



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

20 December 2017

VOLUME OF MINUTES

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Ayrshire Shared Services Joint Committee
23 June 2017

May 2017 - April 2022

IRVINE, 23 June 2017 - At a Meeting of the Ayrshire Shared Services Joint Committee at 2.00 p.m.

Present

Councillors Joe Cullinane and Marie Burns (North Ayrshire Council); Douglas Reid, Tom Cook, Jim Roberts and John McGhee (East Ayrshire Council); and Alec Clark, Ian Cochrane and Bob Pollock (South Ayrshire Council).

In Attendance

L. Bloomer, Executive Director (Economy, Neighbourhood and Environment), C. Boyd, Risk, Safety and Resilience Manager and J. McGeorge, Ayrshire Civil Contingencies Co-ordinator (Ayrshire Civic Contingencies Team) (South Ayrshire Council); P. Whip, Group Finance Manager (East Ayrshire Council); S. Turner, Head of Roads, K. Braidwood, Operations Manager and T. Mackin, Business Support Manager (Ayrshire Roads Alliance); and M. Anderson, Committee Services Team Leader (North Ayrshire Council).

Chair

Councillor Joe Cullinane (Agenda Items 1-2) and Councillor Douglas Reid (remainder of the Agenda).

Apologies

Councillor Philip Saxton.

1. Apologies

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

AYRSHIRE CIVIL CONTINGENCIES TEAM (ACCT)

2. Ayrshire Civil Contingencies Team

Submitted report by Head of Property and Risk (South Ayrshire Council) on the Ayrshire Civil Contingencies Team Service Plan 2017/18. The work plan was set out at Appendix 1 to the report.

The Risk, Safety and Resilience Manager (Ayrshire Civil Contingencies Team) provided a brief overview of the service for the benefit of Elected Members new to the committee, and highlighted a number of key exercises which had taken place in recent months.

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

- whether the plan in respect of William Grants had been updated to take into account recent developments on site;
- any local implications of the recent change to the Government's assessment of the terrorism threat level;
- whether there was any 'lock-down' procedure in place in the event of a knife attack or similar event within a school or other public building;
- the local approach to any media enquiries about the terrorism threat level;
- the availability of Operation Griffin training for Council staff and community groups;
- the background to the new guidance referred to at paragraph 1.3 of the appendix to the report;
- the risk assessment process for local events; and
- how the service is evaluated and the mechanism for gathering customer feedback.

The Committee agreed:-

- (a) to approve progress against the 2017/18 work plan set out at Appendix 1 to the report; and
- (b) to note in particular (i) the refinement of Emergency Control Centres, (ii) the Major Water Services Incident Response Exercise Nahla hosted by Scottish Water, (iii) the close engagement with partners for Event Contingency Planning, (iv) the review of the Civil Contingency Response and Recovery Plans and (v) Exercise Carrick, which validated the Girvan Harbour Marine Pollution Response Plan.

3. Rotation of Chair

Councillor Cullinane withdrew from the Chair at this point, to allow Councillor Douglas Reid to chair the meeting for the remaining items of Ayrshire Roads Alliance business.

Councillors Cullinane and Burns left the meeting at this point.

AYRSHIRE ROADS ALLIANCE (ARA)

4. Roadworks Programme Update 2016/17

Submitted report by the Head of Roads (ARA) on progress made with the road improvement programmes within East and South Ayrshire for financial year 2017/18. The 2017/18 Ayrshire Roads Alliance Programmes for South Ayrshire and East Ayrshire were set out at Appendices 1 and 2, respectively.

East Ayrshire Council's Cabinet approved the 2017/18 road works programme on 8 March 2017. The South Ayrshire programme was approved by its Leadership Panel on 14 March 2017. The report provided progress updates in respect of each programme.

The Head of Roads (Ayrshire Roads Alliance) gave a brief overview of the work of the ARA for the benefit of Elected Members new to the committee, introduced the Alliance's new Business Support Manager and updated the committee on the filling of an outstanding vacancy.

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

- concern over surface water on Millar Road during recent heavy rain, in light of previous flooding incidents at this location;
- the reasons for a significant amount of work being carried over from 2016/17 into the current financial year's work programme;
- the timing and quality of works carried out by utility companies and any measures in place to follow-up on quality concerns;
- the current position in respect of the Kilmaurs 'park and ride' project;
- any progress in terms of works to Fenwick Road and Irvine Road, Kilmaurs;
- the circumstances surrounding a further review of road layout and traffic signals at Stewarton Cross;
- the background to projects marked as 'not commenced' in the work programme;
- the poor condition of Wesley Road, Girvan, and the need for works to improve its condition;
- surface dressing practices and the wider approach taken to addressing potholes;
- the mechanism for calculating optimum staffing levels for roads operatives;
- the value of promoting the use of Council websites and Twitter to report potholes and other roads defects;
- the various types of plant and other equipment used in road surfacing and repairs; and
- insurance claims in relation to road defects.

The Operations Manager (Ayrshire Roads Alliance) undertook to provide an update to East Ayrshire Council Members on (i) the current review of road layout and traffic signals at Stewarton Cross and (ii) progress on works to Fenwick Road and Irvine Road, Kilmaurs.

The Committee agreed:-

- (a) that future reports include (i) some contextual information on any projects described in the work programme as 'not commenced' and (ii) information on insurance claims;
- (b) that a report be submitted to the next meeting on the various road surface treatments employed;
- (c) that a report be submitted to the next meeting on the plant and equipment used to address defects;

- (d) that the Executive Director (Economy, Neighbourhood and Environment) (South Ayrshire Council) and Depute Chief Executive (Safer Communities) (East Ayrshire Council) liaise with the Head of Roads (Ayrshire Roads Alliance) with a view to submitting a report to a future meeting on the recruitment of roads operatives; and
- (e) otherwise, to note the content of the report.

5. Risk Report and Register

Submitted report by the Head of Roads (ARA) on the management of risk associated with the Ayrshire Roads Alliance. The Risk Register Scoring Matrix was set out at Appendix 1 to the report and the Register itself attached at Appendix 2.

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

- the arrangements in place to ensure developers fulfil their responsibilities in terms of roads infrastructure; and
- whether empowering other Council employees, such as Streetscene operatives, to report roads defects, might help to address Risk 10 in the register (“failure to provide an adequate roads inspection system”)

The Committee agreed:-

- (a) to note the revised Risk Register set out at Appendix 2 to the report;
- (b) to note that a report on the review of road bonds would be submitted to the February/March 2018 meeting; and
- (c) to continue to receive updates on progress in terms of the Risk Register.

6. Update on Performance Scorecard

Submitted report by the Head of Roads (ARA) on progress made to date against the Performance Scorecard. The new format Scorecard was set out at Appendix 1 to the report.

The Performance Scorecard included commentary against ‘red’ and ‘amber’ performance measures. Paragraph 8 of the covering report highlighted a number of performance measures assessed as ‘green’.

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

- whether the new reporting format could be amended to include a Scottish benchmarking column;

- the background to a drop in performance in terms of Category 1 repairs; and
- whether there were efficiencies to be gained in operatives attending Category 1 repairs dealing with an adjacent Category 2 repair at the same time.

The Committee agreed:-

- (a) to note the Performance Scorecard and performance metrics presented in the report;
- (b) to approve the amended Scorecard format, subject to a further amendment to include national figures for the rest of Scotland;
- (c) that the new Code of Practice coming into effect in 2018 would be the subject of a report to a future meeting of the Committee; and
- (d) to continue to receive Performance Scorecard updates.

7. Revenue Financial Monitoring Report

Submitted report by the Depute Chief Executive and Chief Financial Officer (East Ayrshire Council) on the revenue budgeting monitoring for the year to 31 March 2017. Appendix 1 to the report set out the split between Strategic and Local Service Delivery. The Financial Monitoring report was set out at Appendix 2.

