

North Ayrshire Council  
11 November 2020

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, 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, Tom Marshall, Jean McClung, Ellen McMaster, Ronnie McNicol, Louise McPhater, Davina McTiernan, Jimmy Miller, Jim Montgomerie, Ian Murdoch, Donald Reid, Donald L. Reid and John Sweeney.

**In Attendance**

C. Hatton, Chief Executive; R. McCutcheon, Executive Director (Place); Alison Sutherland, Head of Service (Children, Families and Criminal Justice) (Health and Social Care Partnership); R. Arthur, Interim Head of Service (Connected Communities) (Communities); and M. Boyd Head of Finance, A. Fraser, Head of Democratic Services, Fiona Walker, Head of People and ICT, A. Craig, Senior Manager (Legal Services); M. McColm, Senior Manager (Communications); H. Clancy, E. Gray and A. Little, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Chief Executive's Service).

**Chair**

Provost Clarkson in the Chair.

**Apologies**

Angela Stephen.

**1. Provost's Remarks**

The Provost welcomed those present to the meeting, which was proceeding with Members in attendance on a wholly remote basis by electronic means.

The Provost dealt with preliminary matters, including an announcement that the meeting would be live streamed. Given the virtual nature of the meeting, he then invited the Clerk to read the sederunt.

**2. Armistice Day**

The Provost called for a two-minute silence to mark Armistice Day. This was duly observed by those present.

### **3. Apologies**

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

### **4. 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.

### **5. Previous Minutes**

The accuracy of the Minutes of the Meeting held on 23 September 2020 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **6. Provost's Report**

Submitted report by the Provost for the period from 14 September – 1 November 2020.

The Provost highlighted the following elements of his written report:

- recent online meetings with Irvine Burns Club and work by the group to increase its online profile;
- an online celebration of the 71<sup>st</sup> anniversary of the founding of the People's Republic of China on 28 October 2020;
- the Go Purple fundraising event for Ayrshire Hospice which took place on 9 October 2020;
- an event to light up Saltcoats Town Hall and the Portal in pink and blue as part of Baby Loss Awareness week on 9-15 October; and
- the laying of a Remembrance Sunday wreath at the war memorial in Irvine and promotion of a nationwide appeal for residents to mark the Armistice Day this year by observing a two-minute silence from their doorsteps.

Noted.

### **7. Leader's Report**

Submitted report by the Leader of the Council for the period from 14 September – 1 November 2020.

Noted.

## **8. Council Minute Volume**

Submitted for noting, the Minutes of meetings of committees of the Council held in the period 22 June – 27 October 2020.

## **9. North Ayrshire Community Planning Partnership (CP) Board: Minutes of Meeting Held on 9 September 2020**

Submitted 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.

The Chief Executive highlighted the following elements of the CPP Board meeting:

- a presentation on North Ayrshire Health and Social Care Partnership's Strategic Plan and plans to develop a "one-year bridging plan" with a 2030 vision;
- a presentation on plans for recovery and renewal from CPP and Council perspectives; and
- a presentation on Community Wealth Building

The Provost then invited questions. Councillor Miller took the opportunity to ask whether any reply had been received in respect of his motion to the last meeting of the Council on the subject of free TV licences for the over 75s. The Chief Executive undertook to advise all Members as soon as a response was received.

Noted.

## **10. Questions**

In terms of Standing Order 12, submitted:

- (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 timescales for this work? It would also be valuable to establish exactly who is in fact paying for this remedial work.”

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

“I can confirm that officers have continued to engage with Transport Scotland’s contractor, Interserve, regarding repairs to the side roads impacted by construction traffic as part of the A737 Den Realignment project. Despite this being raised with Interserve earlier in the year, and assurances having been given to officers that repairs would be undertaken, no works have been forthcoming. Following the national lockdown, construction activities were suspended and officers were only able to resume discussion with Interserve in July. There was no response to our initial contact and this was escalated to Transport Scotland. While dialogue has now recommenced with Interserve, agreement regarding the repairs has not yet been reached.

A decision was made to close the U53 Sandy Road recently due to its poor condition. I can confirm that plans are now in place for the Council to resurface both the U53 and U32 roads in the coming weeks. Officers will continue to engage with Transport Scotland and Interserve to recover the costs of this work and will escalate within Transport Scotland as necessary to ensure a satisfactory resolution is achieved.”

(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 do 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.”

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

“The Roads Service is continuing to monitor the drainage network at this location closely, including through regular jetting of the road gullies and inspection of culverts to ensure they are all free-flowing.

As the roads drainage system discharges into the River Garnock, officers are also investigating the potential installation of non-return valves at the drainage outfalls to improve the system.

Furthermore, the mesh on the Hebron Hall footbridge has recently been replaced to improve water flow when the river is in spate.

It should also be noted that the Upper Garnock Valley Flood Protection Scheme commenced construction in August 2020. The completed scheme will significantly reduce flooding risk from the river and improve the drainage system in the surrounding area.”

(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?”

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

“Following national guidance all public conveniences were closed on 23 March in order to safeguard the public and staff.

In July 2020, updated national guidance was issued and a cross-service approach was taken to ensure the guidance was followed to allow a safe re-opening of the sites. Between 11 and 15 July, 6 out of 8 sites were reopened. Sites opened were:

**Open 52 weeks:**

- Pierhead, Gallowgate Street, Largs car park
- Broomfields, Largs
- Ardrossan South Beach
- Melbourne Gardens, Saltcoats
- The Braes, Saltcoats

**Closed in winter:**

- Mackerston, Largs

A 'Changing Places' standard accessible toilet is available at Largs promenade.

Two sites remain closed at this time due to the significant repair work required to bring them back into operational use: Aubrey Park, Largs and The Pencil, Largs. The Pencil is normally closed during winter.

Council officers provided support to community groups while they were considering the reopening of community run sites on the Isles of Arran and Cumbrae, Irvine beach and West Kilbride. Risk assessments and safe systems of work were shared and advice given on suitable additional equipment and supplies. We would wish to thank the dedicated local community groups who continue to operate these facilities in extremely challenging times.

The current provision of public toilets was a 2016/17 budget decision. In subsequent budgets the Council's position has become more challenging with further cuts imposed on us. No member has proposed additional investment to increase the number of Council-operated public conveniences in the budgets since."

(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 timescale for work to be carried out?"

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

“Following previous reports of localised flooding at the rear pedestrian access path to the Garnock Community Campus, Property Management and Investment (PMI) carried out drain clearance works – including the removal of a quantity of silt - and also arranged a CCTV survey of the drainage network related to the path. PMI and the on-site Facilities Management team have been closely monitoring the effectiveness of these works.

The clearance works have resulted in an improvement in the rate of water dispersal; however, this has not prevented periodic flooding of the path and further action is required. The drainage system meets the relevant design standards. However, in light of the ongoing issues and the most recent flooding incidents, PMI have arranged to meet with the Council’s drainage term-contractor on-site in the week commencing 9 November to review and agree further suitable interventions to mitigate the issue.”

Councillor Donald L. Reid thanked the Cabinet Member for his response and requested that, in the interests of pupils, PMI continue to pursue this matter proactively.

Councillor Montgomerie responded by expressing confidence in PMI and undertaking to advise the Member of the outcome.

(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?”

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

“On 21 January 2020, Cabinet approved a Climate Change report which set our target of reaching net-zero by 2030 and included the following text:

*‘The Council will not be able to achieve net-zero emission status without absorbing emissions, therefore a range of actions must be investigated in the next ESCCS. Some work is already underway in this regard with officers across the Council working to identify available suitable land, secure funding and investigate any commercial viability for tree planting.’*

Cabinet added a further recommendation to the report to propose the creation of a climate change fund, as part of a total £8.8 million of investment funds secured through refinancing loans, for consideration at the budget. £500,000 of this investment fund was subsequently ring-fenced for tree planting in support of work outlined in the January Cabinet paper.

Since then, officers have been working on a draft Tree Planting Strategy to set out the plans for a large-scale woodland tree planting programme. The afforestation initiative aims to plant around 108,000 trees across 40 hectares, in order to provide the anticipated level of carbon sequestration required to meet the Council's net-zero ambition by 2030.

The draft strategy will be presented to Cabinet imminently, along with proposals for pilot planting projects this growing season, which runs until March 2021, to provide early progress towards our target. This will be subject to availability of tree saplings for the work. In addition, just yesterday, Cabinet approved the Lochshore Regeneration Project report which outlined the intention to use that site as a key location for our plans to deliver an area of at least 10ha of tree planting over the planting season 2021-22."

As a supplementation question, Councillor Burns asked the Cabinet Member to consider how the tree-planting initiative might be made a public endeavour, allowing communities to see progress being made and understand how they could contribute to meeting the target.

Councillor Montgomerie responded by undertaking to discuss with the Council's Corporate Communications team options for awareness-raising and encouraging community involvement. The Cabinet Member also indicated his willingness to discuss this further with Councillor Burns.

(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?"



