



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

Meeting of the Council

Wednesday 27 October 2021

Responses to Questions



## Question

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

“Recent media speculation suggests that many Irvine residents are still not fully aware of the proposed developments in the harbour area as a result of the Ayrshire Growth Deal. Can the Leader summarise the plan for this area, highlighting the key changes and improvements that will be visible to the local community when the project is completed?”

## Response

“The Ayrshire Growth Deal proposals for the Great Harbour comprise a programme of investment to create three major hubs of activity at the Irvine Harbourside. The Outline Business Case for £14m of funding from the Ayrshire Growth Deal was approved by Scottish Government in March 2021. The concept proposals focus on three activity or event hubs:

1. A Maritime Heritage Hub, which will promote an extension of the National Maritime Museum through additional exhibition and event space.
2. A Marine, Food and Events Hub, which will include the improvement of marine facilities supporting water sports and areas for outdoor events. The initial investment will be to the Harbourmasters Office. This will allow the building and adjacent land to be promoted to develop a food and drink cluster to enhance the existing local offer.
3. A Coastal Hub – this will include the development of a range of play park facilities. In the longer-term, it is envisaged that there will be opportunities for further restaurant provision and residential development.

Alongside these hubs, smaller scale placemaking improvements will be implemented. Following the recent appointment of a design team, the concept proposals will be developed to a more detailed stage. The design team will consider how the proposals can be most effectively developed and consider key issues such as the provision of parking. The concept proposals were the subject of a report to the Council’s Cabinet in May, and more recently an update was provided to the Irvine Locality Planning Partnership. An appropriate programme of public engagement will be vitally important to shape the investment proposals and understand the priorities of the local communities who will be involved at every stage with initial public consultation anticipated to take place in early 2022. Regular updates will be provided to the Locality Planning Partnership and a stakeholder reference group will be formed to ensure ongoing community representation.”

## Question

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

"Our older people in Sheltered Housing complexes in North Ayrshire are living in virtual isolation, unable to access communal areas where they previously enjoyed meeting for coffee mornings or simply to chat on a daily basis. North Ayrshire Council continually say they are taking a slow and measured approach to opening communal areas because of the fear of spreading covid, but perhaps don't fully appreciate the mental anguish caused by this restriction on normal life over the past 19 months.

Our older folk have been double jabbed to reduce the likelihood of catching covid. In Kilbirnie and Beith they tell me they want the communal areas opened up as soon as practicable.

Can the Cabinet Member for Green New Deal and Sustainability advise when North Ayrshire Council will permit these areas to be opened up to residents; and what steps are being taken to keep residents advised of potential time-scales."

## Response

"The safety of our residents is paramount. In March 2020 at the start of the pandemic a decision was taken to close all communal lounges within sheltered housing units to keep our residents safe and in recognition that all non-essential contact with other households should be avoided. Officers have been considering how to safely re-open the communal lounges for some time and have been keeping a close eye on the instances of COVID-19 and the impact it is having both locally and nationally. The ongoing successful roll out of the vaccination programme is also positive.

It is recognised that residents enjoy each other's company and that many will look forward to the opportunity to meet together again in larger groups. Plans were in place to reopen the lounges by mid-October as most restrictions have eased and the instances of COVID-19 had reduced throughout the summer months. However the sharp increase in COVID-19 cases and hospital admissions across North Ayrshire during September meant that this had to be postponed.

Recent weeks have seen a sizeable reduction in the instances of COVID-19 and together with the continued successful roll out of the vaccination programme, we are now able to consider reopening the lounges. In North Ayrshire, the number of positive COVID-19 cases per 100,000 of the population had risen to 812 at 3<sup>rd</sup> September 2021. This number has fallen steadily since then and at 16 October 2021 had reduced to 360 cases.

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Whilst these trends are encouraging, Officers are continuing to closely monitor the impact of COVID-19 and if the data available continues to indicate an improved position we will progress with plans to safely reopen the lounges week beginning Monday 1 November. Support in Sheltered Housing accommodation has been recognised in the recently published Scottish Government Adult Social Care Winter Preparedness Plan alongside a range of supports which help people to remain more independent with improved mental and physical wellbeing, therefore is it timely for North Ayrshire Council to put in place plans to re-open these areas.

A risk assessment has been completed which outlines a number of steps and precautions which will be taken in preparation for reopening. We will write to all sheltered housing tenants to give them notice of the lounges reopening and advice on how to use the lounges safely. This will be followed up with a welfare telephone call to answer any questions or concerns that tenants may have. All of the lounges will be thoroughly cleaned prior to reopening and then daily thereafter. Cleaning staff will pay particular attention to surfaces and touch points such as door and window handles. The layout of furniture within each lounge will be considered to ensure social distancing can be maintained. Hand sanitiser and cleaning materials will also be available within each lounge.”

### **Question**

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

“Will the Council as a matter of urgency and public safety, look into the amount of road signs and street lights that are hidden or partially hidden behind overgrown bushes or trees, and have the required remedial work done order to make them totally visible again?”

### **Response**

“The Council’s Road’s Service undertakes regular safety inspections on our road network in accordance with our Roads Asset Safety Inspection Policy.

Our Roads Inspectors will continue to be vigilant in the identification of any obstruction to road signage and lighting units during their inspection rounds. Where any overgrowth is identified the landowner will be contacted to request that the offending vegetation is removed. Where any obstruction is the Council’s responsibility, this will be attended to by our Streetscene Service.

In addition, if any specific locations of concern can be provided to officers by the member, these will also be addressed accordingly.”

## Question

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

“Before the start of the next fishing season in March 2022, will the Council construct an anti-poaching fence at the weir on the River Irvine, similar to successful such fences elsewhere?”

## Response

“Officers met with Cllr Gallacher on-site earlier this year to discuss the proposal for an anti-poaching fence. The area in question is on Common Good land. The Council therefore has no allocated budget for this. Funding for supply and installation of the fence would require to be identified, before any installation could take place. Officers would be happy to meet again with Cllr Gallacher to discuss potential external sources of grant funding to assist the Club in their desire to install the fence.”

## Question

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

“Concerns have once again been expressed by clergy and others in Kilbirnie about NAC plans for a future cemetery in Kilbirnie. Can the cabinet member for Place advise of the current available capacity in Kilbirnie Cemetery and advise on what plans are in place for a future cemetery in the town?”

## Response

“I can confirm that there is in excess of three years further cemetery capacity available within Kilbirnie. This includes additional capacity previously created across both cemetery sites following demolition of a redundant storage shed and removal of vegetation to create new lairs. There is further provision that we can make available, when required, by undertaking some further tree and vegetation clearance works to create space for a number of additional lairs. Any trees removed would be replaced through compensatory planting elsewhere.

Officers previously met with local members to discuss the potential options within the existing cemeteries to increase capacity and would be happy to do so again.

Cabinet approval has previously been provided for a new cemetery in Kilbirnie and I can advise that officers are actively progressing work to identify a suitable site to then allow the necessary consents and construction to be progressed.”

## Question

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

“Can the Cabinet Member for Green New Deal and Sustainability provide an update on current progress with the Garnock Valley Flood Plan?”

## Response

“Construction of the Upper Garnock Flood Protection Scheme has progressed exceptionally well, despite the challenges presented by the ongoing pandemic, and remains on schedule for completion in April 2022.

The flood protection work is being undertaken across four separate sites. The works at Paddockholm in Kilbirnie have been completed. The engineering work at the main storage area is well underway and the culvert structure is now complete. Work is ongoing on the construction of the dam. All the engineering works have been completed for the Dalry defences and work has now begun on the cosmetic finish on the Beith Road. The works at the Tofts Mill site should be completed there before Christmas.

Officers would be happy to arrange a site visit for any interested local member before construction work is completed.”

## Question

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

“Can the Cabinet Member for Green New Deal and Sustainability provide an update on NAC plans to resolve the recurring flooding issue on the B777 Longbar to Glengarnock Road specifically on the bend located between the Garnock Campus and the Glengarnock Railways Bridge which creates major problems for traffic and pedestrians in heavy rain?”

## Response

“Officers have been working to resolve this issue. A new outfall pipe is scheduled for installation to improve the drainage efficiency in this area. This work is being undertaken under a temporary road closure and is expected to be complete by the end of this week (i.e. by Friday 29 October).”

## Question

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

“Can the Cabinet Member for Green New Deal and Sustainability advise on the level and extent of domestic violence in North Ayrshire during the pandemic (March 2020 – August 2021 or figures as available) and express a view on what further steps might be taken to tackle domestic violence generally in North Ayrshire?”

## Response

“The table provided contains the available data.

	<b>April 19 – Mar 2020</b>	<b>April 20 – Mar 2021</b>	<b>Variance</b>
<b>Police Scotland</b> - Reports of Domestic incidents	1627	1564	- 4%
<b>Local Authority</b> Homelessness as a result of domestic violence	137	153	+12%
<b>Women’s Aid</b> - Requests for Outreach support and advice	599	607	+1%
<b>Women’s Aid</b> - Requests for refuge accommodation	105	187	+78%
	<b>Q1 April- June 2019/20</b>	<b>Q1 April – June 2020/21</b>	<b>Q1 April – June 2021/22</b>
<b>Police Scotland</b> - Reports of domestic incidents	544	561	522
<b>Local Authority</b> - Homelessness as a result of domestic violence	33	29	44
<b>Women’s Aid</b> - Requests for Outreach Support and Advice	207	176	216
<b>Women’s Aid</b> - Requests for refuge accommodation	26	65	58

Reports of domestic incidents to Police Scotland during 2020/21 reduced by 4% compared to the same period in the previous year and reduced by a further 7% in the first quarter of 2021/22, compared to the same timeframe in the previous year.

Homeless presentations from households experiencing domestic violence increased by 12% during 2020/21 and have increased by 44% during the first quarter of the year compared to the previous year.

North Ayrshire Women’s Aid experienced a 78% increase in requests for refuge accommodation during 2020/21, compared to the same period in the previous year with levels more than doubling in the first quarter of 2020. Whilst requests for refuge accommodation dropped slightly in the first quarter of 2021, they are still 123% higher than the pre pandemic levels. Requests for the Women’s Aid Outreach Support and Advice service has returned to the pre-pandemic levels, having dropped by 15% in the early stages of the pandemic.

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During the pandemic, there were concerns that women and girls were unable to get away from their abuser and whilst any increase in domestic violence is unacceptable, it is encouraging that women and girls are able to access support and accommodation services.

The Violence Against Women (VAW) Partnership have continued to have an integrated focus on the increased risk of domestic violence throughout North Ayrshire, sharing the national concern in relation to the ongoing vulnerability of women and girls as lockdown restrictions begin to ease. Partner Agencies continue to support vulnerable Women and Girls who are now able to seek help due to the gradual easing of these restrictions.

Throughout the pandemic, a range of initiatives, policies and services have been developed to ensure that both the local authority and wider partners remain focussed on tackling violence against women and girls this includes:

- The approval for and development of a Pan-Ayrshire Multi Agency Domestic Abuse Conference Process (MARAC). MARAC is a local meeting where representatives from statutory and non-statutory agencies meet to discuss individuals at high risk of serious harm or murder as a result of domestic abuse.
- The development of a Tenant and Residents Domestic Abuse policy which is scheduled to be considered by Cabinet before the end of this year
- Significant partnership working and interagency promotion of services for women experiencing violence across a range of media
- In line with the national Equally Safe strategy, the North Ayrshire Violence Against Women Partnership has developed a robust programme to be delivered throughout the 16 Days of Activism which runs from 25 November until 10 December 2021. The North Ayrshire theme this year is 'young people and healthy relationships', targeting schools in particular.
- A safe space initiative has been developed to establish areas where women can reach out for help within their community. Training has been delivered to Specsavers staff, with dental practices also looking to launch within their surgeries as the initiative expands.

The above highlights a proportion of the activities being undertaken to tackle violence against women and girls. In addition there is a broad range of work being delivered aligned to the Safer North Ayrshire strategy as delivered across the Violence Against Women Partnership.”

## Question

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

“Will the Leader of the Council inform members why the people who responded to the Public Consultation on the Future of Early Years, Primary and Secondary Education in Ardrossan were not made aware of the highly toxic content of the land before they responded to the consultation?”

## Response

“A report ‘[Ardrossan North Shore: Proposed Education and Community Campus](#)’ was presented to North Ayrshire Council on 25<sup>th</sup> September 2019. This included reference to the online publication of the non-technical summary of site investigations. The Statutory Public Consultation period ran from 22<sup>nd</sup> October to 6<sup>th</sup> December 2019. The Consultation Paper was published on 22<sup>nd</sup> October 2019. Section 1.8 of the report confirmed that the proposed land was contaminated and provided information on the Council’s remediation strategy.

Two appendices to the Consultation Paper were included in the publication. A non-technical Summary by Envirocentre was attached at Appendix 3, which detailed a list of previous surveys undertaken and provided details on the specifics of the contaminants. A FAQs document was attached at Appendix 4, which included a section specific to site matters and referenced contamination.

During the Statutory Public Consultation period, 6 public meetings took place. On arrival, a FAQs document was made available to attendees, which included a response on the contaminated land. The format of the meetings included themed stalls, each with relevant officers from the Council in attendance to answer questions from the public. One of the themed stalls was Site Specific Matters which provided attendees hard copies of the non-technical Summary by Envirocentre. A representative from Envirocentre accompanied the Council officers at meetings held in Ardrossan Academy to answer any questions on all matters relating to the site contamination and the report.

All the questions raised were documented during the meetings and subsequently published on the Council’s website on 5<sup>th</sup> December. A total of 27 questions were raised and answered on site contamination during the public meetings.”

## Question

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

“Last week saw the introduction of facial recognition systems in our schools to allow children to access school dinners.

These systems use technology that does not simply match "pictures" of the user. Instead aspects of each user's features are captured and recorded. It is these aspects, which in general stay constant throughout your life, that are used to complete facial recognition.

In other words the data captured in our schools today can be used to identify our children for the rest of their lives.

Following the introduction of facial recognition system for children to access school dinners and the privacy issues this clearly raises would be the Member please tell me

1. Who stores the information gathered - this council or the system supplier?
2. Who is the designated data controller?
3. Is the information stored shared with any third parties?
4. Does the agreement permit sharing of this data in the future?
5. Which rights will users of the system be required to waive?
6. Following so many well publicised data breaches from all sectors, what steps are being taken to protect the data gathered?
7. In the event of a catastrophic data breach what remedies are available to users of the system?”

## Response

### 1. Who stores the information gathered - this council or the system supplier?

The data is stored by the supplier, utilising a Microsoft Azure instance (a highly managed, virtual, cloud-based server ringfenced to a particular supplier) which is provided and maintained by Microsoft to the industry leading standards noted below. Utilizing Microsoft Azure enables more advanced security controls than could typically be achieved in-house and which can be deployed by the supplier in the design of their system. Such security controls include the encryption of all data to the international AES-256 standard. As part of the contract between The North Ayrshire Council and the supplier, the instance requires to be regularly updated to the latest security standards. The entire system was evaluated at point of procurement to ensure it conformed with a broad set of international and industry specific compliance standards, namely:

- ISO 27001 - Information Security Management Systems – Requirements
- ISO 27002 - Code of practice for information security controls
- ISO 27017 - Code of practice for information security controls based on ISO/IEC 27002 for cloud services
- ISO 27018 - Code of practice for protection of personally identifiable information (PII) in public clouds acting as PII processors

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- ISO 22301 – Business continuity management
- UK Government Cloud Security Principles

The supplier will supply and maintain the system on behalf of The North Ayrshire Council. The supplier is required to adhere to GDPR and relevant Data Protection legislation and has signed the appropriate Data Sharing Agreement.

## **2. Who is the designated data controller?**

The Council is the designated data controller. A controller to processor Data Sharing Agreement has been signed in accordance with the relevant Data Protection legislation.

## **3. Is the information stored shared with any third parties?**

Please see answer to Question 1 above.

## **4. Does the agreement permit sharing of this data in the future?**

No. The data sharing agreement in place specifically prohibits any further sharing or relocation of the data.

## **5. Which rights will users of the system be required to waive?**

User rights will remain intact. There is no element of automated decision making or profiling involved and system parameters naturally preclude data portability. If parents/pupils wish to use the facial recognition system, they need to provide the Council with consent to do so. If they do not consent, no facial recognition data is collected. In the event that an individual consents to the collection of their data and participates in the facial recognition system but decides against it at a later date, they should contact their school in which event the information held will be deleted in accordance with the data subject's right to erasure. Once a young person leaves school, the information will immediately be deleted. Where no consent is given, a PIN is issued so that the young person has an alternative method of paying for their meal. Parents and pupils were provided with a leaflet which gave information about the system and details of what data is collected for the use of facial recognition technology.

## **6. Following so many well publicised data breaches from all sectors, what steps are being taken to protect the data gathered?**

The tender process, as a mandatory requirement, sought supplier undertakings to ensure that the server is regularly updated with the latest security software and conforms with a broad set of international and industry specific compliance standards (as noted above).

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Rigorous independent audits of the Microsoft Azure platform are performed by third-party specialist security agencies under commission from Microsoft. These audits are based on guidance published by the British Standards Institute which specifies adherence to strict security controls and does not provide specific access to data. High level scanning is carried out to identify vulnerabilities in the system. The facial template data is held as an encrypted data string and is therefore rendered unusable to any unauthorised end user. A very small number of technicians employed by the supplier have on site access to the data only; those who do are appropriately background checked. In the event of any data breach, it is perceived that there is less risk of data aggregation via a facial template encryption algorithm than more traditional data identifiers such as a photograph.

The process has also been assessed against the UK Government's Cloud Security Principles. The supplier holds Cyber Essentials Plus certification and the security of the cloud-based solution meets the requirements of The North Ayrshire Council's security policy and complies with British Standard for Information Security Management, Business Continuity and Cyber Essentials Plus certification.

All data is hosted in the UK and is encrypted to the international AES-256 standard.

**7. In the event of a catastrophic data breach what remedies are available to users of the system?**

Data breaches can take many forms and this would inform the remedy. As data controller, the Council's data breach procedures would be initiated to mitigate and manage said breach. The supplier is legally obliged to assist with any mitigating procedures. The decision to inform individuals affected by the breach will normally be taken by the relevant Executive Director in conjunction with the data controller. Such notification will also tell them how and when the breach occurred and what data was involved, as well as what steps The North Ayrshire Council are taking to respond to the breach. In line with Scottish Government guidance, the Council uses a Cyber Incident Response Plan approach. This approach also identifies key stakeholders and those required to undertake the activities necessary to meet the objectives of each phase of the approach. The overall objective of the approach is to ensure all necessary steps are taken to recover affected systems and services back to a 'Business as Usual' state."