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

- the background to the variances reported in respect of local delivery within East Ayrshire Council;
- whether parking meters within all car parks in Kilmarnock could now accept the new pound coin;
- when the committee was likely to receive a report on car park income;
- the background to income attributed to a VAT error in previous years;
- the reported variance in respect of purchased vehicles in Street Lighting and the repayment of SALIX/CEEF loans within South Ayrshire Council;
- additional fee income in respect of Girvan Harbour;
- whether Timber Transport monies would be reported separately, rather than included within the overall reported income; and
- the take-up rates for car park users paying fees by telephone, and other options for modernising parking payments.

The Group Finance Manager (East Ayrshire Council) undertook to provide (i) East Ayrshire Members with feedback on any outstanding issues in terms of the ability of parking meters within four smaller Kilmarnock car parks to accept the new pound coin; and (ii) Members of the committee with details of the VAT rebate in respect of car parking income.

The Committee agreed:-

- (a) to note the financial management position of the Ayrshire Roads Alliance;
- (b) that (i) Timber Transport income and (ii) parking charge income be the subject of future reports to the Committee; and
- (b) to receive a further financial update at the next meeting of the Committee.

The Meeting ended at 3.30 p.m.

Appeals Committee
27 September 2017

IRVINE, 27 September 2017 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

John Easdale, Timothy Billings and Angela Stephen.

In Attendance

S. Montgomery, Solicitor (Litigation)(Chief Executive's Service); and R. Lennon, Senior HR Adviser (Finance and Corporate Support).

Also In Attendance

P. McArthur, Senior Manager (Addictions) (Health and Social Care Partnership); R. Lightfoot, HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support); the appellant and the appellant's union representative.

Chair

Councillor Easdale in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Exclusion of the Public

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

3. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within the Health and Social Care Partnership.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant and her representative were given the opportunity to respond to the issues raised and to ask questions of the Service Representative. Members of the Committee were also given the opportunity to ask questions.

In terms of Standing Order 5.7, the Chair agreed to adjourn the proceedings at 1.05 p.m. The hearing reconvened at 2.05 p.m., with the same Members, Officers and other parties present and in attendance.

Thereafter the appellant presented the grounds of the appeal. The Service Representative was given the opportunity to respond to the issues raised and to ask questions of the appellant. Members of the Committee were also given the opportunity to ask questions of the appellant.

After summing up their respective cases, the Service Representative together with the appellant, the appellant's representative and officers, withdrew from the hearing to allow the Committee to deliberate.

In terms of Standing Order 5.7, the Chair agreed to adjourn the proceedings at 5.00 p.m. The hearing reconvened at 12.30 p.m. on 28 September 2017, with the same Members present and the Senior HR Adviser (Finance and Corporate Support) in attendance.

Following deliberation, the Committee agreed (a) that the grounds of appeal had not been upheld; and (b) that the appellant be so advised within 14 days.

The Meeting ended at 1.55 p.m.

Audit and Scrutiny Committee
11 October 2017

Irvine, 11 October 2017 - At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 3.00 p.m.

Present

Marie Burns, Margaret George, Joy Brahim, Alan Hill, Tom Marshall and John Sweeney.

Also Present

Joe Cullinane, Ian Murdoch and Alex Gallagher.

In Attendance

E. Murray, Chief Executive; C. Hatton, Executive Director and L. Cree, Senior Manager (Property Management and Investment); A. Sutton Head of Service (Connected Communities); A. Fraser, Head of Democratic Services and A. Little, Committee Services Officer (Chief Executive's)

Also In Attendance

Catherine Baxter, Tom Black and Ian Ord (Petitioners).

Chair

Councillor Burns in the Chair.

Apologies for Absence

Donald Reid.

