



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held remotely on **Wednesday, 16 February 2022** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire-public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

1 Apologies

2 Declarations of Interest

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

3 Previous Minutes

The accuracy of the Minutes of the Ordinary Meeting held on 8 December 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

4 Leader's Report

Submit report by the Leader of the Council for the period covering 29 November 2021 - 6 February 2022 (copy enclosed).

5 Minute Volume (issued under separate cover)

Submit, for noting and for approval of any recommendations contained therein, the Minutes of Meeting of committees of the Council held in the period 4 June 2021 - 8 February 2022.

6 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held in December 2021

Submit report by the Interim Executive Director (Communities and Education) on the Minutes of a meeting of the North Ayrshire Community Planning Partnership Board held in December 2021 (copy enclosed).

7 Council/Committee Meetings

Submit report by the Chief Executive on the format and arrangements for Council and committee meetings during the remainder of the current Administration, including the proposed resumption of the hybrid meetings pilot (copy enclosed).

8 Outside Body Appointment

Council is invited to note that David Hammond replaces Yvonne Baulk as the officer appointee to the Board of Largs DBFM.

9 Medium Term Financial Outlook 2022/23 TO 2024/25

Submit report by the Head of Finance on the financial challenges facing the Council over the medium term in order to help inform the development of budget proposals (copy enclosed).

10 Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2022/23

Submit report by the Executive Director (Place) on the proposed HRA capital investment programme and revenue budget for 2022/23 and the consequential rent levels (copy enclosed).

11 Questions

In terms of Standing Order 12, submit:-

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

“The Cabinet Member for Health and Social Care will be aware of the cancellation of the contract at Cooriedoon Care Home. Can he provide me with assurances that the residential nursing care needs of the people of Arran will be met in future?”

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

"Under the 1% Framework Agreement, councils in Scotland have committed to allocate at least 1% of council budgets, made up of revenue and capital expenditure, using Participatory Budgeting (PB). Whilst it is for local authorities to decide how to take forward PB at a local level can the Leader advise on the position in North Ayrshire with specific comment on where NAC are in their aspiration to achieve the 1% objective?"

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

"It has been widely circulated in the national press that some £5 billion in taxpayer's money has been paid in Covid business support grant to fraudsters. Press report also refer to claims that the Treasury rebuffed offers of investigation by the National Crime Agency because of embarrassment over these eye-watering losses.

Can the Leader (or other relevant Cabinet post holder) advise on the situation in NAC with regard to potential fraud within the Covid business support handouts and comment on any likely investigations into fraudulent claims, highlighting the total spend by NAC during the past 18 months (or other period as figures are available) on such business grant funding and provide any other relevant information on this matter."

(4) a question by Councillor Stalker to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"The flood prevention works at Dalry commenced on 1st April 2021 and was due to be completed by the 31st August 2021. The due date was then put back to the end of December 2021, and now it has been delayed yet again with a completion date of the 5th March 2022.

Given the distress and disruption to the residents of Dalry can I ask the Cabinet Member to provide an update regarding the on-going flood prevention works in the Garnock Valley and can he reassure the residents of Dalry that there will be no further delays and that this work will be finished by the 5th March 2022?"

(5) a question by Councillor Reid to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"Following a suggestion from the First Minister, does North Ayrshire have to cut the bottom off any doors in our schools across North Ayrshire to improve ventilation in our classrooms?"

(6) a question by Councillor Reid to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"Does cutting the bottom off any doors in any school or workplace effect building regulations?

Fire Safety around sealed doors on escape routes being an obvious obstacle amongst other issues of concern if we follow Scottish Government instruction in this regard."

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

"Has the Leader of the council met with any Scottish Government Ministers since the last Council meeting?"

(8) a question by Councillor Gurney to the Cabinet Member for Education in the following terms:

“Stanley Primary School in Ardrossan opened in August 2007. Part of the disastrous PPP contract that continues to afflict this Council, the school design was criticised in advance of its build.

The criticisms, from parents, pupils, staff and local residents, included the fact that the school was simply too small. This criticism was blithely dismissed by the Labour administration.

It did not take long for the foresight of everyone but those who built the school to be proven correct. As the school roll increased pupils at the school were soon shunted into huts to be taught. An arrangement that continues to this day. (And an arrangement that was yet another windfall for the private, off-shore organisations that hold the PPP contract.)

Part of the issue was the lack of land in the new school estate as the Labour administration followed up one disastrous decision by another, namely selling the land that was the site of the old school. A decision I opposed at the time but one that was forced through by the Labour administration in concert with their friends. The pupils were thus doubly disadvantaged. Not only are they being taught in huts their play space was severely restricted to accommodate the buildings.

In the years since I have continually sought a resolution to this problem. A problem that was foreseen and one that the administration ignored.

The building of the new Lockhart Campus, a project supported by money from the Scottish Government, offered a potential solution to the problem. The space created by the closure of the James McFarlane school could be utilised to create a new early years space, allowing the primary pupils to be re-integrated into their school, playgrounds to be returned, huts to be removed, and the extra payments to the PPP company ceased.

This solution, so clear to those in Ardrossan, has once again been dismissed out of hand.

It is not too late to address the issue. Will the Administration pledge to fully investigate the opportunity to provide adequate facilities for the children and bring fully costed proposals back to this chamber for decision?”

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

“Can the Leader tell us how much general capital and housing revenue account capital investment has been made in the North Coast Ward since the Labour administration took control of the Council in 2016?”

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

“What has been the total value of the Council Tax receipts from newly built and occupied houses both in this Administration and in the previous Administration, as well as the annual total for each of the past 5 financial years?”

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

“How many new houses have been granted Planning Permission by the Planning Department in each of the present and immediate past two Administrations?”

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

“How many secondary school children in North Ayrshire have received a free laptop or a tablet, and a free internet connection as per the SNP election promises made in May 2021?”

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

“To ask the Cabinet portfolio-holder for Education if he thinks the decision to send out the controversial school 'sex survey' unaltered is still the right one?”

(14) a question by Councillor Ferguson to the Cabinet Member for Green New Deal and Sustainability in the following terms:

“To ask the Cabinet portfolio-holder for Green New Deal and Sustainability what discussions he has had with Scottish Fire and Rescue in relation to SNP proposals to cut the bottom off school doors?”

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

“Regarding the site of the former oil and bitumen refinery in Ardrossan on which this Council plans to build two schools and a leisure centre, will the Leader of the Council accept anything less than a guarantee that the site has been 100% cleared of the toxic contaminants we know are in the soil before embarking on building schools and a leisure facility?”

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

"Applications opened for free bus travel for under 22s in Scotland on 31 January 2022. Can the relevant Cabinet Member advise what the current uptake has been in North Ayrshire at this early stage (if figures are readily available) and what steps are being taken by NAC to publicise the availability of this excellent service for young people."

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

"As the first tenants are gaining access to their much-anticipated new homes in Brodick it is time to consider what else is being done to address the ongoing housing crisis on Arran. It has long been recognised that the lack of affordable and flexible housing on Arran is a major factor that holds Arran back from reaching its full economic and social potential. Whilst the 34 new social housing units will contribute to the solution, the 2016 North Ayrshire Council (NAC) report commissioned on behalf of The Arran Economic Group recognised that housing is a multifaceted issue and that a range of approaches were needed. NAC's Strategic Housing Investment Plan 2022 states that 'the Council is undertaking research to determine locality preferences for housing on the island (Arran)'.

My question to the Cabinet Member for Green New Deal and Sustainability is could he explain what 'determine locality preferences for housing' means, and what form will this research take and when will it commence?"

(18) a question by Councillor Murdoch to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"Does the Cabinet Member think the Traffic Management Plan for Largs Campus needs reviewed, updated and implemented in a way that helps pedestrians, motorists and residents?"

(19) a question by Councillor Murdoch to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"Can the Cabinet Member please provide the figures related to the allocation of new housing at Flatt Road in Largs:

1. How many of the new properties were allocated to Largs Residents?
2. How many properties were allocated to North Coast Residents?
3. How many properties were allocated to North Ayrshire Residents?
4. How many properties were allocated to people from outside North Ayrshire?"

(20) a question by Councillor Murdoch to the Cabinet Member for Green New Deal and Sustainability in the following terms:

"Can the Cabinet Member please provide a specific date for the introduction of DPE (Decriminalised Parking Enforcement)?"

(21) a question by Councillor Murdoch to the Leader of the Council in the following terms:

"When will North Ayrshire Council consistently enforce and take action against Fly Tipping, Littering, Dog Fouling, Feeding Seagulls, Organic & Chemical Discharges & Emissions into the atmosphere and the coastal waters, etc?"

12 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Foster, seconded by Councillor Macaulay, in the following terms:

"I move that:

1. Council has no confidence in Councillor Marshall remaining a member of the Planning Committee and Local Review Body and that he is removed from membership of these committees with immediate effect and
2. Councillor Larsen is appointed as chair of Planning Committee and the Local Review Body with immediate effect."

(2) a motion by Councillor Gurney, seconded by Councillor McClung, in the following terms:

“Our citizens will soon be asked to go to the polls and cast their vote. It is not controversial to suggest that it is important that as many people as possible are given the opportunity to exercise their democratic rights and that it is the duty of this Council to encourage that expression.

Indeed it is the duty of the Returning Officer to promote electoral awareness. That is unlikely to happen in the current circumstances when the most common comment heard at polling stations is to the effect that one would hardly know that there was an election, an issue brought sharply into focus by the recent COVID restrictions.

It is clear that we have a duty to promote the largest demonstration of democratic involvement that we can. Traditionally one of the most effective promotion techniques was to utilise election signs. Indeed signage was historically the most visible means of making the public aware that an election was upcoming.

Taking these circumstances into account it is imperative that every effort is made to raise electoral awareness and to facilitate that Council will implement a pilot project to allow election signage for the next poll.

Our previous policy on these matters was clear and comprehensive and so would be used verbatim, subject to any updating required by the Returning Officer who would have the delegated authority to do so if a poll, such as a snap general election caused by the removal of the Prime Minister, were to be called before the next Council meeting. This policy was discussed by Council on the 2nd of April 2014 and may be found here

<https://north-ayrshire.cmis.uk.com/north-ayrshire/CommitteesMeetings/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/339/Committee/4/Default.aspx>

This report made clear that

- The policy of allowing posters on Council property had proven fit for purpose and that there are no road safety or cost implications for the Council
- A previous Chief Executive’s clear recommendation to Council was to approve a policy which allowed for such signage. It is therefore clear that this is the right thing to do from an unbiased electoral perspective, especially given that the Chief Executive is also the Returning Officer

Following this pilot Council will receive a report on the issues in the following terms

- Benefits in terms of Public awareness

- Cost to the Council in terms of having to remove posters
- Environmental issues relating to inadequately secured posters becoming litter
- Road safety issues

Following this pilot, there will be a decision taken on whether the policy should continue for future polls.

I, therefore, moved that the Council agrees to implement the above proposals.”

(3) a motion by Councillor Ferguson, seconded by Councillor Billings, in the following terms:

“That the Council:

1. Welcomes the first-round award of £172million of UK Government Levelling Up funding to eight projects across Scotland.
2. Notes our satisfaction that one of the successful projects was an award of £23.7million to make long overdue improvements to the B714 which will help to provide more efficient transportation links between the Central Belt and North Ayrshire
3. Further notes that this is in addition to the transformative £103million awarded to the Ayrshire Growth Deal which will create approximately 7,000 jobs across Ayrshire.
4. Believes that this initiative will make a significant contribution to the economy of North Ayrshire and congratulates all the partners for their work in delivering what it sees as transformative, exciting, and innovative projects for North Ayrshire.
5. Finally, asks that the Chief Executive write to Iain Stewart MP Parliamentary Under-Secretary, Scotland Office, on behalf of the Council expressing our thanks to the UK Government for their support during the Levelling Up Fund application process and to express our commitment to working collaboratively with the Scotland Office to deliver upon on future Levelling Up Projects across North Ayrshire.

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

“That Council

1. Notes that, 11 civil servants costing the taxpayer £700,000 p.a. have been assigned to work on the project to introduce legislation for a second independence referendum and believes these staff could be better employed working on how to close the attainment gap. And further
2. Agrees with the vast majority of people in Scotland that now is not the time to be undertaking this work. And finally
3. Asks the Chief Executive to write to the First Minister expressing grave concerns in relation to recent announcements that the Scottish Government have recommenced work on a second unwanted independence referendum.”

(5) a motion by Councillor Gallagher, seconded by Councillor Donald Reid, in the following terms:

“Scotrail currently led by Transport Scotland have just concluded a consultation to close station booking offices and in our area they propose to substantially reduce opening hours at our stations, causing concern that there will not be enough support to protect the security of the network and support vulnerable customers requiring assistance travelling.

We ask council to agree that the Chief Executive should make formal representation to ScotRail’s Chief Executive and the Scottish Government’s Minister for Transport reaffirming North Ayrshire Council’s opposition to any potential future ticket office opening hours reductions or closures and any staff reductions.”

13 Urgent Items

Any other items which the Provost considers to be urgent

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You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact dataprotectionofficer@north-ayrshire.gov.uk.

North Ayrshire Council Sederunt

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Shaun Macaulay
Jean McClung
Ellen McMaster
Ronnie McNicol
Louise McPhater
Davina McTiernan
Tom Marshall
Jimmy Miller
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Ronnie Stalker
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending: