



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council

A Meeting of North Ayrshire Council will be held remotely on **Wednesday, 11 November 2020** 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 Armistice Day

The Provost will call for a two-minute silence to mark Armistice Day.

2 Apologies

3 Declarations of Interest

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

4 Previous Minutes

The accuracy of the Minutes of the Meeting held on 23 September 2020 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).

5 Provost's Report

Submit report by the Provost for the period from 14 September - 1 November 2020 (copy enclosed).

- 6 Leader's Report**
Submit report by the Leader of the Council for the period from 14 September - 1 November 2020 (copy enclosed).
- 7 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 22 June - 27 October 2020.
- 8 North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting held on 9 September 2020**
Submit report by the Interim Executive Director (Communities) on the Minutes of the meeting of the North Ayrshire Community Planning Partnership Board held on 9 September 2020 (copy enclosed).
- 9 Questions**
In terms of Standing Order 12, submit:-

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

“At the meeting of NAC on 12 February 2020 I asked a question about the state of minor roads surrounding Barkip which had been negatively impacted upon by work on the Den Realignment Project.

The written response advised: “Officers have been engaged with Transport Scotland’s contractor for the works, Interserve, throughout the A737 Den Realignment Project.

“I can confirm that repairs to the Auchengree Road and other minor roads will be carried out by Interserve and are planned to commence this week. The extent of the repairs and remedial measures, including resurfacing, localised reconstruction and verge repairs, has been agreed and will be undertaken at Interserve’s expense.”

As local Members for Ward 6 and 7 are only too aware, this work never actually took place nor indeed has any remedial work been carried out. The Auchengree to Highfield Road (U32) and Sandy Road (U53) have been described by local rural residents as “a lunar landscape.” Residents are rightly very unhappy at this situation. Indeed this road is now closed with “access only” conditions in place.

Can we have an explanation of what went wrong when no work was ever carried out to repair these roads and what is proposed to bring the U32 and U53 back into a useable condition with potential time-scales for this work? It would also be valuable to establish exactly who is in fact paying for this remedial work.

(PS I am fully aware of the work at Auchengree Bridge (U32) and the background)”

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

“I am very appreciative that NAC Roads Department have been proactive in trying to reduce the levels of flooding which regularly occurs in Main Street, Glengarnock, which often resulting in homes and businesses being flooded, even when the River Garnock and Powegree burn does not burst their banks.

Recent clearing of drains during September has clearly failed as the level of water build-up during heavy during October shows that the current drainage system is clearly not working effectively.

Residents are genuinely concerned by the level of recurring flooding. I would ask what steps NAC now propose to take to remedy this recurring flooding issue in Main Street, Glengarnock.”

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

“The lack of public toilets in North Ayrshire is not a trivial issue. Many older people, pregnant women, those with various health issues and children find it difficult to enjoy our many excellent public amenities in North Ayrshire because public toilets are not readily available.

During the current covid-19 issue, many folk can no longer risk going out because of a lack of public toilets whilst some cafes and stores have temporarily closed their toilets to the public during the covid-19 emergency.

I believe public toilets are a key public health issue and should once again be a priority for this council. What plans are in place by NAC to look again at policy on the provision of public toilets and how many public toilets are currently open to the public in North Ayrshire and where are they located?”

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

“Flooding at the rear entrance to Garnock Campus in heavy rain has been a recurring issue since the school was built. On 29 October 2020 pupils leaving the school had once again to wade through flood waters. Often pupils entering the school at the start of day have also to wade through flood water.

Can an update be provided on any proposed actions by NAC to rectify this unacceptable situation with a likely time-scale for work to be carried out?”

(5) a question by Councillor Burns to the Cabinet Members for Green New Deal and Sustainability in the following terms:

“Earlier this year, council agreed a budget proposal from the SNP group to fund the planting of 100,000 trees to assist with carbon sequestration and support our net zero emissions target. Can the portfolio holder confirm what steps have been taken to develop a strategy to take this work forward?”

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

“It was reported in a national newspaper last week that the routine testing of elderly people whilst in Ayrshire and Arran’s hospitals was stopped at the beginning of October, following guidance issued by civil servants in Edinburgh. It was some relief to read that the Health Board intended to restart testing from 2nd November.

Testing programmes are there to identify Covid infections and to help minimise the risk of an outbreak of infection. It, therefore, must have been quite a shock to the people of North Ayrshire to learn that official guidelines were to reduce testing in spite of rising Covid levels in Scotland. We need to ensure that everybody who uses our wonderful health service has the fullest confidence that whilst they are using the NHS they are being kept safe.

Would the Cabinet Member be able to obtain assurance from Ayrshire and Arran Health Board that the routine testing of elderly people whilst in Ayrshire and Arran’s hospitals has indeed restarted? Could he also provide assurance that no other routine testing, such as that for people being discharged into a care setting, and for residents and staff in care settings, was neither stopped nor reduced?”

