



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held remotely on **Wednesday, 09 June 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 31 March 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

4 Provost's Report

Submit report by the Provost covering the period 22 March - 30 May 2021 (copy enclosed).

5 Leader's Report

Submit report by the Leader of the Council covering the period 22 March - 30 May 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 29 January - 1 June 2021.
- 7 Committee Appointment**
In terms of Standing Order 7.2, 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.
- 8 Elected Member Attendance**
Submit report by the Head of Democratic Services on the circumstances surrounding the non-attendance on an Elected Member and the relevant provisions within Standing Orders Relating to Meetings and Proceedings of the Council and its Committees (copy enclosed).
- 9 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 (copy enclosed).
- 10 Review of Libraries, Halls and Community Centres and Development of Community Hubs**
Submit 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 (copy enclosed)
- 11 Flat Ground East, 99 Nelson Street, Largs - Compulsory Purchase**
Submit report by the Head of Democratic Services on the proposed compulsory purchase of the Flat Ground East, 99 Nelson Street, Largs, being a house and/or land required to provide housing accommodation in Largs (copy enclosed).
- 12 Questions**
In terms of Standing Order 12, submit:-
- (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?"
- (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?"

(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."

(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?"

(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?"

(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?”

(7) 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 current and future North Ayrshire Council initiatives to generate general income?”

(8) a question by Councillor 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?"

(9) a question by Councillor 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 & MAIB regarding an investigation in to the incident at Hunterston Parc Jetty on 2nd February 2021?"

(10) a question by Councillor 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.”

13 Motions

In terms of Standing Order 13, submit:-

(1) a motion by Councillor Ferguson, 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."

(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 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."

(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.”

(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 approach 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.”

14 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting - Virtual Meeting

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

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

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

North Ayrshire Council Sederunt

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
John Glover
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
Angela Stephen
John Sweeney

Chair:

Apologies:

Attending: