, asking why this application was not then considered by the Cabinet and why a similar application within the Three Towns was deemed not to meet the CIF criteria.

Councillor Gallagher responded by reiterating that the funding for the Irvine lights did not come from the Community Investment Fund and suggesting that groups within the Three Towns could in future make applications for suitable grant funding.

14. Motion

In terms of Standing Order 13, submitted:

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

"On 23rd February 2017, East Ayrshire Council presented a position paper on prostitution to their council that they wished to declare their view that prostitution as a form of commercial exploitation is a form of Violence Against Women and Girls and advocates a 'challenge demand' approach.

The report was backed with research evidence on prostitution, the different approaches taken around the world and an analysis of what works, endorsed by the Scottish Government and National Violence Against Women and Girls Network.

They not only endorsed that position but instructed clear communication to their workforce that support for prostitution, in any form, is unacceptable.

Since then NAVAWP & SAVAWP have also signed up to this statement and all 3 Violence Against Women Partnerships in Ayrshire have adopted the approach of supporting women to leave prostitution, and advocating for the decriminalisation of those selling sex, and to move to 'challenge demand', i.e move to criminalise the buyers of sex (on/off street: online).

This approach is fully supported by the Community Justice Ayrshire Board.

At the Safer North Ayrshire Partnership, the NAVAWP requested a similar endorsement from North Ayrshire Council. It is believed to do so would strengthen the knowledge base and incorporate the approach more widely via our staff, policies and governance.

I believe that it has been an oversight to not have endorsed this statement sooner.

The position statement clearly outlines that the root cause of prostitution is gender inequality. Narrowing inequalities is a key plank in the Council's Strategic Plan.

The approach and supporting work is consistent with other work undertaken by the NAVAWPs.

And this is a priority area to reduce harm, improve safety, reduce trauma, and is positively promoted by Cllr Jim Montgomerie as our White Ribbon Ambassador.

I therefore call for the Council to

- (1) endorse the position statement on prostitution;
- (2) request that Directors and Heads of Service ensure that all council policies are consistent with this position statement;
- (3) request that Directors and Heads of Service promote the position statement to all staff, making clear that support for prostitution in any form is unacceptable, and that staff should work with women using a harm reduction approach and help them to exit prostitution safely when they feel ready to do so;
- (4) cascade this message to partner organisations, particularly those where contractual relationships are in place; and
- (5) that this position statement, developed on a multi-agency basis, also be reported to the NACPP."

The Council was invited to note the supporting documentation which had been published in respect of the motion.

As an amendment, Councillor Billings, seconded by Councillor McNicol, moved that the Council approve the terms of the motion, subject to the amendment of point (3) to read as follows:

“Request that Directors and Heads of Service promote the position statement to all staff, making clear that support for prostitution in any form is unacceptable, and that staff should work with any person involved in prostitution using a harm reduction approach and help them to exit prostitution safely when they feel ready to do so.”

In terms of Standing Order 14.5, the mover and seconder of the motion agreed to amend their motion to reflect the terms of the amendment. The motion, as amended, became the substantive motion. There being no further amendment, the substantive motion was declared carried.

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

“That Council is to be congratulated on formal adoption of LDP2, in particular page 23 which continues our support for large- and small- scale power generation at Hunterston.

That Council supports a small modular nuclear reactor, which will replace the current Hunterston B station when it enters decommissioning thereby protecting the nuclear industry and professional workforce in Scotland.

That Council writes to Paul Wheelhouse, MSP, and Minister for Energy, Connectivity and the Islands to ask what work has been undertaken to ensure that advanced nuclear technologies are being considered for Hunterston, in line with the recommendations of the Scottish Government Energy Policy document produced in 2018.”

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

“That Council:

- re-iterates our declaration of climate emergency
- understands the need for a stable, long-term and affordable energy solution
- notes that Scotland has a net energy surplus, exporting 28.9% of the energy we generate
- further notes that renewable energy makes up 74% of energy consumption
- celebrates the fact that investment in renewables means that we create 25% of the UK's renewables
- recognises that Scotland has 25% of the EU's estimated total capacity for renewables
- supports the aim of 100% energy creation from renewable sources
- marks the success in reaching this goal on several occasions in 2019
- understands the need to fully explore new technologies
- mourns the inability of the nuclear sector to create new, safe methods of production
- notes the ongoing disaster that is the proposed Hinkley Point nuclear power station where a conglomerate of French and Chinese firms are trying to build a new, untested type of nuclear station

- further notes that the costs for this power station have continued to rise, with construction estimates increasing by £2.5 billion, more than 10%, in less than four years
- deplores the fact that this will make any electricity produced the most expensive in the UK
- wonders why nuclear power is subsidised by the consumer
- deplores the effect this extra cost will have on our citizens, many of whom already experience fuel poverty
- is shocked to note that these calculated costs exclude decommissioning costs that remain unknowable
- notes the safety implications of new nuclear power
- notes the ongoing costs for the clean-up of Fukushima. £100 billion so far with costs expected to exceed £300 billion

Taking these facts into account Council instructs the Chief Executive to write to the Scottish Government reiterating the potential for Hunterston to become a global centre for clean, renewable energy production boasting excellent transport facilities, superb interconnect availability and a large, highly-trained and innovative workforce ready and able to take on new challenges.”

Following questions, debate and summing up, there voted for the amendment 10 and for the motion 15, and the motion was declared carried.

The meeting ended at 3.55 p.m.