



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held remotely on **Wednesday, 08 September 2021** at **14:00** to consider the undernoted business.

Arrangements in Terms of COVID-19

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

1 Apologies

2 Declarations of Interest

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

3 Previous Minutes

The accuracy of the Minutes of the Ordinary Meeting held on 9 June 2021 and the Special Meeting held on 23 June 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

4 Provost's Report

Submit report by the Provost for the period 31 May 2021 to 29 August 2021 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council for the period covering 31 May - 29 August 2021 (copy enclosed).

- 6 Minute Volume (issued under separate cover)**
Submit, for noting and for approval of any recommendations contained therein, the Minutes of Meeting of committees of the Council held in the period 4 December 2020 - 18 August 2021.
- 7 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 11 March 2021**
Submit report by Interim Executive Director (Communities and Education) on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 11 March 2021 (copy enclosed).
- 8 Report of the Returning Officer**
Submit report by the Returning Officer on the outcome of the North Ayrshire Council Ward 6 Dalry and West Kilbride By-Election and on the Declaration of Acceptance of Office by the new Elected Member for that Ward (copy enclosed).
- 9 Appointments to Committees and Outside Bodies**
The Council is invited to:
1. consider a nomination, proposed by Councillor Marshall and seconded by Councillor Ferguson, for Councillor Stalker to fill a current vacancy on the Licensing Committee and Licensing Board;
 2. note, in terms of Standing Order 7.2, the appointment of Councillor Stalker to the Police and Fire and Rescue Committee in place of Councillor Ferguson, effective from 30 August 2021;
 3. note the appointment of Councillor Stalker to the Spier's Trust, in his capacity as a Ward 6 Member; and
 4. note Councillor Stalker's intention to serve on the Garnock Valley Locality Partnership
- 10 Committee Timetable 2022**
Submit report by the Chief Executive on a proposed committee timetable for the period from January 2022 until the conclusion of the current Administration (copy enclosed).
- 11 Hybrid Meetings**
Submit report by the Chief Executive on progress in terms of the introduction of hybrid meetings (copy enclosed).
- 12 Ardrossan Strategic Regeneration Programme and Enabling Infrastructure Investment**
Submit report by the Director (Growth and Investment) on the progress of a nationally significant development programme in Ardrossan and the infrastructure investment required to enable the regeneration of a major strategic site. (copy enclosed)

13 Processes for Future Consultations

Submit report by the Interim Executive Director (Communities and Education) on how future consultation would address the issues raised during the Review of Libraries, Halls and Community Centres and Development of Community Hubs (copy enclosed).

14 Questions

In terms of Standing Order 12, submit:-

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

“Smoking is one of the voluntary threats to health right across society. I am particularly interested in how smoking has impacted on our young people in North Ayrshire during the Covid-19 pandemic, because whilst the risks to young people of having the Covid-19 and variant vaccinations is reputedly extremely small, taking up smoking has lifetime health implications.

I would be pleased to receive from the cabinet member for Health and Social Care any figures which might be available in relation to young people in North Ayrshire taking up smoking during the Covid-19 lockdowns (period March 2020 – August 2021 or figures as available) and advise of what steps might be taken in North Ayrshire to encourage our young people not to smoke. Secondly please advise of any available figures on the uptake of the Covid-19 vaccination and what steps are being taken to encourage an even fuller uptake by our young people.”

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

“My personal view is that our Waste Management Team in North Ayrshire have done an incredible job of work ensuring continuity of uplift of bins between March 2020 and the present. I would make special mention of the front-line team emptying our bins throughout the pandemic and sincerely thank them for their service during this difficult time. It would be remiss not to also acknowledge the organisational work of our NAC Waste Management team who have had to be innovative to support the front line team through a challenging period.

Can the Portfolio Holder for Green New Deal and Sustainability advise on the current constraints faced by Waste Management in delivering a quality service during still challenging times and in particular make any comment in relation to brown bin uplifts in the Garnock Valley area which seem to be experiencing difficulty in continuity of service as detailed in the NAC calendar.”

(3) a question by Councillor Donald L. Reid to the Cabinet Member for Participatory Democracy in the following terms:

“NAC Connected Communities have been “cautious in their approach to reopening community centres and halls.” They are now open. Whilst this approach is understood, concern has been expressed by some voluntary groups about the detailed form that each group is required to submit, signed by an office bearer on behalf of each group, before they are allowed to resume activities in NAC community centres and halls.

The form, drafted by NAC, headed: “*Conditions for Letting During Covid-19 (Version 6 – August 2021)*” has 28 individual sections which require to be completed. Issues raised by voluntary groups about this form include:

Item 8. I have read, understood and agree to the general terms of let provided to me. This requires once person to comply with the rest of the document.

Item 9. Relates to stopping people entering the hall. An individual volunteer has no right to stop anyone entering any NAC premises or indeed send anyone home who develops Covid-19 symptoms. Nor can a volunteer force anyone to wear a mask.

Item 12. A volunteer involved in running a group may have no knowledge about exemptions for wearing masks.

Item 13. A volunteer can have no control over individuals with regards to maintaining social distancing and has no control over NAC staff on the premises.

Item 14: How is this one individual who has to sign the form, the ability to promote the NHS Test and Protect app with service users?

Item 15: This asks for far too much information. At best it should be a simple contact number for one person.

Item 16: How can one person be expected to keep up with Government guidelines. A volunteer helping to run a group or club based in the community centre has a difficult enough job. It has been suggested that better wording for the section might be: “We can agree to endeavour to keep the guidance issued by the Community Association and North Ayrshire Council. As this is already different from the Government guidelines then it should be only these guidelines we are asked to follow.”

Item 17: A volunteer has no rights to control people entering an NAC building. A volunteer can only advise people to abide by rules set by the Community Association. People can be invited to leave the building in certain circumstances, but a volunteer has no right to evict them.

Item 18: A volunteer has no authority or medical knowledge to question or assess vulnerable people.

Item 19: For reasons already outlined above, a volunteer cannot force people to use the hand sanitiser, only request them to do so. It might be possible to promote the requirements, but difficult to control how this might operate in different parts of the building. Control the use of catch kill it Bins. How do you do that?

Items 20 & 23: A volunteer cannot spray or sanitise all equipment as this could damage the equipment viz camera club equipment. They can only use reasonable endeavours to ensure equipment is safe to use.

Item 25: Contact insurance holder to see if the group is covered for the let. This implies that the volunteer is legally responsible for any claims that might arise by individuals with reference to Corona-virus. Moreover, is there any insurance company that covers claims for Covid-19?

The whole document transfers the responsibility for covid-19 virus control to one individual who may not be knowledgeable about covid-19 and has no medical qualifications. In addition the document applies standards of control that appear to be contrary to government expressed requirements. To comply each group would in reality have to set up a control group who would be monitoring the behaviour of all the members in all parts of the hall during a club meeting.

Although the document is initially stated as a survey it also states “Conditions for letting during Covid 19,” implying it is part of the leasing contract. This is reinforced by statements within the document..

In essence this entire document is problematic for the individual required to sign on behalf of a club, group or organisation.

Put simply it can be sorted by simplifying that the club etc will make its best efforts to comply with the general requirements of the community centre.

Can the Cabinet Member for Participatory Democracy advise if this complex document can be simplified to reduce the onerous duties placed on the individual signing the NAC ‘Regular Lets’ booking form?”

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

“Can the Cabinet Member confirm if any child has been assessed and placed in Early Years at Lockhart Campus?”

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

“To ask the Cabinet portfolio holder for Education to advise this council how many primary and secondary school children in North Ayrshire have received a free laptop or a tablet, and a free internet connection as per the SNP election promises made in May 2021?”

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

“To ask the Cabinet portfolio holder for Education how many school-aged children have received a free bike in North Ayrshire as per the SNP election promises made in May 2021?”

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

“To ask the Cabinet portfolio holder for Green New Deal and Sustainability to advise this council how many trees have been planted by the council in North Ayrshire since this council declared a climate emergency in 2019?”

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

"It has been reported that the Scottish government does not agree with the proposed funding arrangements for the development of Ardrossan Harbour. Reports indicate that the Scottish government wants the port's owner to take a greater responsibility for the funding of the work. At the meeting of North Ayrshire Council in February 2021 we were told that if the work on the development of the harbour didn't start by this summer there is no way that the port would be ready to take the new Glen Sannox ferry, which we are told will come into service in 2022.

Please could the Leader of the Council provide members with an update on what is happening with the Ardrossan Harbour project?”

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

“Consequent on the power-sharing deal between the SNP and the Greens the latter have been empowered to bring forward proposals for rent controls in the Private Rented Sector (PRS).

What benefit , if any , will accrue to the PRS in North Ayrshire?”

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

“Does the Leader of the Council agree that an Elected Member should represent their constituents, constituency and local environment, as best they can, asking questions and raising concerns on subjects that may have an impact or affect on public and environmental wellbeing?”

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

"Can the Leader of the Council please provide any examples of a North Ayrshire Sole Trader winning a tender for work with NAC through the Community Wealth Building Initiative and can you please provide details of how many North Ayrshire Sole Traders or small businesses with one or two employees are on the tendering list?"

(12) 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 any future tourism related investment in the North Coast other than the Millport Flood Defence or Largs Seawall related projects?"

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

“When will North Ayrshire Council have a Policy in place on Motor Homes and Camper Vans?”

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

“Will North Ayrshire Council be reconsidering how public toilets are funded maintained and accessible to members of the public as a result of Covid-19 and the need for public facilities to assist with public hygiene, health & wellbeing and tourism?”

15 Motions

In terms of Standing Order 13, submit:-

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

“MOTION PREAMBLE

While we appreciate that there is high-level planning for future specific projects particularly those associated with the Ayrshire Growth Deal such as the Great Harbour Project and Marine Tourism, there has been little if any involvement by Local Elected Members nor attention to current Tourism issues in the established Tourist resorts.

Currently given the huge increase in the staycation market and noting that Tourism is the main industry of our coastal towns, islands and villages, the Council is failing to scrutinise performance related to tourism related service delivery and the implementation of strategy policy and service plans as they relate to tourism issues.

Specific performance issues that require scrutiny include rural car parking policy, ferry service issues, provision of campervan facilities, operation of high quality public toilets, tourist signage, quality of the public realm along seafronts, etc etc

I have attempted to raise this issue with a senior Officer and a Member of the Council specifically questioning who is in charge of tourism, what is the staffing, what is the budget, how does the Council relate to the Trade and is there support for a Tourism committee or Member Officer working group? Answers came there none.

MOTION

Councillor Marshall seconded by Councillor Ferguson moves that recognising the importance of a reinvigorated tourism market in North Ayrshire, the Council agrees to appoint a Tourism Member/ Officer working group. This Group would comprise Members whose Wards contained significant Tourist businesses and would initially have the following remit

1. to consider and recommend the introduction of new policies or changes to existing management policies to manage tourist pressures through the preparation of a visitor management plan
2. to consider and recommend the introduction of investment priorities for new facilities for visitors and in maintenance of existing facilities
3. to consider the wider socio-economic reports on the impact and value of the tourism sector in North Ayrshire.
4. to develop and review a tourism strategy
5. to report its recommendations to Cabinet periodically."

(2) a motion by Councillor Sweeney, seconded by Councillor Gallagher, in the following terms:

"This council notes:

- 1 in 10 workers have experienced 'fire and rehire' - told to reapply for their jobs on worse pay, terms and conditions or face the sack, with BME workers facing this at twice the rate of white workers, since March 2020 (TUC research, January 2021). A quarter of all workers have experienced a worsening of their terms and conditions – including a cut in their pay - since the pandemic began.
- That while the prime minister has called the practice "unacceptable" he has continually refused to take action to outlaw the practice, raising concerns that he will not intervene in this race to the bottom as an escalating number of employers across all sectors using our weak employment protections employers as they force their staff to accept worse terms and conditions, leaving many having to work longer hours and for lower pay, with what can be devastating consequences for workers and their families.
- Even before the pandemic, 1 in 9 workers – 3.8 million people – were already 'insecure', meaning they did not have access to basic rights at work and could be dismissed at will; including those on zero hour contracts and agency workers.

This council therefore resolves to:

- Ensure local residents are protected against such unscrupulous employers and agrees to ask the Leader of the Council to write to the Prime Minister demanding he outlaw fire and rehire and act now to keep his promise to local residents to protect their employment terms and conditions.
- Not use fire and rehire itself as an employer and to prevent, where possible, its use by council contractors, and to ensure the council has a procurement practice that ensures we are working with contractors that have good employment, trade union, equality and environmental records.
- Continue to work with the increasing number of progressive local employers prioritising their employees' standard of living and their wellbeing, work with our anchor institutions and key partners to bring forward plans to ensure all have best practice employment and to work with recognised trade unions on this.
- Support the TUC campaign for a 'New Deal for Working People'."

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

“On 6th October, over 10,000 families in North Ayrshire (according to a recent study by the Joseph Rowntree Foundation) are set to lose £1,034 per year as a result of the UK Government cutting Universal Credit by £20 per week.

North Ayrshire Council expresses its outright opposition to this cut which will push more families into poverty.

Council agrees:

- that the Chief Executive write to the Chancellor calling for the planned cuts to Universal Credit to be abandoned
- that the Council uses Challenge Poverty Week to campaign against cuts to Universal Credit and for a more humane social security system that provides a dignified standard of living for every citizen of this country”

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

“The Scottish government is currently consulting on its proposals to make permanent many of the temporary Covid restriction powers that were granted at the start of the Covid pandemic. The consultation is titled “Covid recovery: public health, services and justice system reforms” and can be viewed on the Scottish Government’s website.

The Covid pandemic forced us all to review how we work, meet and interact with each other, and there may be benefits in keeping and developing some of these new ways of working. However, other Covid powers severely restrict the rights of individuals and businesses, and it would be inappropriate to make these powers permanent just in case they might be needed. Once powers are enshrined in law history has shown that they will be used and often with little public scrutiny and for purposes that they were not intended for. The Scottish government’s proposals are far reaching and if implemented would affect many aspects of the lives of all of us living in North Ayrshire.

Therefore, this motion proposes that:

- Arrangements are made to enable Members of North Ayrshire Council to discuss and comment on the Scottish government’s proposals regarding making Covid powers permanent; and
- A report on the Scottish government’s Covid powers consultation is brought to the Council meeting on 27th October 2021. The report should include a review of the implications for North Ayrshire Council and include the views expressed by Members of Council on any part of the proposals; and
- Following the Council meeting on 27th October 2021, North Ayrshire Council submits the agreed report as the Council’s submission to the Scottish government’s consultation.”

16 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

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

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

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

North Ayrshire Council Sederunt

Ian Clarkson (Provost)
Robert Barr (Depute Provost)
John Bell
Timothy Billings
Marie Burns
Joe Cullinane
Scott Davidson
Anthea Dickson
John Easdale
Todd Ferguson
Robert Foster
Scott Gallacher
Alex Gallagher
Margaret George
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Tony Gurney
Alan Hill
Christina Larsen
Shaun Macaulay
Jean McClung
Ellen McMaster
Ronnie McNicol
Louise McPhater
Davina McTiernan
Tom Marshall
Jimmy Miller
Jim Montgomerie
Ian Murdoch
Donald Reid
Donald L Reid
Ronnie Stalker
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending: