

North Ayrshire Council
9 June 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, 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 and R. Arthur, Head of Service (Connected Communities) (Communities and Education); C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); M. Boyd, Head of Service; (Finance), F. Walker, Head of Service (People and ICT), A. Fraser, Head of Service, A. Craig, Senior Manager (Legal Services), M. McColm, Senior Manager (Communications), H. Clancy, A. Little, D. McCaw and C. Stewart, 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.

2. Apologies

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

3. Declarations of Interest

There were no declarations of interest in terms of Standing Order 10 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

4. Previous Minutes

The accuracy of the Minutes of the Ordinary Meeting held on 31 March 2021 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

5. Provost's Report

Submitted report by the Provost for the period from 22 March – 30 May 2021.

The Provost highlighted the following elements of his written report:

- events on 23 March 2021 to pay tribute to those who had lost their lives during the pandemic;
- the recent passing of Prince Philip the Duke of Edinburgh and the legacy of his Awards scheme;
- attendance at online Irvine Burns Club events, as well as the recording of a special message to mark the day of John Galt's birth;
- the ground-breaking ceremony held on 20 May 2021 to mark the beginning of the construction phase in the refurbishment of Marress House in Irvine as a new Early Years Centre and professional learning and development facility; and
- participation in the (online) opening session of the General Assembly of the Church of Scotland on 22 May 2021

On behalf of the Council, the Provost also took the opportunity to extend his very best wishes to Ruth Maguire MSP, who was receiving treatment for cancer, and to Councillor Scott Davidson, who had been unwell.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 22 March – 30 May 2021.

The Leader took the opportunity to offer his own best wishes to Ruth Maguire MSP and Councillor Scott Davidson for a good recovery from their respective illnesses.

Noted.

7. Council Minute Volume

Submitted for noting and for approval of recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 29 January 2020 – 1 June 2021.

The Council unanimously agreed to (a) the recommendation of the Police and Fire and Rescue Committee held on 17 May 2021 to approve the Local Policing Plan 2021-23; and (b) otherwise note the content of the Minute Volume.

8. Committee Appointment

In terms of Standing Order 7.2, the Council was invited to note the appointment of Councillor Davina McTiernan to the Audit and Scrutiny Committee as a Member of the main Opposition Group, following the resignation of Joy Brahim as an Elected Member.

Members asked a question, and received clarification from the Head of Democratic Services, on the position with regard to a political group appointment where an appointee became a member of a different political party.

Noted.

9. Elected Member Attendance

Submitted report by the Head of Democratic Services on the circumstances surrounding the non-attendance of an Elected Member and the relevant provisions within the Local Government (Scotland) Act 1973 and the Standing Orders Relating to Meetings and Proceedings of the Council and its Committees.

Members asked questions, and received clarification from the Head of Democratic Services, on the following:

- whether Councillor Davidson's absence was likely to result in quorum issues for any of the committees on which he served; and
- Elected Member attendance levels at meetings of the Kilwinning Locality Partnership and the implications for decision-making on grant applications

The Head of Democratic Services undertook to provide further guidance to relevant Elected Members on the issues raised with regard to the Kilwinning Locality Partnership.

On behalf of the Conservative and Unionist Group, Councillor Ferguson took the opportunity to echo the earlier comments of the Provost and Leader in wishing Councillor Davidson a full recovery.

The Council unanimously agreed as follows:

- (a) to note (i) the exceptional circumstances surrounding Councillor Scott Davidson's non-attendance at any meeting of the Council, Committee, Joint Committee, Joint Board or other body as representative of the Council since the Council meeting on 4 March 2021 and (ii) the likelihood that Councillor Davidson's absence may extend beyond the six-month period; and
- (b) that (i) in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, Councillor Davidson failure to attend was due to a reason approved by the Council and (ii) if required, a further update would be submitted to the December 2021 meeting of the Council.

10. Family Leave for Councillors

Submitted report by the Chief Executive on a proposed scheme for family leave for councillors, and ancillary changes required to bring this into effect. Family Leave Guidance endorsed by the Convention of Scottish Local Authorities (COSLA) was attached as Appendix 1 to the report. Appendix 2 set out the proposed changes to the Council's Guidance on Members' Salaries, Allowances and Expenses.

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

Accordingly, the Council agreed as follows:

- (a) to introduce Family Leave for Councillors on the terms set out in Appendix 2 to the report;
- (b) that in terms of Standing Orders and section 35 of the Local Government (Scotland) Act 1973, failure to attend meetings while on Family Leave be deemed a reason approved by the Council; and
- (c) to amend section 2, paragraph 3(u) of the Scheme of Administration and paragraph 7.2 of the Standing Orders for Meetings to allow Political Groups to appoint a replacement Senior Councillor during the absence of a Senior Councillor on Family Leave, as set out in Sections 2.7 and 2.8 of the report.

11. Review of Libraries, Halls and Community Centres and Development of Community Hubs

Submitted report by the Executive Director (Communities and Education) on proposals regarding the future delivery of library services and community facilities in a community hub model. An analysis of the consultation was provided at Appendix 1 and Appendix 2 set out the proposals for each building.

It was noted that a typographical error at Section 2.30 of the report referred to 'three' libraries whose buildings would be retained, rather than 'four'.

On a point of order, advice was sought and received from the Head of Democratic Services on the proper time for questions and whether Members had the opportunity to ask questions of clarification on the report.

Members expressed their appreciation of the extensive consultation work undertaken and asked questions of clarification of the Executive Director (Communities and Education) on the following:

- the scope of the report in covering library, hall and community centre provision;
- the range of community activities taking place in Dalry Community Centre and whether the facility was still available to book for private events;
- the action which would be taken by officers in the event of there being no expressions of interest in community asset transfer or lease of Brodick Hall;
- feedback received in respect of the consultation exercise and the opportunity to learn lessons from it;
- any additional costs which had been incurred in carrying out the consultation work;
- the support which would be provided to ensure the continued delivery of services in the Towerlands area within the buildings proposed; and
- whether further background information might have been provided at Section 2 of the report to set out the context for the initial review

The Executive Director (Communities and Education) undertook to liaise with Councillor Barr with regard to any confusion around the use of Dalry Community Centre for a variety of community purposes.

Councillor Cullinane, seconded by Councillor McPhater, moved approval of the recommendations set out in the report. As an amendment, Councillor Billings, seconded by Councillor Marshall, moved approval of the recommendations set out in the report, subject to the addition of the following:

- “(c) reviews the criticisms and comments received from respondents regarding the consultation process and reports back to the Council on how future consultation will address the issues raised.”

At the request of the Leader of the Council, and in terms of Standing 14.5, the mover and seconder of the amendment agreed to alter the wording of their amendment to replace the words “criticisms and comments” with “feedback.”

In terms of Standing Order 14.5, the mover and seconder of the motion then agreed to amend their motion to incorporate the terms of the amendment, as revised. There being no other amendment, the motion, as revised, was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note the outcome of the public consultation;
- (b) to approve the proposals detailed in Appendix 2 to the report; and
- (c) to review the feedback received from respondents regarding the consultation process and report back to the Council on how future consultation would address the issues raised.

12. Compulsory Purchase - Flat Ground East, 99 Nelson Street, Largs

Submitted report by the Head of Democratic Services on the proposed compulsory purchase of flat ground floor east, 99 Nelson Street, Largs, being a house and/or land required to provide housing accommodation in Largs.

Members welcomed the report and expressed appreciation of the work being done at this location. Members then asked a question and received clarification on the legal process given that the owner of the property was deceased.

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

Accordingly, the Council agreed to make the following resolution:

"That North Ayrshire Council resolves in exercise of the powers conferred by Sections 9 and 10 of the Housing (Scotland) Act 1987 and in accordance with the provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 to make a compulsory purchase order to be called "The North Ayrshire Council (Flat Ground East, 99 Nelson Street, Largs) Compulsory Purchase Order 2021" to purchase compulsorily ALL and Whole the ground floor east flat in the tenement known as 99 Nelson Street, Largs, KA30 9JF registered in the Land Register of Scotland under Title Number AYR46847 being property which is required to provide suitable housing accommodation in Largs, authorise and instruct a Proper Officer of the Council to sign the Order and Plan on behalf of the Council; affix thereto the Common Seal of the Council; submit the Order and Plan to the Scottish Ministers for confirmation; give the appropriate notice to the owners and occupiers of the subjects, insert the appropriate notice in the local press and certify to the Scottish Ministers that the subjects (a) do not belong to the local authority, (b) have not been acquired by statutory undertakers for the purposes of the undertaking, (c) do not form part of a common or open space (d) are not held inalienably by the National Trust for Scotland; and (e) are not listed as being of special historical or architectural interest under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and take all steps necessary to complete the compulsory purchase procedures".

13. Questions

In terms of Standing Order 12, submitted:

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

"How many North Ayrshire Council contracts are let with British Gas?"

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

"On examination of corporate procurement records there are currently no active contracts in place with British Gas. We currently use the Scottish Government framework for gas and electricity with the gas supply contract through Total Gas and Power and the electricity contract through EDF Energy."

As a supplementary question, Councillor Gurney made reference to the involvement of British Gas in a 'fire and re-hire' policy and asked if, in light of this, the Administration would give a commitment to use all of the powers within its procurement rules to 'mark down' any future submissions from British Gas.

Councillor Cullinane responded by advising that, in considering tenders, the Council already scored 'fair work' in the broad sense, and expressed the view that scoring for any future bids for this type of contract would take into account relevant issues such as 'fire and re-hire'.

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

"Can the Cabinet Member confirm the position with regard to Early years provision at the new Lockhart Campus?"

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

"The new Lockhart Campus, which will open for children and young people in August 2021, has been designed to meet the complex and significant additional support needs of children and young people in North Ayrshire. It has been built and designed to accommodate approximately 200 children and can cater for children from the age of 3 to 18.

At the start of every new school session, we consider the children and young people who will be in receipt of our services. This includes pre-school children. Working with our partner agencies, we review assessments and other information, carry out observations and hold planning meetings which involve parents and carers. The plans include the additional support required to enable a child or young person to access the service. For some this will be accessing a specialist resource of which there are several in our schools as well as in the new campus.

Presently, from August 2021, 203 children aged 5 to 18+ will attend the campus following appropriate assessment and planning having taken place.

For the forthcoming session, through the above individual assessments, our local early years centres and classes can meet the needs of the children beginning this stage of their education. Further information about the recent development of early years provision is included below.

The Lockhart campus can and will continue to be able to accommodate early years children who are assessed as requiring to access this facility in the future and this will continue to be determined on an individual basis as at present.”

As a supplementary question, Councillor Larsen made reference to the case of one of her constituents whose two-year-old daughter had been offered only mainstream early years placements, when Lockhart Campus should be in a position to offer 2-18 provision. Councillor Larsen asked on whose authority officers had changed the 2017 Cabinet decision on ASN early years provision and requested that the Cabinet Member look into this issue with a view to providing a solution.

Councillor Bell responded by confirming that each child was assessed on their individual needs and that having additional support needs did not automatically mean a child should go to Lockhart Campus. The Cabinet Member suggested that the aim should be to provide the best setting for children within their own community and referred to the significant investment made in upskilling staff in early years provision across North Ayrshire.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.35 p.m. for a short comfort break, reconvening at 3.45 p.m. with the same Members and officers present and in attendance.

- (3) a question by Councillor McClung to the Cabinet Member for Participatory Democracy in the following terms:

"Having been approached by a number of constituents who had been unaware of the recently-held Consultation on Halls and Libraries I would like to ask the Cabinet Member for Participatory Democracy what steps were taken to ensure that the residents of Saltcoats knew this consultation was taking place, and what measures were employed to make it viable for interested parties to contribute their views, given that a large number of those who may have wished to do so do not have internet access, or the technical wherewithal to give responses other than in writing."

Councillor McClung intimated that she wished to withdraw the question, as it had been addressed as part of Agenda Item 10 (Review of Libraries, Halls and Community Centres and Development of Community Hubs).

- (4) a question by Councillor Billings to the Leader of the Opposition in the following terms:

"South Ayrshire Council's Siobhian Brown and East Ayrshire Council's Elena Whitham were elected to the Scottish Parliament last month. Both have decided to remain as serving councillors. The Daily Record of 19 May 2021 states that Ms. Brown insisted the cost of a by-election to the public purse made any such move prohibitive. She is quoted as saying: "A by-election (in normal times) has a cost of around £45,000 to the public purse and three-month notice period." "After careful consideration, it is my intention to stand down from my current portfolio but remain as a councillor serving the constituents of Ayr West until the local government elections in May 2022."

Subsequently Councillor Joy Brahim, SNP councillor for Dalry and West Kilbride resigned her post of councillor stating that her work base has moved to Edinburgh. This will trigger a North Ayrshire Council by-election, presumably at similar cost to the public purse as that quoted by Siobhian Brown MSP, followed by another election in May 2022. As Leader of the Opposition, did Councillor Burns try to persuade Councillor Brahim to see out the remainder of her term to avoid the cost to the public purse of a by-election. Can Councillor Burns cast any light on whether this was a consideration in Councillor Brahim's decision?"

In response to a point of order, the Head of Democratic Services confirmed the competence of the question.

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

“Joy Brahim is a young woman whose personal circumstances have changed for reasons that I’m not prepared to go into here because, quite frankly, it’s none of Councillor Billings’ business. I have no doubt that in considering all her options she weighed the implications both for her and for her constituents and that she made what she believed to be the right decision. In those circumstances, it’s not for me to put pressure on her, it’s not the way I operate. Perhaps Councillor Billings’ group operates in that way so Councillor Brahim should be grateful she was in the SNP Group.”

(5) a question by Councillor Murdoch to the Cabinet Member for Post-Covid Renewal/the Islands in the following terms:

"Can the Portfolio Holder for Islands please give exact details of what Shore Based Street Furniture, Footway and Lighting improvements will be provided over and above the Scottish Governments Funding of the Millport Flood Defence and how will it be funded?"

In terms of his Cabinet portfolio, Councillor Montgomerie thanked the Member for his question and responded in the following terms:

“The latest public consultation in relation to the Millport Coastal Flood Protection Scheme has just been completed. This consultation included a comprehensive update on the project including the landscape and heritage aspects and sought community feedback regarding choice of material colour and finish for aspects of the scheme.

The exact details and funding package for shore-based street furniture, footway and lighting improvements will therefore be confirmed once all consultation feedback is gathered and prior to the construction procurement exercise which is scheduled to take place early next year. The £27m funding already allocated to the scheme includes provision for public realm elements which form part of the flood defence measures however there is an opportunity to attract external grant funding, for example via the Heritage Lottery Fund, which is being actively explored for complementary improvements.”

As a supplementary question, Councillor Murdoch asked for an assurance that any street furniture, lighting or surface improvements which were not part of the flood defence scheme budget would be provided by the Council regardless of how it was funded.

Councillor Montgomerie responded by referring to the Ayrshire Growth Deal funding already in place for ‘step ashore’ facilities, advising that this would also contribute to the wider redevelopment of the landside areas.

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

“Can the Leader of the Council please provide details of how North Ayrshire Council will finance the future maintenance of the Maritime Mile/Great Harbour project?”

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

“Cabinet recently approved proposals for investment in the Maritime Mile project at Irvine Harbourside. These proposals are at concept stage.

While these concept plans and the outline business case process have allowed significant levels of funding to be secured through the Ayrshire Growth Deal, more detailed proposals are yet to be developed and these are required to allow analysis of ongoing maintenance costs. The further development of proposals will also require a programme of public engagement.

Ongoing maintenance implications will therefore be considered at the more detailed full business case stage.

It should be recognised that the area is currently maintained by the Council and therefore not all costs will be additional.”

As a supplementary question, Councillor Murdoch referred to the grounds maintenance cuts experienced across all wards in recent years and asked whether Councillor Cullinane would support a low maintenance design for the development to avoid it falling into disrepair in future years.

Councillor Cullinane prefaced his response by expressing a hope that local government funding would be put on a more even keel in future. The Leader assured Councillor Murdoch that the Council would undertake public engagement on the Maritime Mile and the Great Harbour project and support a design concept which delivered on the wishes of the people of Irvine and the wider North Ayrshire communities.

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

“Can the Leader of the Council please provide details of any current and future North Ayrshire Council initiatives to generate general income?”

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

“North Ayrshire Council currently generates around £7million annually from a range of external fees and charges. In recognition of the ongoing impact of the pandemic on citizens and businesses, at the Budget meeting of 4 March 2021, Council chose to freeze fees and charges at 2020/21 levels and not apply the 5% inflationary increase which had previously been planned before the pandemic impacted our lives. With that said however, the Council continues to explore and develop areas of income generation and has a well-established commitment to maximising the use of its assets, including for the generation of income, as part of our Community Wealth Building Strategy published in May last year. Officers are continuing to progress existing initiatives and develop new business cases with a particular focus on those which can contribute to the recovery phase of the pandemic.

Some examples of the Council’s current initiatives in relation to the generation of income include:

- Renewable energy from the recently approved solar PV Farm at Nethermans former landfill site
- Catering
- Cleaning
- Commercial Waste
- Property related initiatives
- Grounds maintenance
- Car parking charges as part of the agreed implementation of Decriminalised Parking Enforcement.

Furthermore, a report will be considered by Cabinet later this month to provide an update on the Council’s proposed roundabout advertising pilot which had been delayed due to Covid but will now progress, as well as details of a further Grounds Maintenance related income generation project.”

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

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

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

“In September 2019, full Council agreed that an application seeking the introduction of Decriminalised Parking Enforcement (DPE) across the North Ayrshire Council area should be prepared and submitted to Scottish Government.

A draft DPE application was thereafter submitted to Transport Scotland for assessment in March 2020. Progress of our application has been significantly delayed due to the ongoing pandemic. As a result, we do not anticipate approval of the application and subsequent implementation of DPE in North Ayrshire this Council term."

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

"Can the Leader of the Council please provide an update on the motion to write to the HSE and MAIB regarding an investigation into the incident at Hunterston Parc Jetty on 2nd February 2021?"

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

"The resolution agreed at the Council meeting on 31 March 2021 was as follows:

"North Ayrshire Council calls on the Marine Accident Investigation Branch (MAIB)/Health and Safety Executive (HSE) 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 and 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."

The Head of Democratic Services emailed all Members on 23 April to update us on the responses received from the Health and Safety Executive (HSE) and the Marine Accident Investigation Board (MAIB). He subsequently confirmed to Councillor Murdoch that he could share this response more widely should he so wish. In summary, the position as previously detailed to Members, remains:

- Both MAIB and the Maritime and Coastguard Agency (MCA) have clarified that of the two vessels concerned only DS4 broke free from its secure attachment to the jetty and was then held by its anchor, which had been pre-deployed as a mitigation measure for such an event. DS8 remained alongside the jetty, albeit with tug assistance, so at no point was either vessel 'adrift'.
- The port operators, Peel Ports, have completed their investigation and have forwarded a copy of their report to MAIB. The vessel's Flag State, the Republic of the Marshall Islands (RMI) has commenced an independent safety investigation into the incident, with the aim of learning lessons to help prevent a re-occurrence. The UK is declared as a Substantially Interested State in that investigation, and MAIB Inspectors are working closely with and supporting the RMI.
- MAIB will not carry out its own investigation of this incident. However, in addition to supporting the RMI investigation they will review its investigation report when available. Based on its findings they reserve the right, if necessary, to issue a Chief Inspector's letter and recommendations to any parties whose action or inaction may have contributed to the incident.

- The MCA has confirmed that the vessels do not meet the definition of ‘permanently moored’ and that the MCA, rather than the HSE will take the lead for enforcement of health, safety and welfare provisions on board. The MCA has inspected the vessels. It is understood that enforcement action was taken by the MCA to address specific health, safety and welfare issues on board both ships.
- HSE does not intend to investigate this incident further.”

As a supplementary question, Councillor Murdoch referred to ongoing noise and emissions complaints by local residents and asked whether the Council could take any action to address these.

Councillor Cullinane responded by suggesting that if there were any scope to take action, then officers would already have advised of this.

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

“Will the Leader inform Members of the number of all incidents recorded by Operators of North Ayrshire CCTV service in the financial year 2020/21? The numbers to include responses to contact from North Ayrshire Shopkeepers by Radiolink, observation/review requests by Police Scotland to monitor and record an incident they are attending.”

Councillor Cullinane thanked the Member for his question and responded by citing the undernoted figures and making reference to the associated commentary in the following written response:

Question	Figure	Comment
The number of all incidents recorded by Operators of North Ayrshire CCTV service in the financial year 2020/21	5249	This figure represents the number of times cameras are used to support the actions below. It is high as one incident can be spread across a number of cameras and the CCTV will follow the incident and support Police Scotland either in their response or evidence collection
Responses to contact from North Ayrshire Shopkeepers by Radiolink,	3907	We do not record the exact number of incidents relating to the Shoplink as much of the reporting is between local shopkeepers making each other aware of known local offenders in the area. This figure includes the reports from the Shoplink transmissions passed to Locality Police Officers where there is a confirmed crime has taken place and the requests made via the Police Radio Airwave from the Glasgow Control Room.

Further evidence Review Requests by Police Scotland to monitor and record an incident they are attending	258	These reviews are carried out by investigating officers looking into enquiries (CID etc)
Disclosure Produced for Police Scotland to be used as evidence of Crime and Antisocial behaviour	185	These are the images of crime and antisocial behaviour which Police Scotland can present in court as evidence.

As a supplementary question, Councillor McNicol asked whether cameras were monitored by operators on a 24/7 basis and sought information on the number of operators on duty at any time and any other duties operators might have.

Councillor Cullinane responded by advising that he did not have the relevant details available but would liaise with the Executive Director (Place) to ensure that the requested information was made available to all Members.

14. Motions

In terms of Standing Order 13, submitted:

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

"North Ayrshire Council has had a long tradition of being at the forefront of resettlement programmes when they have been introduced and it is only right that the Council should extend the hand of friendship to those wishing to relocate from Hong Kong to the United Kingdom as part of the Hong Kong British Nationals (Overseas) Integration Programme. Since the programme was announced by the U.K. Government there have been 34,300 applications, with 7,200 visas having been granted so far.

The Hong Kong British Nationals (Overseas) Integration Programme has been implemented to ensure that status holders can receive access to housing, work, and educational support to enable them to quickly integrate and contribute to their newfound communities.

As these areas covered by the funding support remain the responsibility of the devolved administrations £5.8m has been made available to the devolved administrations through the Barnett formula to support councils in Scotland, Wales, and Northern Ireland.

Additionally, there is a further £5m which will be used to establish 12 virtual welcome hubs across the United Kingdom to facilitate support and provide practical advice and assistance to Hong Kong BN(O)'s applying for school places, registering with GPs, and setting up businesses.

The hubs will collaborate with local authorities and voluntary, community and social enterprise (VCSE) groups to provide face-to-face support where needed, while resources will be made available to local authorities, including FAQs and lessons learned from other integration programmes to share best practice from across the UK.

The move delivers on the UK's historic and moral commitment to the people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status after the handover in 1997 and provides them with a pathway to live in the UK should they choose to do so.

BN(O) status holders have had their rights and freedoms restricted by the National Security Legislation imposed by the Chinese government in July 2020 and the UK Government believes it is right to change the entitlements in the UK which are attached to their status.

Therefore, we move that the Council:

1. Agrees to work with the United Kingdom Government to ensure the successful delivery of the Hong Kong BN(O) Integration Programme by committing to work with UK Government officials to support Hong Kong BN(O) residents in coming to North Ayrshire.
2. Agrees that a report is brought to Cabinet detailing the up-to-date position on U.K. Government proposals outlining the support which the Council can provide to Hong Kong BN(O) visa applicants.
3. Agrees that the report should include information detailing how North Ayrshire Council can become the directing Council for the virtual hub in Scotland and investigate access to funding streams to support Hong Kong BN(O) residents who take the opportunity to make Scotland their new home."

As an amendment, Councillor Burns, seconded by Councillor Larsen, moved as follows:

"North Ayrshire Council welcomes those wishing to relocate from Hong Kong to the United Kingdom as part of the Hong Kong British Nationals (Overseas) Integration Programme. Since the programme was announced by the U.K. Government there have been 34,300 applications, with 7,200 visas having been granted so far. Council also welcomes those refugees and asylum seekers, fleeing from danger and life-threatening situations, who have not been so warmly received by this UK Government.

The UK Government cites a historic and moral commitment to the people of Hong Kong but seeks to avoid its legal and moral responsibility to other refugees and asylum seekers by creating a deliberately hostile environment intended to scare away those who might seek help on our shores.

The Hong Kong British Nationals (Overseas) Integration Programme has been implemented to ensure that status holders can receive access to housing, work, and educational support to enable them to quickly integrate and contribute to their newfound communities. Other refugees and asylum seekers must also be given clear pathways to secure immigration status and to access support.

Council therefore instructs that:

1. A report is brought to Cabinet detailing the up-to-date position on U.K. Government proposals outlining the support which the Council can provide to Hong Kong BN(O) visa applicants.
2. The Chief Executive writes to Home Secretary Priti Patel stating our opposition to her proposed “New Plan for Immigration,” condemned by almost 200 organisations as vague, unworkable, cruel and potentially unlawful.”

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment, Councillors Bell, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan, Miller, Montgomerie, Murdoch, Donald Reid and Sweeney (21), and for the motion, Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Donald L. Reid and Stephen (10), and the amendment was declared carried.

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

“That North Ayrshire Council expresses concern:

- a. at the abject failure of Cal Mac to operate an efficient and dependable ferry service to the island of Arran resulting in inconvenience to residents, substantial disruption to the holiday trade and the loss of business to the island estimated by the Arran Recovery Group to exceed £2.7m caused by the removal of the Isle of Arran to cover routes elsewhere in Scotland
- b. at the failure to ensure adequate backup for the repeated breakdowns of the 17-year-old Loch Shira which serves Cumbrae
- c. at the lack of effective consultation with islanders regarding the new Glen Sannox resulting in building one ship that is too long (102m) for the quayside at Ardrossan, the consequence of which is greatly increased infrastructure costs
- d. over the lack of decisions regarding the new infrastructure required at Ardrossan resulting in the temporary movement of the ferry service to Troon and the possibility of the ferry service not returning to Ardrossan

- e. regarding the failure of Cal Mac to charter replacement vessels for example the Pentalina which operates in the Pentland Firth and which is available or alternatively approach shipbrokers who have a number of vessels which may suit
- f. the lack of competition in the provision of Ferry services due to the Scottish Government and CMAL and Cal Mac variously owning the shipyard, ferry routes and ferries resulting in an unacceptable standard of service provision. due to the control that the Scottish Government exerts over the provision of ferry services

and agrees to instruct the Chief Executive to write to Mr Matheson, Transport Minister and Mr Dey, Ferries Minister expressing these concerns and requesting a Meeting between them and the Island Members.”

As an amendment, Councillor Cullinane, seconded by Councillor Gallagher moved as follows:

“That North Ayrshire Council expresses concern

- a. at the abject failure of the Scottish Government, and its associated bodies, to operate an efficient and dependable ferry service to the island of Arran resulting in inconvenience to residents, substantial disruption to the holiday trade and the loss of business to the island estimated by the Arran Recovery Group to exceed £2.7m caused by the removal of the Isle of Arran to cover routes elsewhere in Scotland
- b. at the failure to ensure adequate backup for the repeated breakdowns of the 17-year-old Loch Shira which serves Cumbrae
- c. at the lack of effective consultation with islanders regarding future vessel requirements, including the decision to build one ship, the Glen Sannox, which the island was assured was being built specifically for operation between Ardrossan and Brodick but which is now deemed to provide a less reliable ferry service without additional works to the infrastructure at Ardrossan Harbour, resulting in increased costs to the project
- d. over the continued failure of Transport Scotland and Scottish Ministers to make decisions regarding the new infrastructure required at Ardrossan Harbour which has resulted in considerable delays to the project which now mean that, subject to there being no further delays in the construction of the ship, the Glen Sannox will be on the route before the work at Ardrossan Harbour can possibly be completed, resulting in a temporary relocation of the ferry service to Troon during the construction period
- e. that to date, legal agreements between Transport Scotland and Peel Ports, and the subsequent agreements between Transport Scotland and North Ayrshire Council that are to follow, remain unsigned with no date set for signing them off

and agrees

- a. to instruct the Chief Executive to follow up the recent letter to the Cabinet Secretary for Transport, Michael Matheson MSP, sent in late May, that requested an urgent meeting of the Ardrossan Taskforce be convened to consider a paper on the redevelopment of Ardrossan Harbour, to express the support of full council for that request and to call on Transport Scotland and Scottish Ministers to finalise the legal agreements between all interested parties as a matter of urgency
- b. to include in that letter a request that the Cabinet Secretary for Transport, The Transport Minister with responsibility for ferries and the Cabinet Secretary for Islands, all attend a summit with island groups, businesses and public bodies to discuss the need for a reliable ferry service to serve the Island's needs
- c. to remind Scottish Ministers that following a robust appraisal process in 2016-17, Ardrossan to Brodick was the clear preferred route for the ferry service
- d. not to rule out recommencing the "Keep it A to B" campaign should Transport Scotland and Scottish Ministers continue to delay finalising the agreements for the Ardrossan Harbour works, which raises concerns over the long-term future of the ferry service"

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

"North Ayrshire Council notes the lack of progress by all parties in advancing the Clyde ferry routes. Our concerns include:

- the failure of Cal Mac to operate an efficient and dependable ferry service to the island of Arran resulting in inconvenience to residents, substantial disruption to the holiday trade and the loss of business to the island
- the failure to ensure adequate backup for the repeated breakdowns of the 17-year-old Loch Shira which serves Cumbrae
- our disappointment at the specification for the new Glen Sannox and the concomitant alteration works required at Ardrossan Harbour
- the delay regarding the new infrastructure required at Ardrossan resulting in the temporary movement of the ferry service to Troon

Recognising that these are problems that will be solved only by effective partnership working amongst all the parties, Council instructs the Chief Executive to write to the Chief Executives of Peel Ports, CalMac and Transport Scotland as well as the Scottish Transport Minister expressing these frustrations, impressing upon them the gravity of the situation and making clear that the Council, and in particular the Members representing the island communities, stand ready to meet in order to progress the situation.”

On a point of order, Councillor Ferguson objected to Councillor Gurney’s use of the term “Tories” in the preamble to his motion, on the basis that the language was derogatory. In terms of Standing Order 5.7, the Provost advised that Members in future were recommended to use the term “Conservative” or “Conservative and Unionist.”

Members then debated the motion and amendments.

On a point of order, Councillor Hill queried whether, Councillor Ferguson, having briefly spoken to his motion, could speak again during debate. On the advice of the Head of Democratic Services and in terms of Standing Order 15.7, the Provost permitted Councillor Ferguson to speak if he wished.

Following debate, the movers of the amendments and the motion summed up.

On a division and roll call vote, there voted for the amendment by Councillor Cullinane, seconded by Councillor Gallagher, Councillors Bell, Burns, Clarkson, Cullinane, Dickson, Easdale, Foster, Gallagher, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan, Miller, Montgomerie, Murdoch, 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, Donald L. Reid and Stephen (10), and the amendment became the substantive motion.

On a further division and roll call vote, there voted for the further amendment by Councillor Gurney, seconded by Councillor McTiernan, Councillors Burns, Dickson, Gurney, Hill, Larsen, Macaulay, McClung and McTiernan (8), and for the substantive motion by Councillor Cullinane, seconded by Councillor Gallagher, Councillors Barr, Bell, Billings, Clarkson, Cullinane, Easdale, Ferguson, Foster, Gallacher, Gallagher, George, Glover, Marshall, McMaster, McNicol, McPhater, Miller, Montgomerie, Murdoch, Donald Reid, Donald L. Reid, Stephen and Sweeney (23), and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

“That North Ayrshire Council expresses concern

- a. at the abject failure of the Scottish Government, and its associated bodies, to operate an efficient and dependable ferry service to the island of Arran resulting in inconvenience to residents, substantial disruption to the holiday trade and the loss of business to the island estimated by the Arran Recovery Group to exceed £2.7m caused by the removal of the Isle of Arran to cover routes elsewhere in Scotland
- b. at the failure to ensure adequate backup for the repeated breakdowns of the 17-year-old Loch Shira which serves Cumbrae
- c. at the lack of effective consultation with islanders regarding future vessel requirements, including the decision to build one ship, the Glen Sannox, which the island was assured was being built specifically for operation between Ardrossan and Brodick but which is now deemed to provide a less reliable ferry service without additional works to the infrastructure at Ardrossan Harbour, resulting in increased costs to the project
- d. over the continued failure of Transport Scotland and Scottish Ministers to make decisions regarding the new infrastructure required at Ardrossan Harbour which has resulted in considerable delays to the project which now mean that, subject to there being no further delays in the construction of the ship, the Glen Sannox will be on the route before the work at Ardrossan Harbour can possibly be completed, resulting in a temporary relocation of the ferry service to Troon during the construction period
- e. that to date, legal agreements between Transport Scotland and Peel Ports, and the subsequent agreements between Transport Scotland and North Ayrshire Council that are to follow, remain unsigned with no date set for signing them off

