

North Ayrshire Council  
31 March 2021

At a Meeting of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

Ian Clarkson, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, 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; A. Sutton, Executive Director (Communities and Education); K. Yeomans, Director (Growth and Investment); C. Cameron, Director (Health and Social Care Partnership); Y. Baulk, Head of Service (Physical Environment) (Place); M. Boyd Head of Service; (Finance); F. Walker, Head of Service and M. Lindsay, Senior Customer Officer (People and ICT); A. Fraser, Head of Service (Democratic Services), A. Craig, Senior Manager (Legal Services), M. McColm, Senior Manager (Communications), H. Clancy, E. Gray and A. Little, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Democratic Services) (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Scott Davidson.

**1. Provost's Remarks**

The Provost welcomed Members and officers to the meeting, which was proceeding on a wholly remote basis by electronic means.

The Provost then dealt with preliminary matters. Members were reminded of the pre-election period prior to the Scottish Parliamentary elections and the heightened need for vigilance by the Council in terms of avoiding the publication of material which might constitute 'political publicity'.

The Provost intimated that, whilst the meeting would be live streamed, it was his intention, as a precaution, to ask for the live stream to be halted for Motion (2) on the Agenda, as well as at any other point in the meeting where, on the advice of the Legal advisor, there was a risk of breaching the pre-election restrictions.

The Provost further advised that, depending upon the nature of the discussion which took place, a recording of any elements not live streamed would either be made available on the Council's website after the meeting or following the Scottish Parliamentary elections, as appropriate.

## **2. Apologies**

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

On behalf of the Council, the Provost extended his good wishes to Councillor Davidson for a full and speedy recovery.

## **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 Ordinary Meeting held on 17 February 2021 and the Special Meeting held on 4 March 2021 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

At the request of the Leader of the Council, and with the agreement of the Provost, the Chief Executive provided a short verbal update in respect of Item 10 (Ardrossan Harbour Update) of the Minute of 17 February 2021. Members were invited to note that, since the last ordinary meeting of the Council, further meetings had taken place between Transport Scotland, Peel Ports and officers. Whilst legal agreements had not yet been signed with the Scottish Government, a follow-up meeting was planned and it was expected that draft agreements would be signed or otherwise ready for signature at an early date.

Noted.

## **5. Provost's Report**

Submitted report by the Provost for the period from 8 February – 21 March 2021.

The Provost highlighted the following elements of his written report:

- several online events to celebrate Chinese New Year in February 2021;
- Irvine Burns Club Zoom Gatherings which took place on 10 February and 17 March 2021;

- an online film in celebration of the birthday of His Majesty the Emperor of Japan; and
- St. Patrick's Day celebrations which took place online on 17 March 2021;

Noted.

## **6. Leader's Report**

Submitted report by the Leader of the Council for the period from 8 February – 21 March 2021.

Noted.

## **7. Council Minute Volume**

Submitted for noting and for approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 14 September 2020 – 12 March 2021.

Agreed.

## **8. Questions**

In terms of Standing Order 12, submitted:

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

“Beith is often described as the last outpost in North Ayrshire being less than 1 mile from the Renfrewshire border.

The town has suffered disproportionately from the closure of shops and businesses. On 31 January 2021 there were a total of 19 shops and other business premises which had been closed for some time.

It is not without significance that Beith, unlike its near neighbours Dalry and Kilbirnie and other North Ayrshire towns, has no North Ayrshire Council offices, other than the part-time library in Main Street, to help sustain and bolster the local economy.

Although the library is part-time, it is a valued local facility and houses many other voluntary services which benefit the community.

If current plans go through, as seems likely, it looks as if the library will be transferred to Beith Community Centre. Removing this valued modern facility which is disabled-friendly throughout, from Main Street will be another nail in the coffin of Main Street.

The public are very disappointed at the prospect of losing the library, a valued community services from this central location and once again feel forgotten. I certainly don't want our wonderful library building to become No. 20 in shop and business closures in Beith and neither do local residents.

Will the Leader and Cabinet colleagues consider the genuine economic plight of Beith; examine all possible ways of retaining this vital facility as the beating heart of Main Street; in so doing give the people of Beith and District some reassurance that North Ayrshire Council is genuinely listening, caring and responsive to Beith's social problems and the wishes of its people?"