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

“I can confirm that testing has indeed been re-established. All over 70s are tested on admission to hospital and further tested at four-day intervals up to day 16 of admission. When discharging a person to a Care Home where there are no symptoms or awareness of exposure to a person with Covid-19 one test is undertaken with results expected within 48 hours. If a person has experienced a positive test for Covid-19 then two tests must be returned as negative prior to moving to a Care Home. There has not been any reduction in testing activity in any other aspect of the care environment. There is a focus on the capacity of testing teams and associated lab facilities to ensure increased numbers of testing can be managed and that times to deliver responses to those tested are efficient.”

As a supplementation question, Councillor Billings referred to the potential for mobile testing, which would be particularly relevant for Arran as winter approached, and asked the Cabinet Member to provide an update on this.

Councillor Foster responded by advising that he would be happy to look into this matter and provide a response to all Members.

(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.”

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

“The requirement to provide or upgrade smoke alarm systems in homes in Scotland is being introduced in stages under the Housing (Scotland) Act, and covers all residential properties - social landlords, private landlords and private owners. The actions required will ensure that everyone in Scotland has the same level of protection whether they own or rent their home. The latest change which was due to occur in February 2021 is now being postponed by the Scottish Government for a further 12 months due to practical implications for householders during the current Covid-19 pandemic.

In relation to the leaflets received by most households throughout Scotland, the Trading Standards team were originally made aware of these in early September and contacted Trading Standards Scotland as it is an issue which affects all local authority areas. It has subsequently been reported that an error in due process led to the use of the Scottish Government’s logo and they have asked the company to remove it from future publications.

The message from North Ayrshire’s Trading Standards team is that owners should obtain quotes from several suitably qualified traders before entering a contract to have this work done. This price will vary from house to house and there are several types of system that can be used all with varying costs. As per our normal advice, do not accept your first quote. Shop around for a competitive tender and be wary of dealing with doorstep callers and telephone cold callers.”

(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?"

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

“A decision was taken by the NHS EMT to establish testing facilities at Lister Street, University Hospital Crosshouse (UHC) to facilitate access to acute assessment and care in the event of a person presenting for testing and requiring more urgent assessment and intervention via the Emergency Department (ED) and potential admission.

The NHS EMT agreed to establish a second testing site at Ailsa Hospital. NHS EMT supported this based on advice from Public Health and professional clinical leads. Again, the key element was the proximity to a hospital site with ED facilities at University Hospital Ayr. Both sites are also able to flex staff attendance in the event of short notice spikes in demand or staff absence.

Consideration has been given to establishing a site in North Ayrshire but at this time NHS EMT and clinical leads have not supported a third site in North Ayrshire to date with access to UCH being deemed appropriate. In addition, it is recognised that any such proposal would be focussed on drive through by appointment as it is at UHC and Ailsa. The discussion has now moved to the potential for walk in facilities that would need to be more accessible and closer to densely populated areas, i.e. located near towns. This is under review by Public Health in conjunction with NHS clinical leads who manage the testing centre activity. All testing decisions are guided by Public Health.”

(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?”

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

“Marine Scotland determined that the works which required a Marine License, namely dredging, required an EIA under the Regulations. The Council, as Planning Authority, considered the land-based works, which required planning permission, and found that those works did not require an EIA under the Regulations relating to Planning.

The Scottish Government determined that the Council’s approach was valid. In response to a request by a resident for a screening opinion to be undertaken by the Government, in a letter dated 19<sup>th</sup> February 2019, the Scottish Government was “satisfied that the issues raised do not call into question the validity of the view reached by the Planning Authority that an EIA is not required. Ministers are content that the process undertaken by the Council and Marine Scotland has been sufficiently robust to allow them to reach their opinions, and that due process has been followed with regard to the seeking and obtaining of a Screening Opinion for the project.”

As a supplementary question, Councillor Murdoch asked the Chair of Planning to answer his original question in terms of offering his own opinion on the need for an EIA and questioned whether, in light of erroneous tide mark information provided at this and previous meetings, Councillor Marshall still believed the Planning Service was performing properly.

Councillor Marshall responded by agreeing that between high and low water mark there was an overlap between Planning and Marine Scotland’s jurisdiction. The Chair of Planning confirmed his view that the Planning Service was performing well, and agreed that an EIA was required [by Marine Scotland] in respect of the Hunterston site.

(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?"

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

"The Accounts Commission's Best Value Audit of the Council answered this question for Councillor Murdoch. It commended the Council on its arrangements, stating:

"There is a strong culture of collaborative working at North Ayrshire Council. Elected members and officers work well together, and the council works effectively with a wide range of partners including the CPP, the IJB and private business. There is joint ownership of, and commitment to delivering, agreed strategic priorities." And

### **The council's decision-making structure is effective**

**25.** North Ayrshire Council operates a cabinet system. This is the main decision-making body and is made up of the administration. This system works well and is supplemented by a policy advisory panel that provides all elected members with an opportunity to influence strategic and policy developments.