1. Urgent Item and Order of Business

The Chair, in terms of Standing Order 9.5, agreed to consider a petition in relation to the shelter at Douglas Park, Largs as an urgent item of business. In terms of Standing Order 9.4, the Chair also agreed to vary the order of business to allow consideration of the urgent item as the first item of business.

2. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

3. Petition: Removal of the Disused Public Toilet Building and Shelter at Douglas Park, Largs

Submitted report by the Chief Executive on a petition of signatures, that had been received requesting that the Council remove the disused public toilet building and shelter at Douglas Park, Largs.

The Head of Democratic Services summarised the procedure for considering the Petition and the terms of the petition for the permanent removal of the toilet and open shelter in Douglas Park, Largs.

The principal petitioner, Catherine Baxter, referred to disturbances that have been experienced by local residents as a result of anti-social behaviour in Douglas Park, Largs. Police Scotland have been contacted on numerous occasions to report the anti social behaviour, that includes youths shouting, girls screaming, loud music played on portable devices, banging of the metal shutters of the shelter. Vandalism is ongoing, there have been instances of deliberate fire-raising and there is evidence of drug use within the park.

Ian Ord, local resident, advised that he uses the park three times a day, seven days a week to walk his dogs. He reported that groups of 60 - 100 youths can congregate in the park at any one time. They appear to have adopted the park as a meeting place and the shelter has become a target for vandalism and anti-social behaviour. The condition of the shelter is rapidly deteriorating as the level of vandalism increases and the building requires extensive repairs. It is no longer a useful amenity for the public and is only used by the youths to take shelter from the wind and rain.

Tom Black, local resident reported that the toilet is no longer in use and members of the public do not make use of the shelter. Local residents are experiencing loud disturbances and noise from the youths in the park, which escalate throughout the evening and when they are leaving the park. Following these gatherings the park is often littered with wine bottles, beer and cider cans and broken glass.

The petitioners considered that the building should be removed at the earliest opportunity.

The Committed agreed to note the petition and take it into consideration in considering the following item.

4. Call In Request: Demolition of the shelter at Douglas Park, Largs

As Councillor Hill had signed the call in request in terms of Standing Order 25.4 he did not form part of the Committee for consideration of this item.

Submitted report by the Chief Executive on a Call In Request in respect of the decision taken by Cabinet at its meeting on 26 September 2017 in relation to the demolition of the shelter within Douglas Park, Largs. A copy of the Cabinet report was provided at Appendix 1 to the report.

At its meeting on 26 September 2017, the Cabinet received a report by the Executive Director (Place) on the poor state of repair of the shelter and former public toilets within Douglas Park, Largs. An update was also provided regarding Largs Community Council's support, then opposition to the demolition, and on the drop-in session held on 22 September where Fairlie Growers explained their plans for the park, without the shelter. Councillor Marshall, as a Local Member, advised the Cabinet that the former public toilets had become a target for vandalism and anti-social behaviour and the local residents were in support of the recommendation to demolish the former public toilets within Douglas Park, Largs.

The Cabinet agreed (a) to approve the demolition of the Douglas Park shelter and former public toilets held within the Largs Common Good; and (b) that the demolition costs be funded from the Largs Common Good.

Subsequently, a Call In request was received from Councillor Murdoch, Hill and Davidson in the following terms:-

"Reason for Call In - I would like to call this item in on the following grounds;

I was not fully informed of all the facts before making my decision. I was not made aware of the Asset Transfer until 21 July 2017. I was not given any detailed history until 24 July and even then I was not informed that the shelter was part of the Asset Transfer.

The issue was dealt with during the recess.

The speed that it was pushed through was unnecessary.

I feel there was not enough time for public scrutiny.

Appropriate procedures may not have been followed.

Desired Outcome - To recommend to the Cabinet that the final decision to demolish be delayed for a period of two months to allow time for all options to be fully explored and considered by local Elected Members before a final decision is agreed.