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

"It's always helpful to start from the beginning of this long process. The North Ayrshire Federation of Community Organisations (NAFCO) wrote to the Council to request the re-establishment of a joint working to group to consider the future of community facilities given their ongoing concerns about local government funding and that future decisions may be forced upon them without their input. The Cabinet approved that request in February 2018. That short life working group had cross party membership as well as representatives from NAFCO. The working group recommended wider consultation with our communities, including the development of a proposed plan for community facilities. This is the third iteration of that consultation.

The purpose of the consultation is to gather and consider public views on a set of specific proposals which not only reflect the feedback from the previous consultations but seek to build upon the learning and effectiveness of the Covid-19 locality approach and how best to use the assets to support priorities, deliver services and build capacity in our communities beyond the pandemic.

It is important to emphasise that no group on this Council, nor individual elected member, has yet voted in favour of a preferred model of delivery for any community facility. Members will also be aware that the recent budget set no financial targets to be delivered through the current consultation. I would strongly urge residents to take part and express their views on their local community facilities. Those views will inform the paper that comes to full Council on the 9<sup>th</sup> June 2021 and it will be for every member of this Council, at that meeting, to make a decision on the outcome of the consultation and the future delivery model for local facilities.

Given the current Covid restrictions we have taken steps to ensure that as many residents as possible can participate in this important consultation. Every household has been notified of it via the recent Council Tax mailing. Members can also encourage constituents to participate in the consultation through the Consul platform <https://nay.communitychoices.scot/> "

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

“Can the Cabinet Member advise of the number of anti-social neighbour issues dealt with by the NAC Anti-social team in: Kilbirnie, Dalry And Beith, during each of the two years viz: 2019 & 2020; also if figures are readily available, how many of the anti-social neighbours were ultimately rehoused elsewhere during that same period.”

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

“The table below details antisocial behaviour complaints over the last two years broken down by town and complaint type:

<b>Complaint Type</b>	<b>Beith 2019</b>	<b>Beith 2020</b>	<b>Dalry 2019</b>	<b>Dalry 2020</b>	<b>Kilbirnie 2019</b>	<b>Kilbirnie 2020</b>
Violence	5	5	2	16	11	3
Excess noise	8	3	7	2	3	9
Threatening behaviour	4	6	10	6	12	5
Harassment (sex/gender)	1	1	3		1	
Nuisance	2	2	1			3
Neighbour dispute		3	1	1	2	
Harassment (race/Ethnicity)		2		1		1
Vandalism		1	1	1		1
Vehicles		1				
Youth disorder		1		1		2
Harassment (disability)					1	
Substance abuse/dealing					1	2
<b>Total Complaints</b>	<b>20</b>	<b>25</b>	<b>25</b>	<b>28</b>	<b>31</b>	<b>26</b>

The Council will pursue eviction only as a last resort. Our focus remains on prevention and early intervention, working closely with our partners to find a suitable resolution which benefits those experiencing antisocial behaviour and the wider community.

During the 2 years detailed above, 11 tenants engaging with the Antisocial Behaviour Team left the area:

- 4 households were moved out of their tenancy for their own safety
- 4 households terminated their tenancy
- 1 tenancy was ended due to imprisonment
- 1 household was moved from their temporary accommodation within the area due to their antisocial behaviour
- 1 tenancy was recovered following the terms of a Short Scottish Secure tenancy agreement as antisocial behaviour did not improve”

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

“Will the Leader provide Members with a breakdown of the unitary charge payment of 13,618,155 million pounds in respect of PPP funded schools as agreed in the budget of 2021/22 (the finance lease creditor payment, the finance lease creditor interest, the lifecycle maintenance profile, the contingent rentals and the cost of services)?

Will he also inform Members of the Lease interest as a percentage of the total unitary charge?”

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

“The full PPP budget breakdown for 2021-22 includes the following:

Finance lease creditor repayment	1,936,043
Finance lease creditor interest	3,929,585
Lifecycle maintenance profile	1,196,220
Contingent rentals	1,245,327
Operating costs / Services	5,310,980
<b>Total</b>	<b>13,618,155</b>

The Finance Lease Creditor Interest as a percentage of total unitary charge is 28.9%.”

As a supplementary question, Councillor McNicol, referring to an earlier question raised at the Special Meeting of the Council held on 4 March 2021, asked whether the Leader considered there was a conflict of interest in respect of one of the parties with a financial interest in the PPP schools given their role as the non-executive chair of the Scottish Futures Trust and, also, why no meetings had taken place between the Council and the owners of the PPP contract to renegotiate the unitary charge (particularly with regard to operating costs) in light of school closures during the pandemic.

Councillor Cullinane responded by advising that the position in respect of the PPP-funding of schools was not unique to North Ayrshire. He also suggested it was for the Scottish Government to consider any conflict of interest given that the Scottish Futures Trust was a Scottish Government body. The Leader advised that officers were in regular meetings with the PPP company and that he had in the past written to the Scottish Government about the potential to refinance or buy out the PPP contract. Councillor Cullinane concluded his response by expressing optimism about a change in the Scottish Government’s position going forward.

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

“Pupil Equity Funding has provided targeted support for children and young people affected by poverty to achieve their full potential. North Ayrshire Council has received Pupil Equity Funding (PEF) for five years from 2017 at approximately £4.5m per year and as a result has managed in some instances to reduce the Attainment Gap between pupils in SIMD 1&2 and SIMD 3-10. A welcome initiative.

Given that this Academic year has been a lost year of schooling:

- a. what proposals does the Portfolio-holder have to ensure that the gains achieved by PEF are not lost for pupils in SIMD 1&2; and
- b. what measures will be put in place to reverse the decline in standards of literacy and numeracy for all pupils.”

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

“An unprecedented year in education

During the past year, our teachers, support staff and pupils have worked hard to make a success of remote learning, including the distribution of digital devices, connectivity solutions and the development of resources.

Education Recovery Plans were welcomed by Cabinet and these detailed the extensive and comprehensive remote and blended learning measures put in place by our staff to ensure that there was no “lost year of schooling” for pupils in North Ayrshire.

During the remote learning period from January, there was a balance of live learning, independent activities and pre-recorded lessons, including activities which encouraged learning to take place outdoors. Engagement levels were monitored by individual schools and additional supports were put in place for those young people who had been making the least progress in their learning, for whatever reason.

Throughout the pandemic, the Education Service has maintained a clear focus on health and wellbeing as a key priority and has continued to develop resilience in learners to enable learners to engage with learning in this year’s challenging circumstances.

We acknowledge that the disruption to the academic year is likely to have an impact on learner outcomes for some more than others, and the service has considered how to support schools to target specific groups and individuals in the months ahead to maximise opportunities for learning and progress.

### Part A: Ongoing focus for PEF Resource

Members will recall that a paper was presented to Cabinet on Tuesday 23 March which gave details of the innovative and creative ways that schools had used Pupil Equity Funding (PEF) this year in particular to meet the wide range of specific additional challenges presented by the pandemic. Head Teachers have reconsidered budget expenditure due to the Covid-19 pandemic and have redirected budgets during the current financial year to such areas as:

- Outdoor learning to promote health and wellbeing.
- Support to children and young people on remote learning.
- Additional resources to support home learning.
- Purchase of digital software and IT equipment.
- Online activities and personalised support for the most vulnerable.
- Targeted interventions for Primary 1-3 in response to poor engagement with remote learning.
- Practical science resources to enable more focus on health and wellbeing.
- Purchase of e-Books.

The Education Service has had a significant focus on reducing the poverty-related attainment gap since the Attainment Scotland Fund was introduced a number of years ago. The Service has recently produced its draft improvement plan for next year, which has a continued focus on the important twin priorities of improving attainment for all as well as further reducing the poverty-related attainment gap.

Priority 2 of the Education Service Improvement Plan for session 2021-22 outlines our key areas of focus in this regard. Further detail about the specific improvement activities under each action will be published in the coming weeks, following a full consultation and engagement phase across the Service.

The economic impact of Covid-19 is likely to increase levels of inequality experienced by children and young people. Those children and young people affected by poverty and deprivation will require a whole systems approach to ensure they achieve positive outcomes. We recognise that inequalities must be addressed and that services across the council and other partners all have a role to play.

### Part B: Attainment in Literacy and Numeracy

A fuller picture of local literacy and numeracy performance will be presented in a Cabinet report in May 2021. However, in summary, literacy and numeracy levels continue to follow a positive trend for all learners in North Ayrshire, both at SCQF Level 4 and SCQF Level 5, the two national benchmarks for school leavers.

Equally, achievement of Curriculum for Excellence Levels shows that the proportion of younger learners in our primary and secondary schools who achieved the expected level in literacy and numeracy has increased for all learners in North Ayrshire since this measure was introduced in 2016.

In North Ayrshire, we therefore do not recognise the decline in standards described in the question.

Nevertheless, in recognition of the specific challenges the pandemic has presented for some learners, a range of additional measures will be put in place to enable schools to provide further targeted support to maximise progress in the months ahead for those who need it most. This support will be across all curricular areas as required, including literacy and numeracy. Support strategies may involve, for example, the provision of temporary additional staffing to facilitate small group work, extra tuition etc. but these strategies will be tailored to the individual needs of the learners and their local context.”

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

“Can the Chair of Planning please explain why the planning permission for the Caisson Gates, Jetty Extension and Decommissioning Site at Hunterston Parc are not Null and Void?”

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

“Section 237 of the Town and Country Planning (Scotland Act 1997 provides that unless planning decisions are challenged within 6 weeks in the Court of Session, they shall not be questioned in any legal proceedings whatsoever. The current planning permissions for Hunterston have not been the subject of any challenge in court, let alone a successful one. Therefore, they are valid.”

As a supplementary question, Councillor Murdoch had previously raised concerns that high water tide line information had been used in determining the original planning application and asked whether, in light of this and other material changes which had arisen since the granting of planning permission (including the need for an Environmental Impact Assessment), the Chair of the Planning Committee was concerned that planning permissions were due for renewal without this being taken into consideration.

Councillor Marshall responded by making reference to a letter dated 19 February 2019 from the Scottish Government to one of his constituents which advised that Ministers were content the process undertaken by the Council and Marine Scotland was sufficiently robust and that due process had been followed. Councillor Marshall referred to legislative changes in terms of EIA requirements and confirmed that no decisions would be taken until the EIA screening process was completed.

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

“What have North Ayrshire Council done to improve and protect the environment since declaring a Climate Change Emergency?”

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

“The Council’s Environmental Sustainability and Climate Change Strategy 2017-20 set a target to reduce both Council estate and area wide emissions by 40% by 2030 (against a baseline year of 2005/06). The Council surpassed this target, achieving 40% across the Council estate by 2018/19, and 41% area wide.

Since declaring a Climate Emergency in June 2019 and committing to achieve net-zero carbon emissions by 2030, the Council has continued to significantly reduce carbon emissions, achieving a 44.6% reduction by 2019/20.

An annual reduction of between 7-8% has been achieved since 2016, with the 2020/21 figures so far heading in the same direction, despite the challenges faced by the COVID-19 pandemic.

The impact of COVID-19: some carbon reduction projects have paused following government guidelines, for example the Energy Efficient Scotland: Area Based Scheme (EES:ABS) to install external wall insulation on domestic properties; the installation of solar photovoltaic (PV) on domestic roofs; and energy saving heat control measures in public buildings (due to the requirement for natural ventilation in occupied spaces).

However, since declaring a Climate Emergency in June 2019, significant progress has been made on our journey to net-zero carbon, with the third Environmental Sustainability and Climate Change Strategy under preparation for Cabinet consideration in June 2021.

Some key highlights are provided below:

#### Affordable Warmth

- We have successfully secured approximately £10.5million of funding to provide external wall insulation (EWI), and have installed EWI on 441 properties since 2019 (worth £3m) through the Home Energy Efficiency Programme: Area Based Scheme to reduce heat loss and subsequent heating requirements.
- Installation of our first low carbon heat networks fuelled by biomass boilers during the redevelopment of two sheltered housing units, in Dalry and Stevenston.
- Installation of solar PV panels on the roofs of 290 Council houses, saving tenants on average £188 per year which puts us well on the way to reach our target of 500 homes which will be achieved by March 2022.

- In December 2020 the Council approved the HRA Capital Investment Programme of £109.756m for 2021/22, which includes £5m investment in regeneration projects and sustainability measures, to reduce fuel poverty.

### Green Economy

- In recognising the need to continually tackle climate change, and to achieve the ambitious target of becoming net-zero carbon emissions by 2030, the Council dedicated an £8.8m Investment Fund at its budget setting meeting in 2020 to support climate change, sustainable infrastructure investment and Community Wealth Building. Part of this investment (£500,000) was specifically allocated to tree planting in order to remove carbon emissions from the atmosphere.
- The Investment Fund was recently increased to £10.2m in total at the Council's budget setting meeting earlier this month.
- In September 2020 the Cabinet approved an Economic Recovery and Renewal Approach to build back better, fairer and greener. The approach is based on the foundation of the Community Wealth Building approach and sets out a Local Green New Deal.
- The Cabinet also recently approved an ambitious five-year Regeneration Delivery Plan which sets out plans to deliver physical regeneration and regenerate strategic regeneration sites and places by working together with our communities.
- In February 2021, plans for a £500,000 Green Jobs Fund were approved. This innovative Fund has been set up to support economic recovery and tackle climate change as part of the Council's Green New Deal.

### Transport and Travel

- 81 vehicles (over 13%) within the Council fleet have been replaced by modern fuel-efficient vehicles since June 2019
- The EV fleet currently consists of 22 vehicles, which is 3.74% of the fleet. This will be increased by an additional 11 vehicles in Q1 of 21/22, increasing our overall EVs to over 5% of the current fleet and rising.
- Around 12% of total mileage in our successful CarClub pool car scheme has been travelled in EVs
- Installing 46 publicly accessible electric vehicle charge points to support and encourage the uptake of electric vehicles across North Ayrshire.

### Natural Environment

- The Local Biodiversity Action Plan (LBAP) 2019-2031 has been published online and contains a range of actions under the following six key priorities
  1. Ecosystem restoration
  2. Investment in natural capital
  3. Quality green space for health and education benefits
  4. Conserving wildlife in Scotland
  5. Sustainable management of land and freshwater
  6. Sustainable management of marine and coastal ecosystems.

- The introduction of relaxed grass cutting initiative in Streetscene to promote biodiversity and reduce the associated operational carbon emissions, following a participatory budget engagement exercise with our communities
- Partnership work through the Garnock Connections (GC) - a Landscape Partnership Scheme (LPS): The Garnock's Buzzing project has created wildflower meadows, planted pollinator friendly trees and established bee banks at community sites. This project continues to successfully involve the community through pollinator identification events, ecological surveys, and raising awareness of the importance of supporting and enhancing biodiversity in North Ayrshire.
- Other projects include the formation of a Green Network Training Programme in partnership with East Ayrshire Woodlands and Forestry Commission Scotland to deliver environmental improvements. This has provided 6-month placements and vocational and practical training to local young unemployed people whilst delivering a range of projects including new paths, woodland management and wildflower planting.

## Sustainable Operations

### Renewable Energy

- In January 2021, Cabinet approved proposals for the development of a solar PV farm on Nethermains former landfill site which will require an estimated total investment of £6.768m, with an anticipated annual reduction in CO2 emissions of 501 tonnes per year.

### Waste management

- Household waste recycling performance increased from 54.6% to 56.3% for the 2019 calendar year
- Ongoing promotions to encourage participation in our newly enhanced waste and recycling system through 'Right Stuff Right Bin' waste awareness campaigns
- Introduced a free 'birth-to-potty' reusable real nappy scheme in October 2019 to reduce and divert additional waste from landfill
- Commenced the Clyde Valley Residual Waste Partnership Contract in January 2020, diverting grey bin waste from landfill and recovering additional recyclables and creating sustainable energy through an energy-from-waste facility

### Lighting

- The Council has approved an additional programme of LED replacement to be implemented over 2021/22 for previous white light sources that are now within cost effective scope for replacement. This represents an annual reduction in energy demand of 46% and of 259 tonnes of CO2 across the 4,500 units in scope.
- Further benefits in reduced emissions resulting from fewer unplanned repairs activities due to longer life LEDs

### Non-Domestic buildings

- Investing nearly £1m in energy efficiency measures such as boiler replacement, LED lighting and enhanced controls to non-domestic properties through the Non-Domestic Energy Efficiency framework.

## Carbon Absorption

- Recognising the vitally important role of trees in tackling climate change, in March 2020 North Ayrshire Council dedicated £500,000 of resource to tree planting. This project is progressing and currently work in identifying available land with suitable soil types, the most appropriate tree species to plant, and partnership opportunities. Work has commenced in the implementation of a tree planting strategy to plant 108,000 trees in collaboration with community groups, which will absorb carbon emissions, as well as creating job and training opportunities for young people and aligning with Community Wealth Building objectives.

## Climate Change Adaptation

In October 2019, an Elected Members' event was held to highlight the value of adapting to the impacts of climate change. The event, facilitated by Adaptation Scotland, focussed on how climate impacts are affecting North Ayrshire communities, and how to identify local priorities. It was recognised that by taking a strong, proactive approach we will ensure that vital public assets, infrastructure and services are fit for current and future generations and able to deliver positive outcomes across North Ayrshire.

- Our flood protection schemes are designed to protect our environment and communities against climate change. We are at the construction stage with our £18.5m Upper Garnock Valley Flood Protection Scheme; and expect to be on site next year with our £27m Millport Flood Protection Scheme. Further schemes are in development.”

As a supplementary question, Councillor Murdoch questioned how the Council could continue its good work in this area with only a part-time biodiversity officer and asked if it was time to employ a full-time officer.

The Leader responded by noting that no Member had submitted a proposal to the budget meeting of the Council with regard to biodiversity staffing levels. Councillor Cullinane then referred to the wide range of officers across with Council with responsibility for tackling the climate change emergency and suggested that a systemic approach was required, both within the Council and in partnership with external parties, including business and communities.

In terms of Standing Order 12.9, Councillor Murdoch queried the accuracy a statement made by the Leader in response to the preamble to the supplementary question, that the drill ships at Hunterston were not the responsibility of the Council.

At the invitation of the Provost, the Head of Democratic Services provided clarification on the position with regard to the ships and the respective roles of the Health and Safety Executive, port operator, the country to which the ships were registered, the Marine Accident Investigation Board and (in terms of noise nuisance monitoring) the Council's Environmental Health service.

(7) a question by Councillor Billings to the Cabinet Members for Health and Social Care in the following terms:

“At the meeting of the full council on 4th March 2021 I proposed that £285,000 was passed to the North Ayrshire’s Health and Social Care Partnership to enable them to establish a community based mental health initiative specifically to address the rise in mental health issues due to the Covid restrictions. However, my proposal was not supported and the money was allocated to the Investment Fund for some as yet undefined future project. At last week’s meeting of North Ayrshire’s Integration Joint Board we agreed the HSCP budget for the coming year. It was clear that the HSCP is very tight for money and will be using over £1million of its reserves to balance its budget, and it was clear that there was no spare money to bring forward a community-wide mental health initiative. Does the Member now regret his decision not to support the HSCP to develop its community mental health service that would address our current health crisis?

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

“I would like to thank Councillor Billings for making the exact same point in his question that I made at the budget meeting regarding this year’s underspend in the HSCP.

Cllr Billings keeps misrepresenting the financial position of the Partnership for reasons I don’t understand. For the avoidance of doubt and to ensure all Members are aware I will set out the decision we made unanimously as an IJB at our budget meeting earlier this month.

There is a projected underspend of £3.497m during 2020-21 which will be carried forward in the general fund reserve of the IJB. It is proposed that £1.116m of this balance is earmarked to achieve a balanced budget for the IJB for 2021-22 on a nonrecurring basis. £500k will be used as a challenge fund to assist with driving forward our transformation and change agenda. For the first time since integration was introduced the North Ayrshire HSCP can put £1.881m into our reserves which is 0.7% of our budget. We also paid back £1.484m of the debt to the Council as agreed.

Members will be aware the NAHSCP has responsibility for the delivery and co-ordination of Mental Health services across Ayrshire and Arran, North Ayrshire HSCP have submitted a Pan-Ayrshire Plan for Mental Health service recovery for 2021-22 as part of the Health Board's re-mobilisation plan which was submitted to the Scottish Government at the end of February. This plan outlines areas of recovery including inpatient wards, CAMHS and our community mental health services and seeks funding of £1.9m across Ayrshire and Arran. The Scottish Government have not confirmed an allocation of funding yet in line with the mobilisation plan submission. The Government have announced a Mental Health Recovery and Renewal Fund of £120m as part of the budget plans for 2021-22. This will be focussed on 4 key areas – CAMHS improvement to meet the requirements of the service specification, CAMHS and Psychological Therapies waiting lists, Primary Care to expand on multi-disciplinary MH teams in GP clusters and Community services to build on an expansion of community support services. The headline areas for investment from this fund were provided only last week and we are currently awaiting further information and clarity on funding and priorities in due course.

To answer the question, no, I do not regret the decision I made at the Council budget meeting and I do not regret the decision that the IJB made at its budget meeting either.”

As a supplementary question, Councillor Billings asserted that he appeared to be one of the only Members to engage in depth with the HSCP management team on budget matters and asked whether the Cabinet Member would support a joint approach whereby the voting Members of the IJB engaged more fully with the HSCP management team prior to the Council's budget setting exercise in future.

Councillor Foster responded by assuring Councillor Billings that the latter was not the only Member to engage with the HSCP and that, as the relevant Cabinet Member and Chair of the IJB, he had in-depth discussions with the management team. He also referred to the fact that the Administration had invested millions more in support of the HSCP than was legally required. Councillor Foster concluded his response by expressing the view that the voting membership of the IJB already worked well together, but that he was happy to discuss the matter further with Councillor Billings.

## **9. Motions**

In terms of Standing Order 13, submitted:

(1) a Motion proposed by Councillor Murdoch and seconded by Councillor Hill in the following terms:

"North Ayrshire Council calls on the Marine Accident Investigation Branch/Health & Safety Executive to carry out a full investigation into the incident on Tuesday 2nd February 2021 at Hunterston Parc where DS4 & DS8 broke free from their secure attachment to the Jetty.

Such an investigation should consider both the health & safety implications of the incident and the suitability of the Pier/Jetty and associated infrastructure for the permanent mooring of vessels of this size or type both now or in the future."

There being no amendment, the motion was declared carried.

At this point, the Provost referred to his earlier remarks in respect of the current pre-election period prior to the Scottish Parliamentary elections and the need to exercise additional caution in avoiding the publication of material which might constitute 'political publicity'. In light of this, he advised of his intention to suspend the live streaming of the meeting at this point, advising Members that, depending on its content, a recording of the remainder of the meeting would be published following the meeting or after the forthcoming Scottish Parliamentary elections, as appropriate.

On a point of order, Councillor Dickson queried the inclusion of the motion on the Agenda in context of the current pre-election period. The Head of Democratic Services provided advice on the competence of the motion and the distinction between 'political publicity' and debating in political terms.

On a further point of order, Councillor Gurney queried the competence of the motion as, in his view, it appeared to propose an action which would contravene provisions within the Scotland Acts. The Head of Democratic Services confirmed the competence of the motion, in particular advising it would be for the UK Government to consider if, and how, to implement the terms of part (2).

At the invitation of the Provost, Councillor Hill sought, and received, clarification on the proposed arrangements with regard to the part of the meeting which would not be live streamed, including whether any editing was proposed. The Head of Democratic Services advised that the recording would be reviewed by the Chief Executive, who would determine whether or not it was appropriate for it to be uploaded during the pre-election period. The Chief Executive confirmed that no editing of the recording was proposed.

Thereafter, the Provost, in terms of Standing Order 5.7, instructed that the live stream of the meeting be suspended as a precaution, to avoid the inadvertent publication of any material which might constitute 'political publicity' during the pre-election period. The remainder of the meeting was recorded, for review by the Chief Executive and subsequent upload if and when appropriate.

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

"The Council delivery plan which forms part of our strategic planning approach has helped to lay the foundations to counter the centralising approach of the Scottish Government towards local government, which has resulted in North Ayrshire being one of the lowest funded councils over the last decade.

We are concerned that this ongoing situation is having a detrimental impact on the Council's ability to provide important public services for our citizens both now and in the future. We note that Pauline McNeill, Scottish Labour's local government spokeswoman, has pointed out that research shows that the Scottish Government has cut Council's non-ringed revenue funding by £973.3m in real terms between 2013-14 and 2021-22.

In order to look at alternatives to ensure North Ayrshire can reach its full potential we suggest that the Chief Executive to write to the Secretary of State for Scotland asking him if the UK government would consider dealing directly with COSLA and North Ayrshire Council in considering allocating grant funding, to ensure that North Ayrshire Council receives its fair share of funding.

The UK Treasury's "broad shoulders" has meant that:

- (a) an additional £13.3 Billion had been delivered to support Scottish public services through the crisis. The UK Government's furlough and self-employment support schemes had protected more than 930,000 Scottish jobs while some £3.4 billion in loans had helped over 90,000 Scottish businesses;
- (b) funding has enabled the research and production of a number of vaccines which have enabled 2m Scots to be vaccinated – an amazing feat by scientists; and
- (c) a "Levelling up Fund" has been set up. This will enable structural funds to be distributed directly to Local Authorities - which would be devolution in its truest sense.

This last point was promoted by the Chancellor in the Budget when he announced the UK Government's "Levelling Up Fund" whereby over the next 4 years there will at least £800m available for investment, in the devolved nations, in local infrastructure that has a visible impact on people and their communities. This offers North Ayrshire Council a unique opportunity to fund regeneration and town centre investment.

Economic differences remain between different parts of the UK, including our cities, ex-industrial towns, and rural and coastal communities. These economic differences have real implications: they affect people's lives through their pay, work opportunities, health and life chances. Tackling these economic differences and driving prosperity as part of 'levelling up' left behind regions of the UK.

Bids are welcome for regeneration schemes and town centre investment to upgrade eyesore buildings and dated infrastructure, acquire and regenerate brownfield sites, invest in secure community infrastructure and crime reduction, bring public services and safe community spaces into town centres and improve the public realm including high streets.

Therefore, we move that the Council:

1. Regrets that local government continues to be at the forefront of Scottish Government austerity;
2. Instructs the Chief Executive to write to the Secretary of State for Scotland asking him if the UK government would consider dealing directly with COSLA and North Ayrshire Council in considering allocating grant funding, to ensure that North Ayrshire Council receives its fair share of funding;
3. Instructs the Chief Executive to submit a Bid to the Regeneration and Town Centre Investment Fund section of the "Levelling up Fund" which welcomes bids to upgrade eyesore buildings and dated infrastructure, acquire and regenerate brownfield sites, invest in secure community infrastructure and crime reduction, and bring public services and safe community spaces into towns, maintaining, regenerating, or creatively repurposing to improve the public realm; and
4. Requests that the local Members of Parliament supports any Bid that the Council makes."

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

As a further amendment, Councillor Cullinane, seconded by Councillor Bell, moved as follows:

"North Ayrshire Council notes the announcement of the UK Levelling Up Fund, the UK Community Renewal Fund and the Community Ownership Fund and welcomes the opportunities that these funds create, therefore, the Council supports the development and submission of bids to these funds. The Council further notes the benefit that support from Members of Parliament would bring to any project bids submitted by their local authorities and therefore instructs the Chief Executive to engage with North Ayrshire's MP's to seek their support for North Ayrshire Council bids."

In terms of Standing Order 14.5, Councillor Marshall expressed a willingness to withdraw the motion in favour of the amendment. Subject to the consent of his seconder, the amendment by Councillor Cullinane, seconded by Councillor Bell, would then become the substantive motion.

A number of points of order were raised by Members in respect of the following:

- the status of the amendment in the event of the original motion being withdrawn;
- whether the matter in its entirety should fall if the original motion were withdrawn;
- the order in which matters should be considered when an amendment involved the direct negative;

- whether the original motion could be withdrawn without the consent of the seconder; and
- whether the original motion, if withdrawn, could then be moved by another Member.

The Head of Democratic Services provided a preliminary response to the points of order raised. Thereafter, in terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.45 p.m., to allow Members to consider any further amendments and for officers to consider further the points of order which had been raised.

The meeting reconvened at 4.05 p.m. with the same Members and officers present and in attendance.

In terms of Standing Order 14.5, Councillor Cullinane, with the agreement of his seconder, agreed to withdraw his amendment in favour of a further amendment.

As a further amendment, Councillor Cullinane, seconded by Councillor Bell, moved as follows:

“North Ayrshire Council notes the announcement of the UK Levelling Up Fund, the UK Community Renewal Fund and the Community Ownership Fund and Council supports the development and submission of bids to these funds. The Council further notes the benefit that support from Members of Parliament would bring to any project bids submitted by their local authorities and therefore instructs the Chief Executive to engage with North Ayrshire’s MPs to seek their support for North Ayrshire Council bids.”

Thereafter, confirmation was sought, and received, from Councillor Ferguson, as seconder of the original motion, that he did not consent to its withdrawal in terms of Standing Order 14.5.

In terms of Standing Order 14.5, Councillor Hill, with the agreement of his seconder, agreed to withdraw his amendment.

There followed summing up.

Thereafter, on a division and roll call vote, there voted, Councillors Murdoch and Donald L. Reid abstaining, for the amendment by Councillor Cullinane, seconded by Councillor Bell, Councillors Bell, Brahim, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan, Miller, Montgomerie, Donald Reid and Sweeney (21) and for the motion by Councillor Marshall, seconded by Councillor Ferguson, Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol and Stephen (9), and the amendment was declared carried.

Accordingly, the Council agreed as follows:

“North Ayrshire Council notes the announcement of the UK Levelling Up Fund, the UK Community Renewal Fund and the Community Ownership Fund and Council supports the development and submission of bids to these funds. The Council further notes the benefit that support from Members of Parliament would bring to any project bids submitted by their local authorities and therefore instructs the Chief Executive to engage with North Ayrshire’s MPs to seek their support for North Ayrshire Council bids.”

The meeting ended at 4.15 p.m.