

North Ayrshire Council  
21 September 2022

At a Meeting of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

**Present (Physical Participation)**

John Bell, Timothy Billings, Marie Burns, Eleanor Collier, Joe Cullinane, Scott Davidson, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Robert Foster, Scott Gallacher, John Glover, Tony Gurney, Alan Hill, Cameron Inglis, Margaret Johnson, Amanda Kerr, Christina Larsen, Shaun Macaulay, Tom Marshall, Nairn McDonald, Matthew McLean, Louise McPhater, Davina McTiernan, Jim Montgomerie, Donald Reid, Chloé Robertson, Ronnie Stalker, Angela Stephen and John Sweeney.

**Present (Remote Electronic Participation)**

Ian Murdoch and Donald L. Reid.

**In Attendance**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director (Communities and Education); K. Yeomans, Director (Growth and Investment); T. Reaney, Head of Service (Commercial) (Place); M. Boyd, Head of Finance; and R. Lynch, Senior Manager (Legal Services), M. McColm, Senior Manager (Communications), L. Taylor, Team Manager (Legal Services); and, M. Anderson, Senior Manager (Committee and Member Services), A. Little and C. Stewart, Committee Services Officers (Democratic Services).

**Chair**

Provost Dickson in the Chair.

**Apologies**

Jean McClung.

**1. Provost's Remarks**

The Provost welcomed those present to the meeting and dealt with preliminary matters, including intimation that the meeting, which was taking place on a hybrid basis, would be live streamed to the internet.

**2. One-Minute Silence**

At the invitation of the Provost, those present observed a minute's silence as a mark of respect following the passing of Her Majesty, the Queen, on 8 September 2022.

### **3. Apologies**

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

### **4. Declarations of Interest**

In terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct, Councillor Bell, as a former director of Radio City Association, declared an indirect interest in Agenda Item 14 (The Knox Institute, Kilbirnie – Proposals for Future Status and Use) and took no part in the deliberation or determination of that item.

There were no declarations of the Party Whip.

### **5. Previous Minutes**

The accuracy of the Minutes of the Meeting held on 22 June 2022 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **6. Provost's Report**

Submitted report by the Provost for the period from 13 June to 9 September 2022.

The Provost took the opportunity to express her sadness at the recent passing of Her Majesty, the Queen at Balmoral and referred to the late Queen's remarkable life of public service. The Provost intimated that she had had the honour of representing the people of North Ayrshire at a special thanksgiving service at St. Giles' Cathedral in Edinburgh on 12 September 2022.

The Provost also paid tribute to the work of the past Provost and formally expressed her condolences to the family, friends and former colleagues of the late Council Convenor, Sam Taylor, and former Elected Member, Alan Munro.

Noted.

### **7. Leader's Report**

Submitted report by the Leader of the Council for the period from 13 June – 9 September 2022.

Councillor Burns also referred to the passing of Her Majesty, the Queen, offering her sincere condolences to the late Queen's family for their loss.

Noted.

## **8. Council Minute Volume**

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 16 June – 24 August 2022.

Noted.

## **9. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held in June and September 2022**

Submitted report by the Executive Director (Communities and Education) on the Minutes of meetings of the North Ayrshire Community Planning Partnership Board held on 23 June 2022 and 1 September 2022.

Noted.

## **10. Appointments to Committees**

The Council was invited (a) to note, in terms of standing Order 8.5, that the Administration's vacancy on the Police and Fire and Rescue Committee had been filled by Councillor Davidson, effective from 12 August 2022; (b) to consider a nomination for Councillor McLean to fill a vacancy on the Licensing Committee, the Second Opposition having failed to fill this vacancy within 12 weeks, in terms of Standing Order 8.5; and (c) to consider a nomination for Councillor Billings to be appointed as Vice Chair of the Local Development Plan Committee.

Councillor Marshall, seconded by Councillor T. Ferguson, moved the appointment of Councillor McLean to serve on the Licensing Committee. There being no amendment, Councillor McLean was duly appointed.

Thereafter, Councillor Marshall, seconded by Councillor T. Ferguson, moved the appointment of Councillor Billings to serve as Vice Chair of the Local Development Plan Committee. There being no amendment, Councillor Billings was duly appointed.

Accordingly, the Council agreed as follows:

- (a) to note the appointment of Councillor Davidson to the Police and Fire and Rescue Committee, effective from 12 August 2022; and
- (b) to appoint (i) Councillor McLean to the Licensing Committee and (ii) Councillor Billings as Vice Chair of the Local Development Plan Committee.

Councillor Murdoch joined the meeting remotely during consideration of the following item of business.

## **11. Appointments to Outside Bodies**

The Council was invited to consider nominations received in respect of the Hunterston Site Stakeholders Group, Glasgow Prestwick Airport Consultative Committee, the Licensing Board, the SEEMiS Board of Management and Strathclyde Partnership for Transport.

On a point of order, Councillor Marshall referred to the resignation of Councillor T. Ferguson from the Hunterston Site Stakeholders Group earlier in the day and requested clarification as to whether this further vacancy could be filled immediately. Confirmation was provided that, in terms of Standing Order 8.4, proper notice of the vacancy would be provided and nominations invited for consideration at the next ordinary meeting of the Council.

Councillor Burns, seconded by Macaulay, moved the appointment of Councillor Collier to serve on the Hunterston Site Stakeholder Group.

Councillor Marshall, seconded by Councillor T. Ferguson, moved the appointment of Councillor Glover to serve on the Hunterston Site Stakeholders Group.

On division and a roll call vote, there voted for the appointment of Councillor Glover to serve on the Hunterston Site Stakeholders Group, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Glover, Inglis, Marshall, McLean, Montgomerie, Stalker and Stephen (11) and for the appointment of Councillor Collier, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McDonald, McPhater, McTiernan and Robertson (17), Councillors Murdoch, Donald Reid, Donald L. Reid and Sweeney abstaining, and Councillor Collier was duly appointed.

Thereafter, Councillor Burns, seconded by Councillor Macaulay, moved the appointment of Councillor Gurney to serve as the Council's main representative on the Glasgow Prestwick Airport Consultative Committee.

Councillor Marshall, seconded by Councillor T. Ferguson, moved the appointment of Councillor McLean to serve as the Council's main representative on the Glasgow Prestwick Airport Consultative Committee.

The Provost sought, and received, confirmation that neither nomination for the position as the Council's main representative was being withdrawn to allow for that nominee to be appointed instead as the substitute representative.

On a division and a roll call vote, there voted for the appointment of Councillor McLean to serve as the Council's main representative on the Glasgow Prestwick Airport Consultative Committee, Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Glover, Inglis, Marshall, McLean, Stalker and Stephen (10) and for the appointment of Councillor Gurney, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McTiernan and Robertson (11), Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Murdoch, Donald Reid, Donald L. Reid and Sweeney abstaining, and Councillor Gurney was duly appointed.

It was then unanimously agreed that Councillor McLean be appointed as the Council's substitute representative on the Glasgow Prestwick Airport Consultative Committee.

Thereafter, Councillor Marshall, seconded by Councillor T. Ferguson, moved the appointment of Councillor McLean to serve on the Licensing Board. There being no amendment, Councillor McLean was duly appointed.

Councillor Burns, seconded by Councillor Johnson, then moved the appointment of Councillor Macaulay to serve on the SEEMiS Board of Management. There being no amendment, Councillor Macaulay was duly appointed.

Councillor Marshall, seconded by Councillor T. Ferguson, then moved the appointment of Councillor McLean as the Council's substitute representative on Strathclyde Partnership for Transport. There being no amendment, Councillor McLean was duly appointed.

Accordingly, the Council agreed to appoint (i) Councillor Collier to serve on the Hunterston Site Stakeholders Group, (ii) Councillors Gurney and McLean to serve on the Glasgow Prestwick Airport Consultative Committee as its main representative and substitute representative, respectively, (iii) Councillor McLean to serve on the Licensing Board, (iv) Councillor Macaulay to serve on the SEEMiS Board of Management and (v) Councillor McLean to serve as its substitute representative on Strathclyde Partnership for Transport.

## **12. Committee Timetable: January – June 2023**

Submitted report by the Head of Democratic Services on a proposed timetable of meetings for the period from January until the end of June 2023.

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

Accordingly, the Council agreed to approve the timetable of meetings for the period January – June 2023, as set out in Appendix 1 to the report.

### **13. Locality Planning in North Ayrshire**

Submitted report by the Executive Director (Communities and Education) which provided an update on Locality Planning in North Ayrshire and sought approval for the revised Locality Partnership Terms of Reference and Standing Orders set out in the appendices to the report.

Members asked questions, and received clarification, on options for enabling Locality Partnerships to be updated on health matters and on the applicable quorum for smaller Locality Partnerships.

Councillor Hill, seconded by Councillor Burns, then moved approval of the recommendations set out in the report.

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

"That the Council agrees to remit this report on the Revised Locality Partnership Terms of Reference and Standing Orders to a working party of Members to enable Members the opportunity to scrutinise the proposals and report back to the next full Council."

On a point of order, Councillor Burns sought, and received, confirmation that Councillor Hill, who had not spoken when proposing his motion, would be permitted to speak in debate, in terms of Standing Order 17.7.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Foster, Gallacher, Glover, Inglis, Kerr, Marshall, McDonald, McLean, McPhater, Montgomerie, Murdoch, Donald Reid, Stalker and Stephen (19) and for the motion, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McTiernan, Robertson and Sweeney (12), Councillor Donald L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed as follows:

- (a) to remit the report on the Revised Locality Partnership Terms of Reference and Standing Orders to a working party of Members to enable Members the opportunity to scrutinise the proposals; and
- (b) that a report on the outcome be submitted to the next ordinary meeting of the Council.

#### **14. Armed Forces Covenant Duty**

Submitted report by the Head of Democratic Services on the range of support currently provided by the Council to the serve and veteran community and the ways in which the Armed Forces Covenant would inform the development of future Council policy and decisions.

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

Accordingly, the Council agreed:

- (a) to note (i) the current support provided to the Armed Forces and Veterans, as set out at Appendix 2 to the report and (ii) the new Armed Forces Covenant Duty which came into effect as a result of the Armed Forces Act 2021; and
- (b) that, following publication of the Statutory Guidance in respect of the new Act, a report would be submitted to Cabinet on how the Council would respond to its obligations under the new Act.

#### **15. The Knox Institute, Kilbirnie – Proposals for Future Status and Use**

Submitted report by the Executive Director (Communities and Education) on the current situation relating to the Knox Institute and the historical purposes placed on it. The report proposed a way forward by dissolving the Trust and, in turn, alleviating the Council of the historical purposes and the asset in a manner that will benefit the local community.

Councillor Hill, seconded by Councillor Burns, 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) in principle to dissolve the Knox Trust and authorise officers to initiate the legal process required;
- (b) that the costs for the legal process be met from the existing Community Asset Transfer Start-Up funding;
- (c) to authorise officers to lease 21-23 Main Street at the current commercial rent, to the Radio City Association to allow the building to be utilised while the legal process was ongoing; and
- (c) to accept a further report at a future meeting of the Council to share the findings of the legal process regarding the future of the Knox Institute.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 3.20 p.m. for a short comfort break, reconvening at 3.30 p.m. with the same Members and officers present and in attendance (as previously, by remote electronic means or in person).

## **16. Questions**

The Provost introduced this item of business, reminding Members of the Standing Orders provisions relating to questions. Members were advised that a period of 45 minutes was allocated for consideration of the undernoted questions, the order of which had been determined following the drawing of lots, as set out in Standing Order 14.3.

In terms of Standing Order 14, submitted:

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

“To ask the Cabinet Member whether the Administration intends to transfer Redburn Grove to the Housing Revenue Account?”

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

“Redburn Grove is currently owned by the Council’s General Fund, however a review of the operating/ funding model – including the site’s future maintenance and development needs - is included in Housing’s 2022/23 Operational Plan. This review is currently underway and will consider whether the Council should approach the Scottish Government to seek permission to move the site from the General Fund to the HRA.”

Councillor McPhater asserted that transferring the site to the HRA would lower rent levels for tenants of Redburn Grove and, as a supplementary question, asked whether the Cabinet Member would commit to improving the situation for those tenants in this way.

Councillor Davidson responded by reiterating that a review was underway and undertaking to ensure Members were advised of its conclusion.

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

“The people of Kilbirnie and Glengarnock are very concerned that burial space is very quickly running out in Kilbirnie cemetery for and, in light of this, can the Cabinet Member for Place provide an update on the assessed current capacity of that cemetery and highlight what plans for land acquisition are being considered for a cemetery extension?”



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

“The Council is actively looking to see if capacity can be increased.

“Property Management and Investment have been looking for a suitable site for a cemetery but feasibility studies have not identified a suitable location due to issues with ground water and the need to meet Scottish Environment Protection Agency (SEPA) regulations issued in 2017.

This stipulates that any new burial ground should not be considered if it is on land prone to flooding, it must be at least 50m from a watercourse/spring, etc. Whilst acknowledging the strong environmental and health grounds for the issuing of this guidance, it does however reduce the number of sites that may be suitable for a burial ground.

The Burial and Bereavement officer recently undertook an extensive review to identify potential areas within the existing cemeteries.

We currently have approximately 2 years’ capacity remaining and we have identified some areas in Kilbirnie New Cemetery that could be laid out to provide additional lairs which will increase capacity to an estimated 2.5 to 3 years based on demand for burials remaining constant.”

As a supplementary question, Councillor Donald L. Reid asked for an assurance that the Council would begin to look at alternative grounds elsewhere for burial purposes.

Councillor Davidson responded by offering to arrange for a meeting to take place with Ward 2 Members and officers.

(3) a question by Councillor Robertson to the Cabinet Member for Finance in the following terms:

“Can the Cabinet Member provide an update on the measures which the Council is putting in place in support of the Miscarriage Association Pregnancy Loss Pledge, which aims to provide a supportive work environment for those who have experienced a pregnancy loss?”

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

“The Council has fully committed to the Miscarriage Association Pregnancy Loss Pledge.

The Pregnancy Loss Pledge is a new campaign by the Miscarriage Association which urges employers to commit to supporting their staff through the distress of miscarriage. The pledge asks employers to create a supportive work environment, to have a policy or guidance in place, to ensure line managers have access to resources to help them manage a difficult situation and to support people back to work by showing flexibility wherever possible.

Over the past few months, the HR Team with support of Trade Union colleagues have been developing an HR Guide: Pregnancy Loss.

The new HR Guide will provide our employees and managers with lots of support and guidance and this also introduces up to 10 days paid leave for parents who experience pregnancy loss.

This new HR Guide will be presented at the 1<sup>st</sup> Tier Joint Consultative Committee (JCC) on the 22 September 2022 with launch and communication to employees planned for the 9<sup>th</sup> October 2022. The launch date of the 9<sup>th</sup> October coincides with the Miscarriage Association Baby Loss Awareness Week which is 9-15 October 2022.

We are pleased to be able to support such an important pledge, and anticipate that this will be welcomed by our employees.”

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

“To ask the Cabinet Member how much capital investment has been made in Ardrossan Academy over the last decade?”

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

“Analysis of the Council’s historic financial transactions is limited to the retention periods in place for information. Available information on investment in Ardrossan Academy dates back to 2015/16 and I can confirm that from 2015/16 to 2021/22 a total of £686,779 was invested in repairs and maintenance across this period.”

Councillor Kerr suggested that there had been no capital investment in the school and, as a supplementary question, asked what the Administration intended to do, given the delays to the new campus project, to address the poor conditions for pupils of Ardrossan Academy.

Councillor Larsen responded by suggesting that the Member was perhaps confusing capital and revenue investment. The Cabinet Member expressed the view that, having been in Administration for the previous five years, the Labour Group might itself have addressed the matter of Ardrossan Academy.

(5) a question by Councillor Robertson to the Cabinet Member for Communities and Islands in the following terms:

“What avenues has this SNP Administration taken to encourage a higher uptake of the Scottish Government’s free bus travel passes for young people under the age of 22?”

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

“Since the launch of the free travel scheme for under 22s on 31 January 2022, 15,762 Travel Cards have been issued within North Ayrshire.

The application process is in the main a digital process, however a manual process and dedicated email address is available to provide alternative methods of application. On receipt of application, the Customer Services Team turn this around in 5-10 days.

In addition to the national campaign, promotion of this new scheme has mainly been via social media. In person events have been held throughout North Ayrshire in libraries, at Youth Events, Ayrshire College and Community Centres. The events have received positive feedback from attendees with families expressing their appreciation.

Engagement with our Schools has been key to increasing uptake. An easier and smoother method of application for parents was introduced in April 2022 and this has seen over 9,000 cards for free travel being produced.

Enhancements to the application process will evolve to ensure ease of application and the promotion and hosting of events will continue to ensure we reach young people far and wide who have yet to apply.”

Councillor Hill added to his written response by advising that, in terms of take-up levels across Scotland, North Ayrshire currently stood in third position, after Inverclyde and the City of Edinburgh councils.

(6) a question by Councillor Foster to the Cabinet Member for Economy and Climate Change in the following terms:

“To ask the Cabinet Member how much flexible advanced manufacturing space the Council intends to build at i3 as part of the Ayrshire Growth Deal project?”

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

“An outline business case for the i3 advanced manufacturing flexible space programme was approved in June 2021 by governments as part of the Ayrshire Growth Deal programme. The business case approves Ayrshire Growth Deal funding for delivery of 97,000sqft of advanced manufacturing space. A Full Business Case is currently being developed for Phase 1 of the programme, which will develop 18,000sqft of advanced manufacturing space.”

Councillor Foster suggested that an issue with the Ayrshire Growth Deal was that the UK and Scottish Governments had agreed a fix sum to the AGD, leaving all of the risk in terms of rising costs with the Council and, as a supplementary question, asked if the Cabinet agreed with him that, unless the two governments started to work collaboratively with the three Ayrshire Councils, the AGD risked failing to deliver all of the anticipated benefits.

Councillor Gurney responded by recognising the current inflation crisis and agreeing that, with rising costs, less could be delivered. The Cabinet Member suggested that, when signing the Ayrshire Growth Deal, the previous Administration should have built this into the deal.

(7) a question by Councillor McDonald to the Cabinet Member for Finance in the following terms:

“To ask the Cabinet Member the revenue and capital costs of rolling out Universal Free School Meals to all primary school children in North Ayrshire and confirm how much funding the Scottish Government has provided to deliver that now delayed manifesto commitment?”

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

“Through engagement with Scottish Government in late 2021 officers in North Ayrshire Council carried out an assessment of dining facilities across the primary school learning estate and identified an indicative capital works cost estimate of £10.357m, being the impact on the learning estate infrastructure to deliver this policy. It is recognised that more recent cost volatility in the construction sector could further increase this estimate.

In terms of capital funding, included in the 2022/23 Budget settlement, an initial sum of £30m was set aside by the Scottish Government to support capital works nationally. These funds have yet to be distributed and the Scottish Government has committed to further engagement with local authorities as part of the planning for extending the universal provision to all primary 6 and primary 7 pupils.

From a prudent financial planning perspective, the sum of £10.357m was included in the Capital programme approved at Council in March 2022; however, the report noted that discussions were ongoing with Scottish Government to seek further capital funding.

Scottish Government revenue funding for 2022-23 to support the full-year impact of the Primary 4 (from August 2021) and Primary 5 (from January 2022) universal free school meal expansion totalled £990,000. Although yet to be confirmed, we would anticipate a similar allocation to cover the Primary 6 and Primary 7 roll-out. Based on current uptake levels, there is sufficient financial resource to cover costs; however, costs can fluctuate as they are influenced by various factors, such as food prices and uptake levels.”

Councillor McDonald referred to funding set aside by the previous Administration to roll out Universal Free School Meals to all primary school children in North Ayrshire and, as a supplementary question, asked whether the SNP Administration would use this funding for a roll-out at the earliest opportunity.

Councillor Larsen responded by confirming that the agreed budget would be fully utilised and suggesting that, if the Member wished to roll this provision out earlier than anticipated, he could, as part of the budget process, identify an appropriate funding source. Councillor Larsen concluded by advising that further information was anticipated from the Scottish Government with regard to the roll-out and that this should clarify matters.

(8) a question by Councillor Sweeney to the Cabinet Member for Communities and Islands in the following terms:

“With the Ardrossan Campus delayed for at least 12 months, can the Cabinet Member advise whether the Council remains committed to retaining the swimming pool at Auchendarvie Leisure Centre until any school campus is opened?”

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

“The Council’s strategy in relation to the swimming pool at Auchendarvie Leisure Centre is maintenance of the existing facility and its components until the school and community campus opens.”

Councillor Sweeney cited a number of repair and maintenance issues at Auchendarvie Leisure Centre which would only increase the longer the new campus project was delayed and, as a supplementary question, asked at what stage the Cabinet Member would consider making investment in Auchendarvie pool.

Councillor Hill responded by advising of the need to be guided by KA Leisure as the operator of the swimming pool. The Cabinet Member noted that it was not possible to say at this point when it might be necessary to invest specific sums but confirmed the Council's policy of doing everything practicable to keep the current facility open until the new pool was available.

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

"In their response to June's Council motion on the changes to the X34/36 bus services, Stagecoach stated that they were due to meet the Council Leader on 19 August 2022. Can the Leader of the Council confirm that the meeting of the 19 August with Stagecoach took place and can they advise Council what outcomes they secured?"

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

"I can confirm that the meeting with Stagecoach took place on 19 August 2022. Stagecoach agreed that, whilst the X36 does remain under review, there will be no change to the current service provision for six months. A series of actions were discussed that may help sustain bus routes and make services more attractive to passengers. Stagecoach have committed to regular meetings with the Council to consider service performance, identify any opportunities to improve services and enter into discussions on proposed service changes. Stagecoach have agreed to work in partnership with the Active Travel and Transport team to promote bus travel, including raising awareness of ticketing options to provide best value for its customers."

Councillor Bell referred to issues which had arisen as a consequence of the Stagecoach timetable change in terms of pupils from Beith and Kilbirnie getting to and from the Garnock Campus. As a supplementary question, the Member asked whether public transport to and from the campus had been raised at the meeting and if the Leader could ensure that further discussions with Stagecoach and SPT included provision of suitable transport for young people from Beith and Kilbirnie attending the campus.

Councillor Burns responded by advising the meeting had been to discuss the service in general and the Garnock Campus had not been specifically raised. The Leader referred to a similar issue in her own Ward and acknowledged that the system was not working. Councillor Burns added that she was happy to meet to discuss what might be done to look at public transport in the longer term but noted that the decision of the previous Administration to increase the maximum distance for secondary school pupils walking to and from school to three miles, was also a factor.

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

“Last November, a woman was tragically killed in a fire in one of the public toilets in Saltcoats. Today, the toilets remain closed and fenced off. Can the Cabinet Member advise when the Council intends to repair this toilet block and reopen it?”

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

“Following the tragic fire last year, the public toilet facilities at Melbourne Park, Saltcoats were closed. Following examination of the extent of the fire damage, the building has been confirmed as beyond economical repair. The building has been fenced off to ensure public safety and compliance with our insurance requirements.

The Council’s Property Management and Investment and Facilities Management teams are currently assisting insurance colleagues and the loss adjuster in the determining options for reinstatement of the facilities. Proposals will be presented to local Elected Members as soon as this work is concluded.”

As a supplementary question, Councillor Montgomerie asked whether the Cabinet Member agreed that the existing toilets should be demolished and a new facility built.

Councillor Davidson responded by reiterating that work was ongoing to determine options to reinstate provision and undertook to keep local Members advised of the outcome.

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

“At the last Council meeting, the Leader of the Council advised that the Ardrossan Ministerial Taskforce was due to meet on the 28 June 2022. At the time of submitting this question, minutes of any taskforce meeting on 28 June had not been published on Transport Scotland’s website. Can the Leader of the Council confirm that the taskforce met on 28 June, and can they advise Council what was agreed?”

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

“I can confirm the taskforce met on 28 June 2022. The minutes and actions have not been published yet on Transport Scotland website. A representative from Transport Scotland has confirmed that both minutes and actions cannot be shared publicly until approved by Transport Scotland. The documents will be published as soon as reasonably practical.

The link to the site can be issued when the documents become available.”

As a supplementary question, Councillor Kerr asked what the Leader was doing to ensure an agreement was put in place for the necessary infrastructure in order to secure the Ardrossan-Brodick route.

Councillor Burns responded by acknowledging the importance of the route to the communities of Ardrossan and Arran and noting that, as this was a complex capital project with rising costs in an unpredictable market, progress continued to be slow. However, the Leader confirmed that all of the partners involved in the task force were doing everything they could and advised that the Ardrossan Harbour project was currently at the tender design phase.

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

“To ask the Leader of the Council for an update on the Ardeer STEP bid, including whether the planned parliamentary reception at Westminster has been arranged?”

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

“UKAEA has concluded their assessment of all five sites in contention for STEP and submitted their report to the UK Government Department for Business, Energy and Industrial Strategy in May 2022. All five sites have been reported on and remain in contention.

With the support of Patricia Gibson MP, a delegation comprising the STEP Ardeer nomination team, North Ayrshire Council Elected Member representation, and Scottish Enterprise had arranged meetings with key UK Government influencers and decision makers to take place at the Palace of Westminster and House of Commons on Monday 11 and Tuesday 12 July 2022.

Following events of Wednesday 6 and Thursday 7 July 2022, culminating in the resignation of the Prime Minister and resulting in a subsequent Conservative party leadership contest, the decision was taken to postpone these meetings. It was agreed to review options once a new Prime Minister was in place and a new Cabinet convened. The new cabinet was announced on Tuesday 6 September.

The death of HM Queen Elizabeth on Thursday 8 September 2022 has resulted in all such considerations being placed on hold.

We currently await the outcome of the STEP assessment process, with a decision and announcement expected by the end of 2022.”



Councillor Foster referred to the delay in the Scottish Government reviewing its energy policy, meaning that its position on fusion remained neutral and, as a supplementary question, asked whether the Leader would commit to writing to the Scottish Government to ask them to review their energy policy as soon as possible in order to help bolster North Ayrshire's bid for STEP.

Councillor Burns responded by asserting that there was no point in writing to the Scottish Government given that work to review its energy policy was already underway and reminded the Member that there was a process, including consultation, to be followed. The Leader advised that a decision was due imminently and that the Scottish Government and Patricia Gibson MP had been supportive. Councillor Burns concluded by stating that she did not think that the Scottish Government's energy policy would be a major factor in the UK Government's consideration of North Ayrshire's STEP bid.

(13) a question by Councillor McDonald to the Cabinet Member for Finance in the following terms:

"In 2020, the last Administration used savings of £8.8million on refinanced loans to establish the Council's Investment Fund with the aim of providing upfront investment to support Community Wealth Building, climate action and improved local infrastructure. The Investment Fund has subsequently been topped up in the following two years. With money in the Investment Fund already committed to several projects such as the Council-owned solar farm at Nethermains, can the Cabinet Member advise how much remains uncommitted to a specific project in the Investment Fund?"

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

"I can confirm that all funds held in the Council's Investment Fund are fully committed to specific projects."

As a supplementary question, Councillor McDonald asked why the Administration was cutting back on Community Wealth Building initiatives to fund the cost-of-living package when other funding options were available.

Councillor Larsen responded by reassuring the Member that Community Wealth Building (CWB) work had not stopped and that there was also funding available through the Ayrshire Growth Deal to support officers in this work. The Cabinet Member advised that there was no detailed policy behind the Investment Fund and that everything being done within the Council was linked to CWB and ultimately had the community at its heart, including the provision of top-up payments to ensure basic food provision and crisis support for families in need.

(14) a question by Councillor Sweeney to the Cabinet Member for Economy and Climate Change in the following terms:

“To ask the Cabinet Member whether the Council has contacted the new owners of the former Lonsdale site in Stevenston?”

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

“It has not been possible to make contact with the new owners so far. No change of ownership has been recorded on the Scottish Land Register for the former Lonsdale Site to date. When this position changes, the Council will make contact with the new owner to discuss their intentions for the site.”

Councillor Sweeney suggested that failure to bring the site into Council ownership represented a missed opportunity to tackle this eyesore and, as a supplementary question, asked the Cabinet Member if he would involve Elected Members in seeking to engage with the new owner.

Councillor Gurney responded by referring to the inaction of the previous Administration in addressing this issue and confirmed that he would support local Elected Members in seeking to ensure that blights on communities across North Ayrshire were tackled, subject to any legislative considerations which may apply.

(15) a question by Councillor Foster to the Cabinet Member for Economy and Climate Change in the following terms:

“The Ship Inn at Irvine Harbourside has been closed since the start of the Covid pandemic. Renovation work on the building is ongoing with some reconfiguration of the business use within it. Despite being closed for more than two years, and a different use for parts of the building, the business rates assessment remains £71,000 a year.

What support will the Council provide to secure a reassessment of the business rates by the Ayrshire Valuation Joint Board given the historical significance of the Ship Inn to Irvine and the role the building will play in the Great Harbour project?”

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

“The assessment of the extent of any business use and rateable value of the property is a matter for the Ayrshire Valuation Joint Board and the ratepayer.

In terms of available supports, as the property has listed building status, 100% Empty Property Relief is available and has been awarded from the 1 April 2021 until the present time. Prior to this, as part of the pandemic support measures, during the full year of 2020/21, the property automatically received Retail, Hospitality & Leisure relief, again at 100%. At the point when the property reopens for trade, the ratepayer would be entitled to apply for 12 months Fresh Start Relief which again is available at 100% from the first date of trade.”

Councillor Foster referred to the importance of this building to the Irvine Harbour area and, as a supplementary question, asked whether the Cabinet Member would join him in writing to the Ayrshire Valuation Joint Board (AVJB) to ask it to reassess the rateable value of The Ship Inn.

Councillor Gurney responded by declining to write to the AVJB, on the basis that there were governance arrangements in place and Councillor Foster might instead wish to speak to the Council’s representatives on the AVJB. However, the Cabinet Member warned against the temptation to suggest changes for individual businesses. Councillor Gurney concluded his response by stating that responsibility for setting rates rested with the AVJB and that this was where it should stay.

## **17. Motions**

In terms of Standing Order 15, submitted:

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

“That the Council:

1. Instructs the Chief Executive write to Buckingham Palace to express our deep sorrow at the passing of Her Majesty the Queen, Elizabeth II.
2. Further instructs the Chief Executive to write to His Majesty the King, Charles III, inviting him to visit North Ayrshire on his tour of the country as his mother, the late Her Majesty, The Queen, Elizabeth II, did so in 1956 alongside her late husband, Prince Phillip.”

There being no amendment, the motion was declared carried.

- (2) a motion proposed by Councillor Montgomerie, seconded by Councillor Sweeney, in the following terms:

“In 2019, following the consultation on the Council’s budget setting process, full Council approved plans to apply for Decriminalised Parking Enforcement powers and to introduce town centre parking charges to fund the enforcement regime.

Since that decision, we have experienced a global pandemic and are now facing a cost-of-living crisis which is affecting residents and local businesses.

Given the changing circumstances facing our residents and businesses, Council agrees to pause and review the implementation of DPE and parking charges and that a paper be brought to Cabinet to include the following considerations:

- The patronage of car parks affected by parking charges be resurveyed to review changes in parking behaviours since the pandemic.
- A review of the business case for DPE and parking charges, including revised projections on the cost of parking enforcement and projected income from parking charges.
- A review of the DPE and parking charges policy against council priorities that have emerged since the 2019 decision including but not exclusive to Community Wealth Building and the Regeneration Delivery Plan.
- Engagement with high street businesses on the impact of the pandemic and rising bills on their business and what further impact parking charges may have.
- An updated public consultation on DPE and parking charges considering the cost-of-living crisis.
- An assessment of the financial implications of delay or revocation of DPE and parking charges.

Council further agrees that Cabinet is instructed to consider the terms of the report covering the above and decide on whether to continue with DPE and parking charges and if appropriate withdraw the DPE application which is currently with Scottish Ministers for approval."

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

"Council agrees to proceed with Decriminalised Parking Enforcement scheme as agreed at the Council meeting on 25 September 2019 with the added proviso that parking charges will be waived for the first 30 minutes of each and every stay and be reviewed after one year. Modelling will be undertaken and a report brought back to Cabinet that will set out the financial implications."

As a further amendment, Councillor Davidson, seconded by Councillor Gurney moved as follows:

"In 2019 the Labour Administration proposed plans to apply for Decriminalised Parking Enforcement powers and to introduce car parking charges.

Since that decision, we have experienced a global pandemic and a growing cost-of-living crisis. In spite of this, in the council budget of March 2022, the Labour administration put forward a proposal to increase the proposed parking charges.

The proposal was agreed by full council on the basis that local circumstances would be taken into account when decisions are made on which car parks will have charges applied.

However, in recognition of the deepening financial crisis, Council agrees that a proposal will be brought to Cabinet to reconsider the level of charges proposed by Labour in the 2022/23 budget.”

Members asked questions of clarification in respect of the motion and amendments.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment by Councillor Marshall, seconded by Councillor Gallacher, Councillors Billings, T. Ferguson, Gallacher, Glover, Inglis, Marshall, Donald L. Reid, Stalker and Stephen (9) and for the motion, Councillors Bell, Cullinane, S. Ferguson, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (10), Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McLean, McTiernan, Murdoch and Robertson abstaining, and the motion became the substantive motion.

On a further division and a roll call vote, there voted for the amendment by Councillor Davidson, seconded by Councillor Gurney, Councillors Billings, Burns, Collier, Davidson, Dickson, T. Ferguson, Glover, Gurney, Hill, Johnson, Larsen, Macaulay, Marshall, McTiernan, Murdoch, Robertson and Stephen (17) and for the substantive motion, Councillors Bell, Cullinane, S. Ferguson, Foster, Gallacher, Inglis, Kerr, McDonald, McLean, McPhater, Montgomerie, Donald Reid, Stalker and Sweeney (14), Councillor Donald L. Reid abstaining, and the amendment by Councillor Davidson, seconded by Councillor Gurney, was declared carried.

Accordingly, the Council agreed that, in recognition of the deepening financial crisis, a proposal be brought to Cabinet to reconsider the level of charges proposed in the 2022/23 budget.

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

“Council recognises the impact of the cost-of-living crisis on our residents and therefore agrees to request that the Integration Joint Board use their unearmarked reserves currently sitting at £7.248m to immediately remove all charges amounting to £1.9m of income annually for non-residential social care fees and charges.”

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

“The Council does not agree that the IJB should use £1.9m of unearmarked reserves to remove all charges for non-residential social care fees and charges and notes that the majority of charges for social care that remain in place are means tested and are based on individual affordability following a full financial assessment. In light of the cost-of-living crisis, the Council, therefore, requests that the IJB ensures that there are appropriate measures in place to support any service user who may struggle to meet fees and charges related to any service provided by or on behalf of the HSCP. This approach respects the role of the IJB in planning the allocation of resources across a range of services to support those most in need, rather than a blanket approach to direct financial support without consideration of the wider impact on other priorities and financial implications.”

As a further amendment, Councillor Johnson, seconded by Councillor Larsen, moved the direct negative to the motion.

On a point of order, Councillor Foster challenged the competence of an amendment moving the direct negative and received confirmation as to its competence and meaning which, in this context, was not to proceed with the terms of the motion.

Members asked questions of clarification in respect of the motion, including the recurring nature of the budget implications indicated by the use of the term “annually”.

There followed debate and summing up.

In terms of Standing Order 19.2, as there were two amendments, one of which implied negation, Members were first invited to determine whether to “proceed” or “not proceed”.

On a division and a roll call vote, there voted to “proceed”, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9) and “not proceed”, Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McTiernan, Donald L. Reid and Robertson (12), Councillors Billings, S. Ferguson, T. Ferguson, Gallacher, Glover, Inglis, Marshall, McLean, Murdoch, Stalker and Stephen abstaining, and the decision not to proceed was declared carried.

Accordingly, in terms of Standing Order 19.2, the decision not to proceed having been carried by a majority of votes, the motion and remaining amendment fell.

- (4) a motion proposed by Councillor McDonald, seconded by Councillor Donald Reid, in the following terms:

“Council notes that since it was launched in April 2021, over 500 people in Ardrossan, Saltcoats and Stevenston have used the Better Off North Ayrshire service being piloted in the Three Towns.

Council further notes that clients have made financial savings of over £150,000 since the services launch and that a commissioned report by the Social Value Lab showed that for every pound of investment made in Better Off North Ayrshire, £6.44 of social value is created – with 82% of the value created for services users but 12% (around £200,000) for the public purse.

Given the cost-of-living crisis and the success of the Better Off North Ayrshire service in the Three Towns since its launch, Council agrees to request that a paper is presented to Cabinet in October 2022 to consider the further rollout of the Better Off North Ayrshire service at the earliest opportunity, making it accessible to residents in other localities.”

As an amendment, Councillor Macaulay, seconded by Councillor Burns, moved the direct negative.

On a point of order, Councillor Murdoch queried the time available for consideration of the remaining business. Clarification was provided that, in terms of Standing Order 15.6, a period of 45 minutes was permitted to deal with each individual motion and not for motions as a whole.

There followed debate and summing up.

On a division and a roll call vote, there for the amendment, Councillors Billings, Burns, Collier, Davidson, Dickson, S. Ferguson, T. Ferguson, Gallacher, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McLean, McTiernan, Donald L. Reid, Robertson, Stalker and Stephen (22) and for the motion, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9), Councillor Murdoch abstaining, and the amendment was declared carried.

Accordingly, the Council agreed not to proceed with the terms of the motion.

- (5) a motion proposed by Councillor Kerr, seconded by Councillor McDonald, in the following terms:

“Council congratulates Living Rent, Scotland’s tenants union, for its campaigning to secure a partial and temporary freeze on rent this winter to tackle the cost of living crisis.

Council notes that the Scottish Government's temporary freeze lasts until 31 March 2023 but social landlords will not implement new rent rates until 1 April 2023, making the announcement of a rent freeze applying to social rents superficial.

Council recognises the impact of the cost-of-living crisis on our residents and therefore agrees that the tenant consultation on the rent setting process for 2023/24 includes the option of a rent freeze, with any likely financial impacts outlined, for the duration of the next financial year."

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

"Remove paragraph 2 and 3, and replace with:

"Council also congratulates the Scottish Government on its mandatory rent freeze until March 31 2023 and looks forward to consulting with our tenants on setting rents for 23/24, and believes that the collegiate decision-making process already in place serves tenants well."

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, Dickson, Gallacher, Glover, Gurney, Hill, Johnson, Larsen, Macaulay, McTiernan and Robertson (14) and for the motion, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9), Councillors S. Ferguson, T. Ferguson, Inglis, Marshall, McLean, Murdoch, Donald L. Reid, Stalker and Stephen abstaining, and the amendment was declared carried.

Accordingly, the Council agreed:

- (a) to congratulate (i) Living Rent, Scotland's tenants union, for its campaigning to secure a partial and temporary freeze on rent this winter to tackle the cost of living crisis and (ii) the Scottish Government on its mandatory rent freeze until March 31 2023;
- (b) to look forward to consulting with our tenants on setting rents for 23/24; and
- (c) that the collegiate decision-making process already in place served tenants well.

## **18. Urgent Items**

There were no urgent items.



## **19. Provost's Closing Remarks**

The Provost closed the meeting by thanking Members for their participation.

The meeting ended at 5.45 p.m.