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision. He confirmed that Fairlie Growers did not wish to acquire the shelter as part of their asset transfer request.

Thereafter, the Members who had requested the Call In were invited to speak. Councillor Murdoch addressed the Committee in support of the Call In request. He outlined emails in July 2017 to and from council officers relating to the poor condition of the shelter, the proposal to demolish the building and his attendance at a meeting of Largs Community Council to gain their views on this matter. Council officers had advised that a report would be presented to Cabinet on the proposed demolition and that discussions had taken place with Fairlie Growers and Largs Organic Growers in respect of a Community Asset Transfer application for part of the park. Councillor Murdoch had then reluctantly agreed with the proposal to demolish the shelter and was not made aware that the shelter was to be included in the Community Asset Transfer until August. He had also not been aware of the interest of an organisation in restoring the shelter when he had agreed with the proposal. Councillor Murdoch expressed his sympathy for local residents who had been experiencing disturbances from youths gathering in the park.

Councillor Hill, as a signatory to the Call In Request, referred to the process for decisions relating to Largs Common Good Fund. He advised that local Members had previously been consulted on proposals for the commitment of Common Good Funds and their views taken into account by the Council. He considered that a further period of time was required to consult with local groups and organisations, local residents and Elected Members and to fully explore all options for the shelter.

The Chair then invited Councillor Cullinane, as the Leader of the Council, to address the meeting. Councillor Cullinane reported that following complaints from local residents and representations from local Elected Members and Police Scotland, officers inspected the shelter at Douglas Park, Largs and concluded that the only viable solution was to demolish the building. Consultations had taken place with local Elected Members and Largs Community Council on the demolition proposal and also with Fairlie Growers who had expressed an interest in a Community Asset Transfer for part of the park. At its meeting on 20 July 2017, Largs Community Council had agreed with the proposal to demolish the shelter, but subsequently changed their position at their meeting in September 2017. Fairlie Growers, who are working with Largs Organic Growers, confirmed that they did not want to take the shelter as part of the potential transfer of part of the park. Three Elected Members had responded to officers in support of the proposal to demolish the shelter, albeit in some cases reluctantly. The fourth Elected Member had been on holiday.

On 26 September 2017, Councillor Marshall, as a local Elected Member, had addressed the Cabinet in support of the proposal to demolish the shelter.

Members asked questions and were provided with further information on the following areas:-

- a scoping exercise that had taken place as part of the Community Asset Transfer process and that no organisation had expressed an interest in the shelter;
- a community drop-in session that had been held in September and the views from this session had been incorporated into the report that had been presented to Cabinet on 26 September 2017;
- that the shelter at Douglas Park had been referred to in the initial discussions with Morrison Construction in respect of community benefits. This had not been progressed and Morrison Construction had instead donated materials to enable a disabled accessible pathway to be created through the community garden.

Councillor Marshall, seconded by Councillor George, moved that the Committee agree with the decision of Cabinet on 26 September 2017 to demolish the shelter at Douglas Park, Largs.

As an amendment, Councillor Brahim, seconded by Councillor Burns, moved to accept the terms of the Call In Request to recommend to Cabinet that the final decision to demolish the shelter be delayed for a period of two months to allow time for all options to be fully explored and considered by local Elected Members before a final decision is agreed.

On a division, there voted for the amendment 2 and for the motion 3, and the motion was declared carried.

Accordingly, the Committee agreed not to support the Call In Request.

The meeting ended at 3.55 p.m.

Licensing Committee
1 November 2017

IRVINE, 1 November 2017 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Easdale, Todd Ferguson, Scott Gallacher, Jean McClung, Donald L.Reid and Angela Stephen.

In Attendance

E. Anderson, Team Manager (Private Sector Housing), M. Henry, Team Leader (Traffic), B. Ferrie, Policy Officer (Private Sector) and R. Todd, Empty Homes Co-ordinator (Place); and A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), C. Pollock, Licensing Administration Officer, D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Office).

