

North Ayrshire Council
27 October 2021

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, 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, Ronnie Stalker, Angela Stephen and John Sweeney.

In Attendance

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); K. Yeomans, Director (Growth and Investment); R. Arthur, Head of Connected Communities (Communities and Education); M. Boyd, Head of Service (Finance), F. Walker, Head of Service and M. Lindsay, Senior Customer Officer (People and ICT); A. Craig, Head of Service, N. Shearer, Team Manager (Legal Services), M. McColm, Senior Manager (Communications), H. Clancy, A. Little and C. Stewart, Committee Services Officers and M. Anderson, Senior Manager (Committee and Member Services) (Democratic Services) (Chief Executive's Service).

Chair

Provost Clarkson in the Chair.

1. Provost's Remarks

The Provost welcomed Members and officers to the meeting, which was proceeding on a wholly remote basis by electronic means, and dealt with preliminary matters.

2. Apologies

The Provost invited intimation of apologies for absence. There were none.

3. 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.

4. Previous Minutes

The accuracy of the Minutes of the Ordinary Meeting held on 8 September 2021 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

5. Provost's Report

Submitted report by the Provost for the period from 30 August 2021 – 17 October 2021.

The Provost referred to the recent passing of two outstanding, well-respected former Elected Members: David Munn and Tom Barr. He noted the exceptional impact which both had had on the Council and on their constituencies and, on behalf of all Members, extended his condolences to their family and friends.

The Provost then highlighted the following elements of his written report:

- the launch of the Adult Volunteer Recognition Award at the Ayrshire Community Trust in Saltcoats on 10 September 2021;
- attendance, along with other civic leaders in Scotland, at an online reception on 21 September 2021 hosted by the Consul General of China, to celebrate the 72nd anniversary of the founding of the People's Republic of China;
- the ceremonial signing, on 23 September 2021, of the Armed Forces Community Covenant;
- the ground-breaking ceremony for the new Moorpark Primary School in Kilbirnie on 27 September 2021;
- the Kirkin' of the Deacon Convenor of Irvine Incorporated Trades, Donald Wilson, in Irvine's Old Parish Church on 3 October 2021;
- attendance at the first of two Brass in the Valley concerts to acknowledge and celebrate frontline workers and volunteers;
- a ceremony on 11 October 2021 at which the Sheriff Principal introduced Sheriffs Watson and Jamieson as resident sheriffs at Kilmarnock Sheriff Court; and
- the Veterans Housing Scotland reception, which took place on 14 October 2021.

Noted.

6. Leader's Report

Submitted report by the Leader of the Council for the period from 30 August - 17 October 2021.

The Leader provided a verbal update to Members on the award of £23.7m in Levelling Up funding for the upgrading of the B714. Councillor Cullinane also advised that fund had been significantly oversubscribed, but that the Council had been invited to re-submit the bid in respect of Lochshore and Ardrossan North Shore, for future consideration.

Noted.

7. Council Minute Volume

Submitted for noting and for approval of any recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 24 May – 1 October 2021.

Noted

8. North Ayrshire Community Planning Partnership (CPP) Board: Minutes of Meeting Held in June and September 2021

Submitted report by the Interim Executive Director (Communities and Education) on the Minutes of the meetings of the Community Planning Partnership Board held on 10 June and 29 September 2021.

The Chief Executive highlighted the following matters which had been discussed by the CPP Board:

- an update on the Children's Services Strategic Partnership;
- the new Youth Participation and Citizenship Strategy;
- various workshops for CPP partners, on strengthening links with the Alcohol and Drugs, the Careers Review
- a presentation on the role of the Third Sector Interface;
- Scottish Fire and Rescue Service's consultation on unwanted fire alarm signals;
- work around the Locality Partnership Priorities; and
- an update on the Local Employability Partnership.

Noted.

9. Hybrid Committee Meetings Pilot

Submitted report by the Head of Democratic Services on the outcome of the hybrid committee meetings pilot which took place in October 2021.

At its meeting on 8 September 2021, the Council agreed to conduct a hybrid committee meetings pilot in September/October 2021, involving the Licensing Committee and Integration Joint Board (IJB). A protocol, developed by officers to guide the implementation of the hybrid meetings pilot, was attached at Appendix 1 to the report.

Members asked questions, and received clarification, on the following:

- the availability of a recording of the IJB meeting;
- the benefits of hybrid meetings, particularly with regard to the availability of officer advice to the Chair;

- the need for further testing of the system with more participants and a bigger meeting Agenda;
- whether the extension of the pilot should be delayed until Spring 2022, given the additional staff resources required for the system, current Scottish Government advice on home working, and issues of confidentiality and comfort arising from the current need for windows to be open due to COVID-19;
- whether a pragmatic approach might be taken with regard to the issue of ventilation; and
- cessation of the pilot in the event of changes to COVID-19

Councillor McNicol, seconded by Councillor Barr, moved approval of the recommendations set out in the report.

As an amendment, Councillor Dickson, seconded by Councillor Burns, moved to delay the pilot testing of hybrid committee meetings until the end of March/beginning of April 2022.

There followed debate and summing up.

On a division and roll call vote, there voted for the amendment, Councillors Burns, Davidson, Dickson, Gurney, Hill, Larsen, Macaulay, McClung and McTiernan (9), and for the 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, Stalker, Stephen and Sweeney (23), Councillor McMaster abstaining, and the motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) to note the outcome of the hybrid meetings pilot;
- (b) to extend the pilot of Licensing Committee and Integration Joint Board hybrid meetings until the next Council meeting, subject to:
 - (i) consultation with the Health and Social Care Partnership with regard to the IJB arrangements;
 - (ii) hybrid meetings during the next stage of the pilot proceeding as “remote meetings (with physical participation)”, with no more than 50% of committee Members attending in person and on the basis that any failure of the hybrid equipment would result in the meeting reverting to a remote platform;
 - (iii) amendment of the hybrid meetings protocol set out at Appendix 1, to accommodate physical attendance by external parties in exceptional circumstances, as determined by officers;
 - (iv) the pilot being suspended in the event of a reintroduction of social distancing requirements; and

(v) the extent of the pilot being dependent on the availability of sufficient staff resources

(c) to receive a report on the outcome of the extended pilot thereafter.

10. Questions

In terms of Standing Order 12, submitted:

(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?”

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

“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 Harbourmaster’s 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."

As a supplementary question, Councillor Burns referred to the asset transfer of public toilets at Irvine beach to Coastwatch and asked for reassurance that consideration of this basic amenity would form part of the ongoing development of the area, with support provided to Coastwatch to continue to develop their role.

The Leader responded by referring to plans for the development of further restaurant provision within the Coastal Hub and indicated that investment in this area should significantly enhance public toilet provision in this area. Councillor Cullinane acknowledged the importance of getting public toilet provision right, given the aspiration to attract thousands more visitors to the area.

(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 timescales."

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

“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 re-open 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 re-opening the lounges. In North Ayrshire, the number of positive COVID-19 cases per 100,000 of the population had risen to 812 at 3 September 2021. This number has fallen steadily since then and at 16 October 2021 had reduced to 360 cases.

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 re-opening 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.”

Councillor Montgomerie took the opportunity to add a verbal update to his written response, advising that, as of 23 October 2021, the number of positive cases of COVID-19 had further declined, to 307 cases per 100,000 of the population.

(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 streetlights 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?”

Councillor Montgomerie thanked the Member for his question and referred to the following written 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.”

As a supplementary question, Councillor Gallacher made reference to an obscured sign at the prominent location of Stanecastle roundabout, Irvine, and asked whether the inspection team was currently working at full capacity.

Councillor Montgomerie responded by confirming that, as far as he was aware, the team was working at full capacity and suggested that the Member report the matter he had raised to the service.

(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?”

Councillor Montgomerie thanked the Member for his question and referred to the following written 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.”

As a supplementary question, Councillor Gallacher sought confirmation that the land in question was indeed the property of Irvine Common Good.

Councillor Montgomerie responded in the affirmative.

On a point of order, Councillor Burns sought advice as to whether lengthy written responses to Members’ questions could be taken as read or required to be read out at the meeting. The Head of Democratic Services confirmed that, as written answers had been provided in advance and would also be available in the Minutes, they could, at the discretion of the Member in question, be treated as read.

(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?"

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

“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.”

(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?”

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

“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.”

(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?”

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

“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).”

(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?”

Councillor Montgomerie thanked the Member for his question, advising that he was one of Scotland's White Ribbon ambassadors. Councillor Montgomerie invited the Member to take as read the table included in the following written response:

"The table provided contains the available data.

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

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 inter-agency 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.”

(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?”

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

“A report ‘Ardrossan North Shore: Proposed Education and Community Campus’ was presented to North Ayrshire Council on 25 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 October to 6 December 2019. The Consultation Paper was published on 22 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 December. A total of 27 questions were raised and answered on site contamination during the public meetings.”

As a supplementary question, Councillor McNicol asked if the Leader would tell Members what guarantees would be/had been provided by the companies employed to remove contamination from the site and whether he, as Leader of the Council, would accept anything less than an absolute guarantee that 100% toxic contaminants had been removed from the site before allowing construction to begin.

The Leader responded by referring to the numerous papers which had been submitted to the Council on this matter and to the various rounds of consultation which had taken place. Councillor Cullinane asserted that the Council had been more open and transparent than required and, by bringing reports to the full Council rather than only to Cabinet, had afforded Members many opportunities to express their views and vote.

(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?"

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

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

The supplier will supply and maintain the system on behalf of 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).

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 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 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."

As a supplementary question, Councillor Gurney asked for the following information:

1. The additional cost arising from having two systems in place for the same service, to allow for those who had not given consent;
2. Confirmation that the project had also followed ISO 31000;
3. Confirmation that no back-ups were stored on Microsoft's extensive worldwide network;
4. Whether the agreement would prohibit data sharing in the event of the take-over of the service provider;
5. Further detail on how the process of storing biometric data had been explained to parents and guardians and how their informed consent had been obtained;

6. The steps in place to prevent others accessing the encrypted data using the same software (which would then identify children).
7. The remedies available to the users in the event of a breach.

Councillor Montgomerie responded by referring to the update briefing circulated to all Elected Members in the past week. He gave an assurance that officers were continuing to respond to enquiries and discuss the matter with the Information Commissioner, and advised of the intention to provide a further update to Members in early November.

Councillor Stalker left the meeting during consideration of the above item, re-joining during consideration of the following item.

11. Motion

In terms of Standing Order 13, submitted:

- (1) a motion proposed by Councillor Billings and seconded by Councillor Glover in the following terms:

“Scotland has a long and proud fishing history and has had access to a wide range of marine habitats that provided a wide variety of both fish and other seafood. However, we are all aware that fishing is in crisis caused by overfishing leading to dwindling catches. To try to mitigate these losses fishing has moved to ever more mechanised and damaging ways of fishing. Whilst that provided short-term solutions, it is clear that the damage caused to marine habitats is leading to further reductions in catches.

So much of our coastal seas are regularly scraped by dredgers and trawlers looking for scallops and other seafood. This destructive action has destroyed and damaged vast expanses of seabed creating virtual seabed deserts that have only a fraction of the marine life they once supported. The varied marine life that used to support healthy and diverse populations of fish no longer exists, and we have an increasingly impoverished, unhealthy and unproductive marine environment. The catastrophic collapse of the once abundant fish stocks in the Clyde in the 1980s and loss of jobs and income that these fisheries supported is a graphic illustration of the problem.

Changes in our climate is causing levels of CO₂ in seawater to rise leading to acidification of the water further damaging and inhibiting the growth of shellfish and other marine life. Coupled with stresses caused by warmer waters, it is clear that this is not a sustainable situation. Our fishing industries face an ecological crisis on many fronts. Major change is required to avert the potential total collapse of our fishing industry.

Healthy inshore marine environments not only act as essential nursery areas for young fish and other sea creatures, but the carbon capture by marine animals and plants (such as seaweeds and sea grasses) capture CO2 from the water thereby reducing atmospheric CO2 and help to neutralise the water. The importance of 'blue carbon outcomes' was much discussed at COP25, and will be an important part of COP26. As a seagoing nation we must play our part in including the marine environment in our zero-carbon planning.

The work and research undertaken by Community of Arran Seabed Trust (COAST) in Lamlash, in collaboration with universities and researchers, has shown that with active protection and management our coastal marine environment damaged areas recover to become naturally varied, productive and resilient habitats. This will benefit both our coastal communities and our environment.

With the current focus on the climate change crisis, it is time to press the Scottish government to take the action that it has talked about for so long. The Scottish government has over the years agreed that something needs to be done. It has published reports and had numerous discussions but very little has actually changed. There have been significant vested interests in maintaining the status quo, but the climate, biodiversity and fishing crises are now upon us. The time has come for the Scottish government to take decisive action to proactively manage Scotland's marine environment for the long-term survival of its fisheries, coastal communities and for the hugely positive contribution healthy seas have for the climate.

We in North Ayrshire have announced a climate change emergency. If we are serious about that emergency, we must take a stand for positive action.

I therefore move that North Ayrshire Council agrees that:

1. The control of bottom-towed fishing within our inshore coastal waters will enable the damaged seabeds to return to varied, productive and resilient marine habitats, thereby benefiting the environment and the long-term sustainability of fishing,
2. The Council asks Scottish Government for provision of support to existing fishing businesses which will enable them to transfer to using low environmental impact methods of fishing, thereby protecting existing fishing jobs and the provision of long-term sustainable employment in our local communities, and
3. That the Chief Executive writes to the Cabinet Secretary for Rural Affairs and Islands to request that the Scottish Government implements control of bottom-towed fishing in inshore coastal waters and provides the necessary support to existing fishing businesses to enable them to change to low environmental impact and sustainable methods of fishing which directly link to the government's objectives set out in the "Future Fisheries: management strategy 2020-2030".

The effect of such action will provide positive benefits for those working in Scotland's coastal communities and make a significant contribution to mitigating climate change."

As an amendment, Councillor Gurney, seconded by Councillor Dickson, moved the terms of the motion, subject to the addition of the following provision:

“4. That the Chief Executive writes to the Prime Minister to remind him that responsibility for international fishing policy is unfortunately reserved to Westminster and that to ensure a holistic approach to the complex issues, we ask him to transfer complete powers over fishing to the Scottish government as soon as possible.”

In terms of Standing Order 5.7, the Provost agreed that the meeting be adjourned at 3.55 p.m. for a short comfort break, reconvening at 4.05 p.m. with the same Members and officers present and in attendance, with the exception of Councillor Glover.

Members asked questions of clarification of the movers and seconders of the motion and amendment.

On a point of order, Councillor Burns sought advice on the purpose of questions to the mover and seconder of motions and amendments. The Provost noted that questions should be limited to requesting clarification of the terms of the motion or amendment.

There followed debate.

On a further point of order, Councillor Foster requested clarification on the extent to which it was necessary for debate to be strictly confined to the terms of the motion or amendment. The Head of Democratic Services confirmed that extraneous matters may, within reason, be relevant for inclusion in debate.

Following summing up, on a division and roll call vote, there voted for the amendment Councillors Burns, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Larsen, Macaulay, McClung, McMaster, McPhater, McTiernan and Donald Reid (14) and for the motion, Councillors Barr, Bell, Billings, Clarkson, Easdale, Ferguson, Gallacher, Gallagher, George, Marshall, McNicol, Miller, Montgomerie, Murdoch, Stalker and Stephen (16), Councillors Donald L. Reid and Sweeney abstaining, and the motion was declared carried.

Accordingly, the Council agreed as follows:

1. That control of bottom-towed fishing within our inshore coastal waters will enable the damaged seabeds to return to varied, productive and resilient marine habitats, thereby benefiting the environment and the long-term sustainability of fishing,
2. To ask Scottish Government for provision of support to existing fishing businesses which will enable them to transfer to using low environmental impact methods of fishing, thereby protecting existing fishing jobs and the provision of long-term sustainable employment in our local communities, and

3. That the Chief Executive write to the Cabinet Secretary for Rural Affairs and Islands to request that the Scottish Government implements control of bottom-towed fishing in inshore coastal waters and provides the necessary support to existing fishing businesses to enable them to change to low environmental impact and sustainable methods of fishing which directly link to the government's objectives set out in the "Future Fisheries: management strategy 2020-2030".

The meeting ended at 4.45 p.m.