and agrees

- a. to instruct the Chief Executive to follow up the recent letter to the Cabinet Secretary for Transport, Michael Matheson MSP, sent in late May, that requested an urgent meeting of the Ardrossan Taskforce be convened to consider a paper on the redevelopment of Ardrossan Harbour, to express the support of full council for that request and to call on Transport Scotland and Scottish Ministers to finalise the legal agreements between all interested parties as a matter of urgency
- b. to include in that letter a request that the Cabinet Secretary for Transport, The Transport Minister with responsibility for ferries and the Cabinet Secretary for Islands, all attend a summit with island groups, businesses and public bodies to discuss the need for a reliable ferry service to serve the Island's needs

- c. to remind Scottish Ministers that following a robust appraisal process in 2016-17, Ardrossan to Brodick was the clear preferred route for the ferry service
- d. not to rule out recommencing the “Keep it A to B” campaign should Transport Scotland and Scottish Ministers continue to delay finalising the agreements for the Ardrossan Harbour works, which raises concerns over the long-term future of the ferry service”

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 5.25 p.m. for a short comfort break, reconvening at 5.35 p.m. with the same Members and officers present and in attendance.

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

“Formal exams for Senior Scottish pupils have been cancelled for the second year in a row in December 2020. The replacement system is called the Alternative Certification Model. The process raises serious concerns over the latest reports of the 2021 SQA examination process, in particular, its assessment and awards process, which has been reported as an ‘unfolding debacle’ by the author of the review into the 2020 SQA exam diet.

We note with concern that:

- a. The Scottish Qualification Authority (SQA) unexpectedly announced a series of smaller exams for every subject, following the cancellation of exams 2020-21.
- b. This has led to schools, including those in North Ayrshire Council, having to create complex timetables to cover the smaller exam diet announced by the SQA.
- c. This raises further concerns that some of the papers have been leaked online and with schools operating differing timetables, exam content has been placed on social media such as TikTok

We move that the Council agrees to write to the Education Secretary to ask what the Scottish Government’s response is to these growing concerns and to seek reassurance that North Ayrshire pupils will not be disadvantaged as a result of the SQA requiring the completion of these exams, following the cancellation of the 2021 Higher level exam diet by the Deputy First Minister in December 2020.”

As an amendment, Councillor Macaulay, seconded by Councillor McClung, moved as follows:

“Formal exams for Senior Scottish pupils have been cancelled for the second year in a row in December 2020. The replacement system is called the Alternative Certification Model (ACM) The council notes that the ACM was designed by National Qualifications Group 2021 (NQG) whose members included EIS teaching Union, Scottish Youth Parliament, and the National Parent Forum of Scotland.

The Council notes:

- a. The Cabinet Secretary for Education has confirmed professional judgement will be exercised by teachers and lecturers to determine learners’ grades. Those grades will not be overturned by SQA unless an administrative error is discovered
- b. Learners will have the right to a free appeal
- c. The announcement from the Cabinet Secretary for Education regarding the reform of the SQA and Education Scotland to further improve Scottish Education
- d. Concerns that some of the papers have been allegedly leaked online and with schools operating different timetables, exam content has been placed on social media such as TikTok. And ask that any evidence of this occurring in North Ayrshire is raised as a matter of concern immediately
- e. Teachers and support staff have gone to extraordinary efforts this year to ensure the safety and wellbeing of pupils, and also continuing to educate and support children and young people’s learning in unprecedented circumstances.

We move that the Council agrees to write to the Education Secretary to seek reassurance that North Ayrshire pupils will not be disadvantaged as a result of the SQA requiring the completion of this ACM, following the cancellation of the 2021 Higher level exam diet by the Deputy First Minister in December 2020.”

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

“Following the scandal of last year’s grading system which, before a Government u-turn, unfairly penalised working class pupils because of their background, and as a result of the continued impact of the pandemic on young people’s education, the former Cabinet Secretary for Education, John Swinney MSP, announced on 8th December 2020 that the 2021 exam would be cancelled. In his announcement Mr Swinney stated;

“I will not stake the future of our Higher pupils – whether they get a place at college, university, training or work – on a lottery of whether their school was hit by Covid.

“Exams cannot account for differential loss of learning and could lead to unfair results for our poorest pupils.

“This could lead to pupils’ futures being blighted through no fault of their own.

“That is simply not fair.”

Mr Swinney announced that grades would instead be awarded based on teacher assessments of classroom work throughout the year saying, *“This is safe. It is fair.”*

Council therefore notes with concern that:

- a. The Scottish Qualification Authority (SQA) unexpectedly announced a series of “assessments”, to be sat under exam conditions, for every subject despite the Government’s announcement that exams were cancelled
- b. This has led to schools, including those in North Ayrshire Council, having to create complex timetables to cover the smaller exam diet announced by the SQA.
- c. Some of the papers were leaked online and with schools operating differing timetables, resulting in exam content being shared on social media platforms such as TikTok

At the recent Joint Cabinet meeting, young people spoke of their experience of sitting the assessments and raised concerns about the impact it has had on their mental health and wellbeing. Furthermore, they expressed concern about the outcome of the assessment process and the detrimental impact they fear it could have on their grades.

Council therefore agrees to:

- a. Write to the Cabinet Secretary for Education expressing our concerns about the SQA’s assessment process
- b. Seek assurances that pupils in North Ayrshire will not be detrimentally impacted by this grading system, in a similar manner to the publication of the original grades that were issued last year
- c. Demand that the 2021 appeals process should adopt a no-detriment policy
- d. Express its lack of confidence in the SQA”

Members then asked questions of clarification of the movers and seconders of the motion and amendments.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment by Councillor Macaulay, seconded by Councillor McClung, Councillors Burns, Dickson, Foster, Gurney, Hill, Larsen, Macaulay, McClung, McMaster and McTiernan (10), and for the motion by Councillor Marshall, seconded by Councillor Billings, Councillors Barr, Bell, Billings, Clarkson, Cullinane, Easdale, Ferguson, Gallacher, Gallagher, George, Glover, Marshall, McNicol, McPhater, Montgomerie, Murdoch, Donald Reid, Donald L. Reid, Stephen and Sweeney (20), and the motion became the substantive motion.

On a further division and a roll call vote, there voted for the further amendment by Councillor Bell, seconded by Councillor Cullinane, Councillors Bell, Clarkson, Cullinane, Easdale, Foster, Gallagher, McPhater, Montgomerie, Donald Reid, Donald L. Reid and Sweeney (11), and for the substantive motion by Councillor Marshall, seconded by Councillor Billings, Councillors Barr, Billings, Ferguson, Gallacher, George, Glover, Marshall, McNicol, Murdoch and Stephen (10), Councillors Burns, Dickson, Gurney, Hill, Larsen, Macaulay, McClung, McMaster and McTiernan abstaining, and the amendment by Councillor Bell, seconded by Councillor Cullinane, was declared carried.

Accordingly, the Council agreed as follows:

“Following the scandal of last year’s grading system which, before a Government u-turn, unfairly penalised working class pupils because of their background, and as a result of the continued impact of the pandemic on young people’s education, the former Cabinet Secretary for Education, John Swinney MSP, announced on 8th December 2020 that the 2021 exam would be cancelled. In his announcement Mr Swinney stated;

“I will not stake the future of our Higher pupils – whether they get a place at college, university, training or work – on a lottery of whether their school was hit by Covid.

“Exams cannot account for differential loss of learning and could lead to unfair results for our poorest pupils.

“This could lead to pupils’ futures being blighted through no fault of their own.

“That is simply not fair.”

Mr Swinney announced that grades would instead be awarded based on teacher assessments of classroom work throughout the year saying, *“This is safe. It is fair.”*

Council therefore notes with concern that:

- a. The Scottish Qualification Authority (SQA) unexpectedly announced a series of “assessments”, to be sat under exam conditions, for every subject despite the Government’s announcement that exams were cancelled
- b. This has led to schools, including those in North Ayrshire Council, having to create complex timetables to cover the smaller exam diet announced by the SQA.

- c. Some of the papers were leaked online and with schools operating differing timetables, resulting in exam content being shared on social media platforms such as TikTok

At the recent Joint Cabinet meeting, young people spoke of their experience of sitting the assessments and raised concerns about the impact it has had on their mental health and wellbeing. Furthermore, they expressed concern about the outcome of the assessment process and the detrimental impact they fear it could have on their grades.

Council therefore agrees to:

- a. Write to the Cabinet Secretary for Education expressing our concerns about the SQA's assessment process
- b. Seek assurances that pupils in North Ayrshire will not be detrimentally impacted by this grading system, in a similar manner to the publication of the original grades that were issued last year
- c. Demand that the 2021 appeals process should adopt a no-detriment policy
- d. Express its lack of confidence in the SQA"

Councillor Miller left the meeting during consideration of this item.

- (4) a motion by Councillor McPhater, seconded by Councillor Cullinane, in the following terms:

"Council notes that the temporary ban on evictions, introduced to protect tenants during the Covid-19 public health crisis, lifts when an area enters Level 2. We know that the pandemic has severely impacted the incomes of many households and it would be fair to assume that rent arrears will have increased during the pandemic.

Council expresses its concerns that unilaterally lifting the eviction ban when an area enters Level 2, when the pandemic is not over and the public health threats of the virus are fluid and ever changing, could result in a spike of eviction notices over the coming months despite the continued risks associated with Covid-19. Council therefore agrees that the Chief Executive write to the Scottish Government requesting they consider additional public health protections, including further financial support, for tenants in Level 2 and below.

In the meantime, Council endorses the Council taking a supportive Eapproach with our own tenants in respect of rent arrears accumulated over the period of the pandemic; adopting an income maximisation first approach to support tenants in accessing financial support as well as exercising flexibility in negotiating repayment plans for rent arrears.

However, Council is concerned that the lifting of the eviction ban will play out differently for tenants in the private rented sector than those in the social rented sector where such supportive approaches are more likely to be adopted. Council therefore agrees to issue public communications outlining tenants' rights and providing advice to those who may receive an eviction notice at this time.

Furthermore, Council praises the work of Living Rent, Scotland's tenants' union, in representing the interests of tenants in both the private and social rented sectors. Council believes the interests of all tenants in North Ayrshire, from all rented sectors, would be enhanced by the presence of a Living Rent branch in North Ayrshire, providing advocacy and support for tenants who join the union. Council therefore agrees to engage with Living Rent on the potential of creating a branch and a joint campaign to recruit members in all rented sectors."

There being no amendments, the motion was declared carried.

The meeting ended at 6.15 p.m.