**26.** Council business is transparent, with all decisions being made in public, unless they are commercially sensitive. Full council meetings, cabinet meetings and Integration Joint Board (IJB) meetings are streamed online and all reports are uploaded to the website three working days before meetings. Elected members also update community councils and local community groups. The council has worked on making documents more readable and providing good online search functions so that the public can easily find information."

Members can raise Questions and Motions on any subject at Council. Indeed, Councillor Murdoch has asked 45 Questions at Council since June 2017, which including supplementary questions is close to 90 Questions. This is 20% of all Questions asked by Members, with the percentage increasing as the term goes on as over the last two years Councillor Murdoch has asked 29% of the total number of questions at Council."

As a supplementary question, Councillor Murdoch referred to the situation since March and to requests by Members for more meetings, and asked for an assurance that a full programme of committee meetings would be held, either in person or electronically, to deal with all normal practices of the Council, continuing even if government guidance changed again.

Councillor Cullinane responded by referring to the unprecedented circumstances surrounding the global pandemic and the exceptional measures put in place to allow the Council to effectively manage the situation. The Leader noted that technology had improved, observing that this Council meeting was being live-streamed as well as recorded, and made reference to the decision at the last Council meeting to approve a full timetable of meetings for next year.

(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?”

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

“We are clear that as we emerge from this health and economic crisis, we cannot return to business as usual, and that is particularly the case with our economy where we must build back better, fairer and greener. The Council declared a Climate Emergency in 2019 and we are committed to taking action now to achieve net zero carbon emissions by an ambitious target of 2030.

A transition to a greener economy will require that we align the economic recovery with the climate emergency response, and this will assist with a just transition towards a greener, fairer and net zero economy. A transition to a greener economy means pursuing low carbon transport and renewable technologies opportunities at the local level and supporting the national move to low carbon energy provision through the decarbonisation of electricity, heat and transport.

It is no secret that North Ayrshire's economy has struggled to adapt to previous industrial change and has not recovered from the scarring impact of de-industrialisation, and so through our Community Wealth Building strategy, the Ayrshire Growth Deal and the refresh of our Environmental Sustainability and Climate Change strategy, we are providing economic and environmental leadership through investing in practical measures to achieve net zero.

That is why – as part of the March 2020 budget setting process – we announced an £8.8 million Investment Fund to invest in Community Wealth Building and tackling climate change and we have set out how this will be used in our Economic Recovery and Renewal Approach agreed by Cabinet in September.

Our approach to economic recovery and renewal details how we will build back better, fairer and greener by using our economic levers across the Council to develop a Green New Deal for North Ayrshire. We will use our capital investment to accelerate our recovery and wider regeneration of our area, at the same time as tackling climate change. We will support our existing businesses and social enterprises to rebuild, diversify and become more resilient, green and inclusive. We will support our communities who have lost their jobs or are in insecure work, support our young people, and encourage community entrepreneurship.

Supporting our business base to reduce their environmental impact, maximise the opportunities of green innovation, and support workers with skills and training, will be key elements in ensuring that North Ayrshire can play a leading role in the transition to net zero. That is why our Economic Recovery and Renewal Approach set out that we will develop a £500,000 Green Jobs Fund that will support a just transition in North Ayrshire by:

- working with community groups and businesses to explore renewable energy generation and circular economy schemes that would create local fair green jobs.
- supporting green business adaptation to encourage and support local businesses to adapt their processes and business models to support industrial decarbonisation and meet net zero.

The refresh of our Environmental Sustainability and Climate Change Strategy (ESCCS) is currently underway and will contain actions across seven workstreams to meet net zero by the Council's 2030 target date. These workstreams will be intrinsically linked to our economic recovery through their alignment to our Community Wealth Building approach and Green New Deal aspirations. (*Proposed seven workstreams: Affordable Warmth, A Green Economy, Transport and Travel, Natural and Build Environment, Sustainable Operations, Emission Absorption, Climate Change Adaptation*).

As a supplementation question, Councillor Murdoch asked if, in light of previous planning applications for coal-fire power stations and carbon capture and storage, the Leader agreed that green energy should be supported by North Ayrshire Council but not at any cost, and that the wellbeing of constituents and the environment should also be considered and protected at all times.

Councillor Cullinane responded by asserting that Hunterston was an economically important site within the context of North Ayrshire, Scotland and the UK, with all the attributes necessary to contribute to a greener economy. The Leader advised that he was aware of the previous application for a coal-fired power station, which he understood had attracted a record number of objections, including from the Council itself. Councillor Cullinane expressed a wish to see the Hunterston site developed to bring sustainable 'green' jobs to North Ayrshire and referred to a motion approved at the September 2020 Council meeting and to ongoing work to bring together various partners in order to achieve this.

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.00 p.m. for a comfort break. The meeting reconvened at 3.15 p.m. with the same Members and officers present and in attendance.

## **11. Motions**

In terms of Standing Order 13, submitted:

- (1) a motion proposed by Councillor Marshall and 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.”

As an amendment, Councillor Foster, seconded by Councillor McPhater, moved the terms of the motion with the following exception:

“With regard to part 1 of the motion:

- ‘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’

I would amend that it should read:

- ‘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 amended.’”

As a further amendment, Councillor Burns, seconded by Councillor Macaulay, moved as follows:

“The Council recognises and is concerned that the number of hate crimes is rising across the UK and elsewhere. In attempting to address this, the Scottish Government has introduced the Hate Crime and Public Order Bill. Consultation on the draft bill has resulted in a significant number of submissions received, mainly relating to concerns around the protection of freedom of speech and expression.

Council accepts that any legislation must strike a balance between protecting potential victims and undermining freedom of speech and expression. We therefore welcome the cross-party commitment to address these concerns in the committee stages of the bill and instruct the Council’s CEO to write to Justice Secretary Humza Yousaf stating that

1. NAC is concerned at the increase in the number of hate crimes in the UK and elsewhere
2. Any change to the law should ensure that it results in further protection of potential victims
3. Due regard should be given to any unintended consequences in relation to the potential undermining of freedom of speech and expression, including the specific concerns raised by those responding to the consultation.”

There followed debate and summing up.



In terms of Standing Order 14.5, with the consent of Council, Councillor Marshall agreed to withdraw his motion in favour of Councillor Foster's amendment. The amendment by Councillor Foster, seconded by Councillor McPhater, became the substantive motion.

On a division and a roll call vote, there voted for the amendment, Councillors Brahim, Burns, Davidson, Dickson, Gurney, Hill, Larsen, Macaulay, McClung, McMaster and McTiernan (11) and for the substantive motion, Councillors Barr, Bell, Billings, Clarkson, Cullinane, Easdale, Ferguson, Foster, Gallacher, Gallagher, George, Glover, Marshall, McNicol, McPhater, Miller, Montgomerie, Murdoch, Donald Reid, Donald L. Reid and Sweeney (21), and the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

"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 amended.

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."

As an amendment, Councillor Gurney, seconded by Councillor Dickson, moved as follows:

“That the Council approves the terms of the motion, subject to removal of the existing action points and their replacement with the following:

1. Discuss the merits or otherwise of a local investment strategy with the chair and officials of Strathclyde Pension Fund
2. Ascertain the legal restrictions, if any, on that body regarding its risk and yield parameters
3. Postpone any actions until we completely understand the possible consequences for the people whose pensions are reliant on the Strathclyde Pension Fund.”

As a further amendment, Councillor McNicol, seconded by Councillor Murdoch, moved the direct negative, namely that no action be taken on this matter.

There followed questions, summing up and debate.

Councillor DL Reid intimated his wish to declare a financial interest in this motion.

The Provost confirmed that he had received advice from the Head of Democratic Services that as a result of a specific exemption in terms of the Code of Conduct for Councillors, no declaration of interest required to be made by Elected Members who were also members of Strathclyde Pension Fund.

In terms of Standing Order 14.5, with the consent of Council, Councillor McNicol agreed to withdraw his amendment.

On a division and a roll call vote, there voted for the remaining amendment, Councillors Barr, Billings, Brahim, Burns, Davidson, Dickson, Ferguson, Gallacher, George, Glover, Gurney, Hill, Larsen, Marshall, Macaulay, McClung, McMaster, McNicol, McTiernan, Murdoch and Donald L. Reid (21), and for the motion, Councillors Bell, Clarkson, Cullinane, Easdale, Foster, Gallagher, McPhater, Miller, Montgomerie, Donald Reid and Sweeney (11), and the amendment was declared carried.

Accordingly, the Council agreed as follows:

“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. Discuss the merits or otherwise of a local investment strategy with the chair and officials of Strathclyde Pension Fund
2. Ascertain the legal restrictions, if any, on that body regarding its risk and yield parameters
3. Postpone any actions until we completely understand the possible consequences for the people whose pensions are reliant on the Strathclyde Pension Fund.”

The meeting ended at 4.25 p.m.