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

“Does the Cabinet Member for Sustainability agree with me that there has been a knee jerk reaction by the Scottish Parliament in amending the 1987 Building (Scotland) Act and introducing new regulations regarding fire safety?”

Recently I have had numerous complaints from ward members particularly the elderly regarding leaflets they have received regarding the new regulations which require fire and smoke detection measures to be installed or completed by the end of February 2021. This leaflet bears the logo of the Scottish Parliament and is followed up by telephone calls telling members to pay £650 for the new appliances or risk getting a fine or not getting home insurance. This is then followed by another phonecall a few days later indicating that as most of their neighbours have signed with this company, they are now prepared to do a deal at £250 provided that the payment is immediate. I have taken this matter up with Graham Pollock trading standards at NAC and also the police fraud officer at Kilmarnock. Fire Scotland standard response to complaints is they refer the people to Scottish government website which details what is necessary either by hard wire or radio wifi. The website also suggests that the government is putting amendments through Parliament to extend the period from when the units are meant to be fitted from February 2021 to February 2022. Much distress has been caused to elderly residents in my ward and when both the building trade and the various fire authorities both say this target of February 2021 was impossible to meet I trust that All Members will advise their constituents not to pay any money to this company.”

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

"Why do we not have any Covid testing facilities within North Ayrshire?"

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

“Does the Chair of Planning agree with Marine Scotland’s decision that the Oil Rig Decommissioning project site at Hunterston does require an Environmental Impact Assessment?”

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

"Does the Leader of the Council think that the 22 Councillors outside the Cabinet and leading party are being consulted and allowed to contribute to Council business and raising items of scrutiny etc?"

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

"Can the Leader of the Council please explain his idea or understanding of a transition to a greener economy?"

10 Motions

In terms of Standing Order 13, submit:-

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

“The Scottish Government Hate Crime Bill has triggered a huge public backlash with an unprecedented 2000 submissions received by Hollywood Justice Committee in a call for views.

Top lawyers, police officers, actors, academics and others warned that the Bill will undermine freedom of speech and expression. The strength of opposition has forced the Scottish government to limit the offences to behaviour ‘intended to stir up hatred’ rather than ‘mainly being likely to do so.’

However a host of problems remain. The offences still cover “abusive “ behaviour which is not defined. They apply to conversations in the privacy of the home. Vital clauses to protect freedom of expression are either weak or not included at all.

The Roman Catholic Church in Scotland stated: “we do have outstanding concerns around the potential for misinterpretation, appropriate defences and the lack of equity in relation to the freedom of expression provisions.”

Police Scotland stated “a mature democratic and truly tolerant society should be able to negotiate robust and even rude and insulting public and social discourse without recourse to the criminal law.”

Comedian Rowan Atkinson commented “The bill could frustrate rational debate and discussion which has a fundamental role in society.”

Ian Murray of the Society of Editors said “the legislation still remains a threat to established principles of free speech...free speech provisions remain inadequate and it is still too low threshold for offending.”

We move that the Council write to Justice Secretary Humza Yousaf stating that :

1. As currently drafted the bill is a threat to free speech and requires to be radically reconstructed with Part 2 (on ‘stirring up hatred’) being deleted.
2. The absence of a “dwelling defence “could cause a person to be prosecuted for remarks made in the privacy of their own home but not heard by anyone outside and should be reinstated.
3. The lack of a “prosecution lock” meaning that prosecutions would require the consent of the Lord Advocate is essential to ensure that only serious cases are taken forward.”

(2) a motion by Councillor Cullinane, seconded by Councillor Bell, in the following terms:

"The Centre for Local Economic Strategies (CLES) have described public sector pension funds as "reservoirs of local wealth" that could be invested to support Community Wealth Building.

Strathclyde Pension Fund is one of the largest pension funds in the UK with a fund exceeding £24billion in value but the fund does not do direct local investments that would invest in local and regional economies within the funds area.

The Council therefore agrees to:

1. Lobby Strathclyde Pension Fund for a proper direct local investment strategy; that invests in the local and regional economies that the funds members live and work; and invests in projects that provide a financial return to the fund whilst delivering wider economic and social benefits for communities across the funds area.
2. Support divestment of the fund through a direct local investment strategy.
3. Request a review of the Funds governance with the aim of ensuring that every local authority within the Funds region has an input on the operation of the fund.
4. Work with the other local authorities, non-local authority employers and trade unions across the Strathclyde Pension Fund area to support points 1,2 and 3."

11 Urgent Items

Any other items which the Chair considers to be urgent.

North Ayrshire Council Sederunt

Ian Clarkson (Provost)
Robert Barr (Depute Provost)
John Bell
Timothy Billings
Joy Brahim
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: