

North Ayrshire Council
12 February 2020

IRVINE, 12 February 2020 - 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, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

In Attendance

C. Hatton, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); S. Brown, Director (Health and Social Care Partnership); K. Yeomans, Director (Growth and Investment); R. McCutcheon, Executive Director (Place); A. Sutton, Interim Executive Director (Communities); and A. Fraser, Head of Democratic Services, A. Craig, Senior Manager (Legal Services); M. McColm, Senior Manager (Communications); E. Gray and D. McCaw, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

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. No apologies were intimated.

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 18 December 2019 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

5. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting Held on 5 December 2019

Submitted report by the Chief Executive on the Minutes of the meeting of the Community Planning Partnership Board (CPP) held on 5 December 2019. The Minutes were attached as an appendix to the report.

The Chief Executive highlighted a number of elements from the CPP Board meeting, including:

- a presentation on Scottish Enterprise's Strategic Framework and discussion on how this aligned with the work of the wider Partnership;
- early adopter work underway in relation to Public Health Priority 6 in respect of diet and healthy weight; and
- a workshop on 'Step Change' for the Partnership.

Noted.

6. Provost's Report

Submitted report by the Provost for the period from 9 December 2019 – 2 February 2020.

The Provost highlighted the following elements of his written report:

- participation in the New Year's Day 'Polar Plunge' event at Irvine beach;
- a number of local Burns Night events, including the Eglinton Burns Club annual dinner on 10 January, the Westsound Burns Supper on 18 January, the Irvine Burns Club annual celebration on 24 January, and the James McFarlane School annual Burns Brunch event on 30 January 2020;
- attendance at various local events, including the Foster Carers annual coffee morning, Three Town Growers Yuletide event; the Kilwinning Heritage book launch, and the Kirkin' of the President of Irvine Burns Club;
- recent events outwith North Ayrshire, including the Chinese New Year celebration hosted by the Consul General of China in Edinburgh, a further Chinese New Year celebration hosted by Glasgow City Council and the Chinese community, and a reception hosted by the Consul General of India in Edinburgh to mark their Republic Day;
- a photocall on 24 January 2020 as part of Cervical Cancer Prevention Week; and
- a meeting with Irvine groups involved in promoting Irvine's rich cultural history.

The Provost concluded his remarks by referring to the sad passing of the first Leader of North Ayrshire Council, Jimmy Clements, who led the Council through local government re-organisation. The Provost also referred to the recent passing of former councillor Richard Wilkinson, who had played an active role in local and national politics and had worked with many local community organisations including as chairman of the Largs Town Twinning Association. On behalf of the Council, the Provost extended his condolences to the family and friends of both.

Noted.

7. Leader's Report

Submitted report by the Leader of the Council for the period from 9 December 2019 – 2 February 2020.

The Leader added his condolences to those expressed by the Provost on the passing of Jimmy Clements and Richard Wilkinson.

Noted.

8. Council Minute Volume

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 14 June 2019 – 28 January 2020.

Noted.

9. Outside Body Appointment

The Head of Democratic Services advised of a vacancy in respect of the Council's main representative on the Strathclyde Concessionary Travel Joint Committee, following the resignation of Councillor Jimmy Miller from that position, and invited the Council to consider a nomination, duly proposed and seconded, which had been submitted in favour of Councillor Donald Reid.

There being no amendment, the Council agreed to appoint Councillor Donald Reid as the Council's main representative on the Strathclyde Concessionary Travel Joint Committee.

10. Audit Scotland Report: Local Government in Scotland: Financial Overview 2018/19

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the recent Audit Scotland report setting out the financial overview of local government in Scotland for the period 2018/19. The key messages from the Audit Scotland report were set out at Appendix 1 to the report.

On behalf of the Council, the Provost extended his thanks to officers within Finance and Corporate Support for their work.

The Council agreed as follows:

- (a) to note (i) the findings of the recent Audit Scotland report and (ii) the current position in North Ayrshire; and
- (b) that the findings of the Audit Scotland report be taken into consideration as part of the Council's budget deliberations.

11. Clyde Muirshiel Regional Park

Submitted 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. The relevant extract from the current Minute of Agreement was set out at Appendix 1 to the report.

Members asked questions, and received clarification, in respect of:

- the merits of terminating the joint committee structure prior to finalising future arrangements for its functions;
- the feasibility of continued membership of the joint committee on an interim basis as a non-financial contributor; and
- any potential loss of funding opportunities for the Park Authority due to a reduced number of participating councils.

The Council agreed as follows:

- (a) to serve notice of withdrawal from the Clyde Muirshiel Regional Park Joint Committee;
- (b) to authorise officers to agree the date of North Ayrshire's withdrawal from the Joint Committee with Renfrewshire and Inverclyde Councils;
- (c) following the Council's withdrawal, to amend the Council's Scheme of Administration and Scheme of Delegation of Officers, respectively, to delegate (i) to the Cabinet those strategic functions formerly delegated to the Park Authority and (ii) the operational functions to the Executive Director (Communities); and
- (d) to note that the Council would continue to liaise with Renfrewshire and Inverclyde Councils to ensure the protection and enhancement of the Park's natural environment.

12. Questions

In terms of Standing Order 12, submitted:

- (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 timescale;
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.”

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

“There have been a number of leaks identified at the Garnock Campus since the building opened in January 2017 and the Council has been working with the building contractor to investigate and rectify these issues. The majority of issues were identified and addressed during the first year’s operation, during the contractual ‘defects liability period’.

A number of other leaks have subsequently become apparent and the rectification of these is being addressed as ‘latent defects’, which are also the responsibility of the contractor. A programme of remedial works was carried out prior to the Christmas holiday period and the Council is continuing to monitor them to ensure they have satisfactorily addressed the problems. At present we are aware of three locations with outstanding water ingress issues and works are planned for the Easter holiday period, to ensure minimal disruption to the operation of the school.

All works to address the leaks identified to date have been the responsibility of the contractor and all costs have been borne by them. Any further latent defects will also be the responsibility of the contractor to address.

Flooding at the rear of the school has also been investigated. This appears to be a result of silting-up of a drainage gulley. The gulley has now been cleared and the Facilities Management team within the campus continue to monitor the area to ensure the clearance works have been effective. As this is currently understood to be a maintenance item, it is not the responsibility of the contractor. The cost to the Council to investigate and clear the drainage connection was £388.”

(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.”

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

“Officers have been engaged with Transport Scotland's contractor for the works, Interserve, throughout the A737 Den Realignment Project.

I can confirm that repairs to the Auchengree Road and other minor side roads will be carried out by Interserve and are planned to commence this week. The extent of the repairs and remedial measures, including resurfacing, localised reconstruction and verge repairs, has been agreed and will be undertaken at Interserve's expense.”

(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?"

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

“I am sure every Member who attended the drugs death summit will have found it be a hugely important and thought-provoking day. We need to act, and act quickly to deal with the high levels of drug related deaths in North Ayrshire. As Councillors will be aware my Colleague Louise McPhater has been campaigning both locally and nationally to ensure this gets the greatest amount of attention possible from local Members and Members of the Scottish Parliament. One of the next areas we really have to tackle is the fact that there are double the amount of drug-related hospital admissions in NHS Ayrshire and Arran than any other Health Board area, we have to make sure that no one leaves hospital with a drug-related admission without them having a support plan in place to prevent future overdoses.

The North Ayrshire Alcohol and Drug Partnership (ADP) has made available £60,000 to local communities to identify and vote on proposals via the Participatory Budgeting (PB) approach to assist in the prevention of drug-related deaths. The PB voting event is on 18 April 2020 and over the last 2 weeks community engagement events, supported by a range of partners, have taken place to promote awareness of this initiative.

The roll out of first aid training and the supply of Naloxone (a lifesaving medication used in opiate overdose) continues. Funding has been allocated to the local Turning Point (Scotland) service to target those individuals most at risk of overdose and their families and carers. Engagement with other services and community groups has also taken place, with more planned.

The ADP, along with partners from East and South Ayrshire, has agreed to fund a “Navigator” style service in HMP Kilmarnock, to assist in providing individuals at risk of overdose on liberation with proactive follow-up support.

The local Drug Related Deaths Prevention subgroup has met and agreed to fund a series of community based evening ‘workshops’ to promote awareness of the local recovery services, actions being taken to prevent drug-related deaths, promote the awareness and supply of Naloxone, to challenge the stigma associated with alcohol and drug use and promote kindness, care and hope.

Following feedback from members of the public who attended the summit, a press release will be issued to raise awareness of the ‘Addictions App’ (run on a mobile devices) to increase the reach of individuals able to download this App so that they can access essential local and national support service contact numbers and validated and current alcohol and drug-related health promotion information and ‘Drug Alert’ warnings in order to stay safe.

The North Ayrshire Drug and Alcohol Recovery Service (NADARS) has examined options to enable same day prescribing of ‘Medication Assisted Treatment’ to further increase accessibility to treatment.

Discussions have taken place with representatives of the Scottish Ambulance Service and Crosshouse Hospital in relation to pathways to respond to non-fatal overdose and Naloxone supply. Similar discussions have taken place in relation to Adult Support and Protection pathway opportunities.

The Pan Ayrshire Drug Death Review Group has requested post code information from Scottish Ambulance Service (SAS) in relation to non-fatal overdose to assist in targeting priority areas.

In addition, to the actions already mentioned:

The ADP intends to work with the HSCP and NAC First Aiders and council officers to train them in the administration of Naloxone and will recommend that all First Aid kits are updated to include a supply of Naloxone.

To better inform, assist and lead by example in preventing drug-related deaths, the ADP will also seek support and agreement to deliver substance use awareness sessions and train others to carry and be able to administer Naloxone and save a life if faced with an emergency overdose situation. The ADP would like to offer this to members of the IJB and CPP and I would like to challenge all Members of this Chamber to also take up this offer.”

As a supplementary question, Councillor Burns referred to work being done in the Fullarton and Vineburgh areas of Irvine with funding support from the Community Investment Fund, and asked whether the Cabinet Member agreed on the benefits of Locality Partnerships and Health and Social Care Local Forums working more closely together and on the potential for using Irvine as a pathfinder.

Councillor Foster responded by expressing his appreciation of the community-based work being undertaken in Fullarton and Vineburgh with modest CIF funding support and agreed that there was potential to explore using Irvine as a pathfinder.

(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?"

Councillor Burns sought advice on the competence of the final paragraph of the question, given that it appeared to invite a Cabinet Member to write a letter on behalf of the Council without a Council decision to do so.

The Head of Democratic Services advised he was satisfied that, although somewhat ambiguous, the matter had been framed as a question and was, therefore, competent. He sought, and received, confirmation from Councillor Marshall that the purpose of his question was to seek the opinion of the Cabinet Member rather than to propose any action. Councillor Marshall then intimated his wish to withdraw the phrase "the Council will write to the Cabinet Secretary for Transport stating that" from the final paragraph of his question.

Councillor Burns raised a point of order in respect of Councillor Marshall's preamble to his question, on the basis that it extended beyond the provisions of Standing Order 12.2 in terms of setting the context of the question. The Provost invited Councillor Marshall to draw his preamble to a conclusion.

Councillor Gallagher thanked the Member for his question, as amended, and responded in the following terms:

"We agree that this is an unacceptable situation. The Gourock linkspan has reached the end of its design life but CMAL has advised that they are undertaking work which will bring it back into full use at the end of 2020.

At Ardrossan, Peel Ports Group (PPG) has advised that the Irish Berth linkspan has been available for the last two months for use in situations where the Arran Berth is unavailable. A letter has already been written to the Minister and when we have a meeting with him, we will ensure that this subject is on the agenda."

- (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.”

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

“1. 2018/19 – 1636 and 2019/20 – 1170*

*Please note Quarter 4 has to be added to 2019/2020 figures and 1170 is Quarter 1-Quarter 3.

2. It is important to recognise that the use of FOI legislation by the public or press is only rarely misused. Applying the very strict Scottish Information Commissioner Section 14 Vexatious Complaints exemption, there were 0 vexatious requests. No figures are held for serial complaints, as in practice such requests tend to be variants of the original request.”

- (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?”

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

“The procurement of new ferry vessels is a matter for Transport Scotland/CMAL.

It is noted that the Rural Economy and Connectivity Committee’s (RECC) inquiry into the construction and procurement of ferry vessels in Scotland is on-going. Evidence is still to be considered from representatives of Caledonian Maritime Assets Limited (CMAL), Transport Scotland officials, the Cabinet Secretary for Finance, Economy and Work; and Minister for Energy, Connectivity and the Islands. It is therefore not possible at this stage to determine the outcome of this process or any associated recommendations.

The service between Brodick and Ardrossan is of critical importance and council officers will continue to seek reassurance from the Scottish Government that the new ferry will be brought into service as soon as possible and that the Council is kept fully informed of progress.”

(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?”

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

“Caledonian MacBrayne’s (CalMac) compensation arrangements are detailed within their Passenger Rights charter. This states that if a passenger’s sailing is disrupted for any reason, their journey is re-routed, and they incur additional mileage costs that CalMac will reimburse mileage if the departure or arrival port is changed.

Compensation is capped to 63 miles; however, this does not prevent passengers submitting a claim where the journey is over this distance. CalMac advise that this is informed by the provisions of EU Regulation 1177/2010. If the additional mileage incurred exceeds this limit and the reason for the disruption is something other than weather, claims will be considered based on the circumstances of the disruption.

Passengers travelling with a commercial vehicle/coach tickets are not entitled to reimbursement for additional mileage costs incurred as a result of being re-routed. Full details of the claims process are provided on CalMac’s website.

I agree it appears to be unfair to residents of Arran that a higher level of compensation is not available in the event of cancellation and an alternative route being used. This is already a live issue with the Arran Ferry Committee and I refer him to the available Minutes.”

(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?”

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

“Since May 2017, the following investments have been made within the North Ayrshire town centres of Irvine, Saltcoats and Largs:

Irvine:

- Development of The Circuit business and sports facilities at Quarry Road, with the first phase completed in early 2018 at a cost of £3M and the second phase sports facilities completed in August 2019 at a cost of £5.6M. The total project value of £8.6M was supported by external funding of around £4M.
- Improvements to the public realm at High Street and Bank Street are due for completion in March 2020. Cost of £3.3M, supported by external funding of around £2.6M.

Saltcoats:

- Improvements to the public realm at Countess Street, completed in November 2017 at a cost of £865k.
- Development of Saltcoats Training Station project to provide a community, active travel hub and karate centre, which has secured funding of £400k including contributions of £150k from the Scottish Government and £50k from the Community Investment Fund.

Largs:

- Improvements to the public realm at Gallowgate Square and Largs Promenade completed in March 2018 at a cost of £560k.

In addition, a total of £788k has been invested in improving road infrastructure in and around the town centres of Irvine, Saltcoats and Largs through footway and carriageway resurfacing works since May 2017.”

As a supplementary question, Councillor McNicol referred to the £1m allocated by the Cabinet to Stevenston and Dalry town centres and the lack of an allocation to Saltcoats, and asked for what plans the Administration had for inward investment to regenerate Saltcoats town centre and secure the employment of over 2000 North Ayrshire residents.

Councillor Cullinane responded by advising that the vast majority of the Town Centre Regeneration Fund had been allocated to Dalry and Stevenston because these towns had not benefitted from previous town centre investments by the Council and did not have particular projects associated with the Ayrshire Growth Deal. The Leader referred to reductions in town centre footfall elsewhere in North Ayrshire and nationally and advised that the Administration was pursuing a Community Wealth Building strategy aimed at regenerating towns and working with communities to bring investment, including utilising land and assets owned by the Council and other public bodies and exploring opportunities to invest in commercial properties. Councillor Cullinane invited the Member to take part in this work to identify projects which could make a difference or bring in external funding.

(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?”

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

“The statement referred to in the Member’s questions was provided by Council Officers, not the Labour Administration, and was in response to a press enquiry.

Therefore, is the Member’s question misleading and will he take opportunity to apologise for questioning the integrity of the Council’s officers by tweeting that they were lying?”

As a supplementary question, Councillor Gurney suggested that, in the absence of any denial, the statement was misleading and asked what steps were being taken to prevent the release of further misleading statements by the Administration.

Councillor Cullinane responded by referring to Councillor Gurney's failure to apologise for questioning the integrity of Council officers, and invited him to consider whether his use of language on social media was consistent with the Councillors Code of Conduct.

Councillor Easdale joined the meeting during consideration of this item.

(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?"

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

"No, I don't. I want to see a quality, reliable ferry service for our island communities that is publicly owned and run and that was the position this Council adopted prior to the last procurement process for the Clyde and Hebrides ferry contract.

I am aware that the rate of cancellations on the Ardrossan to Brodick route is higher than most other parts of the Clyde and Hebrides network but as has been stated previously in this Chamber these ferry services are not like-for-like services.

What I think we need to do is push for action from Scottish Government, Transport Scotland and others to improve the reliability of the ferry services to our islands. That is what we have been trying to do, despite our many frustrations, to date. We must secure formal approval as soon as possible for the major capital investment needed at Ardrossan Harbour and we must have a resolution to the unacceptable delay, and the numerous issues, with the Glen Sannox.

We are aware the Scottish Government is reviewing its ferry procurement policy and the Council has previously indicated that we are happy to assist with this review. As part of that we will reiterate our position on public ownership and the importance of reliability on this lifeline 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 it make the data public to ensure that the full cost of ferry cancellations is known?”

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

“The Business Growth Team within the Council works with a number of Arran businesses. This covers a wide range of relevant advice and interventions that relate to operating a business from an island location including consideration of the operational impact of ferry cancellation. There is currently no research being undertaken that seeks to quantify this on a financial basis.

We are aware that the Arran Economic Group (AEG), of which the Council is a partner, is currently investigating methods of quantifying the financial and operational impact of ferry disruption although this work is at an early stage. The Council is happy to support this work which needs to be led by Scottish Government and its agencies as the responsible bodies for the provision of ferry services.”

(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?”

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

“The upgrade to the existing marine and landside infrastructure at Ardrossan was originally envisaged at a cost of around £15M, inclusive of marine and landside works (as with the £35M figure quoted).

Subsequently, Transport Scotland accepted that, to secure the long-term resilience of Ardrossan Harbour, a more comprehensive redevelopment of the harbour was required. The preferred option proposes a realignment of the Arran berth to improve manoeuvrability of vessels and increase service reliability. This has increased the project cost to £35m.

The revised design has been informed by extensive computer modelling which is the most accurate information currently available to CMAL and CalMac. The modelling and simulations used state of the art facilities at Glasgow Nautical College and this is supported by TRANSAS, the premiere global provider of such services.

It is intended to ensure that Ardrossan is fit for use by any vessel in the fleet and its future prolonged."

As a supplementary question, Councillor Glover asked if the Cabinet Member had any regrets about the lavish party held in Ardrossan Civic Centre in October 2017 to celebrate Ardrossan's victory over Troon in securing the ferry and questioned whether it may have been better to hold off until the new ferry actually arrived.

Councillor Gallagher responded by indicating he was intrigued by Councillor Glover's definition of "lavish".

(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.£2,800 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 at Home place, a Care at home package and SDS (Self-Directed Support) 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."

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

- “a. The particular care at home package referred to in Councillor Marshall’s question, was confirmed to commence and the lady was returned home from hospital last week. Unfortunately, the capacity within the Care at Home service both inhouse and purchased services to deliver the provision was simply not there when the original request for the service was made. Whilst much work has been done to improve recruitment, there are still some areas within North Ayrshire where it is harder to recruit staff. This clearly leaves some people waiting in hospital longer than they should and is something that the Integration Joint Board is keen to improve.
- b. Within the communities across North Ayrshire there are 10 individuals awaiting a Care Home placement with the average waiting time being 130 days.

Within the communities across North Ayrshire there are currently 159 individuals on the waiting list awaiting a care at home package with the average waiting time being 47 days

There are currently 5 individuals on the waiting list awaiting funding for Self-Directed Support with the average waiting time being 87 days.

- c. The total amount of annual budget required would be £1,216,429.00.
- d. There are currently 17 individuals awaiting a Care at Home package, within a hospital setting.

There are currently 4 individuals awaiting a Care Home placement, within a hospital setting,

(Please note the budget for these 21 individuals is also included in point c above).”

As a supplementary question, Councillor Marshall referred to the additional £2.7m to be allocated by the Scottish Government to the IJB and asked if this sum would clear the waiting lists.

Councillor Foster responded by referring to the forthcoming budget briefing and to the Council’s budget meeting in early March and expressed the hope that there would be no attempt, as previously, to take funding from the Health and Social Care Partnership. Councillor Foster advised that it would be for the IJB to decide where any additional HSCP funding was allocated.

- (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?”

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

“CMAL has advised that they are aware that certain wave and wind directions predominantly from the east have given rise to cancellations. CMAL is currently working with the designers of the terminal to explore mitigation measures. This work is on-going. As well as the Arran Ferry Committee continuing to work with CMAL, it is proposed that Council officers will write to the Chief Executive of CMAL seeking reassurance that the works will be implemented as soon as possible and that the Council is kept fully informed of progress.”

- (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 and 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?”

Councillor Gallagher thanked the Member for his question and referred to the following written response:

“No officer enquired verbally or in writing.

Council Officers are aware that as part of proposed works to the dry dock at Hunterston, that dredging would be required. This has not been carried out. It is common for such material to be used for other purposes, rather than land-filled. However, the material has not been dredged, is not available and the Council is not aware of any proposals to re-use such material, or the location where it might be deposited.”

Councillor Gallagher concluded his response by suggesting that, if Councillor Murdoch had any evidence that an officer had made enquiries, he should bring this to his attention or to that of an appropriate officer.

As a supplementary question Councillor Murdoch referred to an Envirocentre Limited document entitled 'The Coastal Hydronomic and Wave Assessment' (7 November 2019), page 3 of which referred to the option of using the dredged sand from the seabed at Hunterston at a site along the coast at Ardrossan. Given that the Council entered into a limited liability partnership with Peel Landholdings Ardrossan just 6 weeks prior to the decision that no EIA was required for Hunterston, Councillor Murdoch asked if there was any conflict of interest and why, in the circumstances, the Council was unaware of the potential use of the dredged sand.

Councillor Gallagher responded by expressing the view that Councillor Murdoch's explanation did not support his question. He pointed out that the document in question did not mention the Council or any officer and that Councillor Murdoch quoted a potential project which had not happened. The Cabinet Member suggested that, if the Member had any concrete evidence to support suspicions he may have, it should be brought forward to allow the matter to be scrutinised.

13. Motion

In terms of Standing Order 13, submitted:

- (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."

The Provost advised that the Cabinet on 21 January 2020 had agreed to "continue consideration of this matter to the next meeting to allow for further discussions to take place between Elected Members and the Office for Nuclear Regulation." The motion was, therefore, contrary to the Cabinet's decision and the suspension of Standing Orders would be required before it could be considered

Councillor Murdoch intimated that he wished to withdraw his motion.

The Head of Democratic Services advised that, as the motion formed part of the Agenda, it was competent for any Member to move it, subject, in this case, to the suspension of Standing Orders. Councillor Hill requested, and received, clarification of this in the context of Standing Order 14.5. The Head of Democratic Services referred Members to Standing Order 13.1,

Councillor Gallagher, seconded by Councillor Foster, moved the motion.

On a show of hands, there voted to suspend Standing Orders, 17. Accordingly, having failed to find the support of the required two thirds of Members present and voting, the Council agreed not to suspend Standing Order 23 to allow consideration of the motion.

The meeting ended at 3.40 p.m.