Also In Attendance

Inspector A. Wilson and D. Hastings, Licensing Administrator (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Davina McTiernan.

1. Order of Business

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow consideration of Agenda Item 5 (Public Processions under Civic Government (Scotland) Act 1982, Part V) immediately following Agenda Item 3 (Civic Government (Scotland) Act 1982: Taxi Fare Scales Review).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, the Chair, as the spouse of member of Saltcoats Community Action Group, declared an indirect, non-pecuniary interest in the group's Public Charitable Collection application (considered in terms of Agenda Item 7 (Urgent Items)).

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 13 September 2017 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Civic Government (Scotland) Act 1982: Taxi Fare Scales Review

Submitted report by the Chief Executive on the statutory process for the review of taxi fare scales in North Ayrshire.

At its meeting held on 13 September 2017, the Committee agreed to give public notice of the draft scale of charges set out at Appendix 3 to the report. Appendices 1 and 2 contained, respectively, the current sale of taxi fare charges and the Minute of a meeting held on 1 September 2017 between Members of the Licensing Committee and taxi operators.

Councillor Barr, seconded by Councillor Ferguson, moved that the Committee agree (a) to note that no public or taxi trade consultation responses had been received in respect of the consultation; (b) to approve the new scale of charges set out at Appendix 3 to the report; and (c) that the new scales would come into effect on Monday 11 December 2017. There being no amendment, the motion was declared carried.

5. Public Processions under Civic Government (Scotland) Act 1982, Part V (Sections 62 to 66)

Submitted report by the Chief Executive on a procession notification received from East Kilbride Celtic Symphony Supporters Club for a proposed procession commencing at 8.00 a.m. on Saturday 11 November in West Kilbride and involving 30-40 people walking from West Kilbride to East Kilbride to raise money for Yorkhill Hospital. Section 2 of the report provided further information in respect of the proposed route and a consultation response from the Council's Roads Service.

The Solicitor (Licensing) set out the background to the notification. Thereafter, the Team Leader (Traffic) and Inspector Wilson (Police Scotland) spoke in terms of road safety concerns arising from the proposed route, which included a number of high speed roads.

Councillor Barr, seconded by Councillor Gallacher, moved that the Committee agree to prohibit the proposed procession on public safety grounds, in terms of Section 63(8)(a) of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

6. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following items of business, on the grounds that they involved the likely disclosure of exempt information as defined in Section 50J of, and Schedule 7A to, the Local Government Act 1983. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial business affairs of any particular person (other than the authority)") and Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime").

7. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

PART A: Hearings

7.1 Taxi Driver's Licence: TDL/2049 (New) - Johnny Jack Lusk

The Committee, at its meeting on 13 September 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present and accompanied by his wife. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out an objection in respect of the application. The Solicitor (Licensing) sought, and received, confirmation that the omission from the Police Scotland letter of one conviction disclosed by the applicant, was intentional and that the Committee should, therefore, disregard that conviction.

Thereafter, the applicant addressed the Committee on the issues raised and responded to questions. The applicant also character references provided by his current and a previous employer, together with paperwork relating to his educational qualifications.

The applicant, his wife, and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McClung, seconded by Councillor Easdale, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

7.2 Taxi Driver's Licence: TDL/2042 (New) - Ian Cartledge

The Committee, at its meeting on 13 September 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present and represented. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application.

Thereafter, the applicant addressed the Committee on the issues raised and responded to questions, including in relation to a further conviction.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence.

As an amendment, Councillor Easdale, seconded by Councillor McClung, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

On a division, there voted for the amendment 3 and for the motion 5, and the motion was declared carried. Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence.

7.3 Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 6 - Request for Permission to Re-Applly for a Taxi Driver's Licence - Charlene McIver

At its meeting held on 7 June 2017, the Committee unanimously agreed to refuse the applicant's Taxi Driver's Licence application (i) in terms of Paragraph 5(3)(a)(ii) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person, having failed to respond to reasonable inquiries from the Licensing Authority intended to establish whether or not the application was capable of being granted, given that any applicant for a Taxi Driver's Licence or Private Hire Car Driver's Licence must produce evidence to the Licensing Authority that he/she is not "disqualified by reason of the person's immigration status from driving a taxi or private hire car" (Civic Government (Scotland) Act 1982, Section 13(3A) (as added by the Immigration Act 2016, Section 37, and the Immigration Act 2016 (Commencement No. 2 and Transitional Provisions) Regulations 2016, No. 1037)); (ii) in terms of Paragraph 5(3)(d) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the ground that there was another good reason for refusing the application, in that (a) the applicant had failed to respond to reasonable inquiries from the Licensing Authority intended to establish whether or not the she held a valid Driving Licence and (b) the application had been made on 31 January 2017, meaning that the six-month period which the Civic Government (Scotland) Act 1982, Section 3 allows for the determination of a licence application would have expired before the next scheduled meeting of the Committee.

The applicant, having been duly cited to attend, was present, addressing the Committee on the issues raised and responding to questions. Reference was also made to the terms of a letter from the applicant, setting out the circumstances surrounding the case.

The Solicitor (Licensing) advised of the background to the case. The Committee noted that the 12-month bar applied to this matter in terms of Schedule 1, Paragraph 6 of the Civic Government (Scotland) Act 1982, meaning that, following the Committee's earlier decision to refuse a Taxi Driver's Licence application, the applicant would not be entitled to re-apply until June 2018, unless the Committee was satisfied that there had been a "material change of circumstances".

Decision

The Committee unanimously agreed, being satisfied that a material change of circumstances existed, to permit the applicant to re-apply for a Taxi Driver's Licence

7.4 Public Charitable Collection - Royal British Legion Scotland (Largs Branch)

The applicant, having been duly cited to attend was present. The applicant has applied for a Charitable Collection on Thursday 7 December 2017 between 5.00 p.m. and 10.00 p.m., which is outwith the Council policy.

Members asked questions and received clarification from the applicant in respect of the application.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

7.5 Public Charitable Collection - Hansel

The applicant, having been duly cited to attend was not present, but was represented. The applicant has applied for a Charitable Collection on 11-15 December 2017, which is outwith the Council policy.

Members asked questions and received clarification from the applicant's representative in respect of the application.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

PART B: Applications for Grant/Renewal of Licences

7.6 Taxi Driver's Licence: TDL/00792 - George Williams

The Committee unanimously agreed, on the basis of further information provided by the Solicitor (Licensing) to continue consideration of this matter to the next meeting of the Committee.

PART C: Issues in Respect of Existing Licences

7.7 Taxi Licence & Taxi Driver's Licence: TL/194 & TDL/01355 - Michael Ferguson

The Solicitor (Licensing) and the Enforcement Officer set out the background to a complaint arising from an accident in which the licensed vehicle was involved.

Decision

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

7.8 Taxi Licences & Taxi Driver's Licence: TL/106, TL/088 & TDL/00580 - William Grant

The Solicitor (Licensing) set out the background to this matter and made reference to a letter from Police Scotland in respect of the licence holder.

Decision

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

8. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8

Submitted report by the Chief Executive on matters relating to Landlord Registration.

8.1 J.G.L.

At its meeting held on 13 September 2017, the Committee unanimously agreed to continue consideration of this matter to allow a review hearing to take place.

The Registered Landlord, having been cited to attend, was present.

The Solicitor (Licensing) advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Registered Landlord then responded to the matters raised and answered questions.

The Registered Landlord then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee, having regard to the information presented, unanimously agreed to take no further action in respect of this matter.

8.2 D.D.

The Solicitor (Licensing) advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Team Manager (Private Sector Housing) addressed the Committee on the issues raised in terms of the outcome of an inspection of a property owned by the Registered Landlord following a referral regarding its condition and state of repair.

Decision

The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, pending the outcome of a further inspection of the property.

8.3 A.M.

At its meeting held on 13 September 2017, the Committee unanimously agreed to continue consideration of this matter to allow a review hearing to take place.

The Registered Landlord, having been cited to attend, was not present, having intimated that he was unable to attend.

The Solicitor (Licensing) advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Empty Homes Co-ordinator addressed the Committee on the issues raised in terms of outstanding repairs required to a property owned by the Registered Landlord.

Decision

The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, to allow (i) the Registered Landlord to attend a review hearing, (ii) inspection of the property in question and, if possible, inspection of other tenanted properties owned by the Registered Landlord.

9. Urgent Items

The Chair agreed that the following items of business be considered as a matter of urgency to allow the matters to be actioned without delay.

9.1 Public Charitable Collections

The Committee considered the following applications for permission for Public Charitable Collections under Section 119 of the Civic Government (Scotland) Act 1982:-

(i) Kilwinning Community Events

The applicant has applied for a Charitable Collection on Sunday 5 November 2017, which is outwith the Council policy.

(ii) Promoting Kilwinning

The applicant has applied for a Charitable Collection on Thursday 23 November 2017, which is outwith the Council policy.

(iii) Crosshouse Boys Club

The applicant has applied for a Charitable Collection on Sunday 26 November or Sunday 3 December or Sunday 10 December 2017, all of which are outwith the Council policy.

(iv) Saltcoats Community Action Group

The applicant has applied for a Charitable Collection on Sunday 26 November 2017, which is outwith the Council policy.

(v) West Kilbride Festival Committee

The applicant has applied for a Charitable Collection on Friday 1 December 2017, which is outwith the Council policy.

(vi) Scottish Maritime Museum

The applicant has applied for a Charitable Collection from Thursday 30 November until Sunday 3 December 2017, which is outwith the Council policy.

(vii) Stevenston Christmas Lights

The applicant has applied for a Charitable Collection from Friday 1 December 2017, which is outwith the Council policy.

Decision

The Committee unanimously agreed (a) that there were sufficient grounds to treat the above cases as exceptions to the Council's policy on street collections; (b) to grant the applications in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to (i) the satisfactory outcome of consultation with Police Scotland and (ii) the Council's standard conditions; and (c) to note that a report would be submitted to a future meeting of the Committee on the Council's policy with regard to public charitable collections.

The Meeting ended at 12.25 p.m.

Planning Committee
8 November 2017

Irvine, 8 November 2017 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

In Attendance

A. Hume, Senior Development Management Officer, A. Craig, Senior Manager (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ellen McMaster

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Billings, as the owner of the property, declared an interest in Agenda Item 3 - 17/00887/PP: Katlin, Lamlash and left the meeting for that item of business.

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 20 September 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 17/00887/PP: Katlin, Lamlash

Mr G Dallamore, Katlin, Lamlash, Isle of Arran has applied for planning permission for the erection of an extension and the formation of a terrace to the detached dwelling house at that address.

The Committee agreed to grant the application subject to the condition that the proposal complies with the relevant provisions of the Local Development Plan and there are no other material considerations that indicate otherwise.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Former Grounds Maintenance Depot, 12 Lanfine Terrace, Girdle Toll, Irvine

Submitted report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the property for vehicle valeting and repair.

The Committee was advised of an email objection to the content of the officer's report that had been received from one of the co-owners of the property. Whilst there is no formal process for objecting to the Council's report, the planning officer has responded to the objector advising him that if the Committee decide to authorise an Enforcement Notice, he will have a right of appeal to the Scottish Government.

Development comprising the material change of use of the property from a Class 6 (Storage) Use to a mixed use comprising vehicle valeting and repair has been undertaken at the former Grounds Maintenance depot, 12 Lanfine Terrace, Girdle Toll, Irvine. The valeting use commenced sometime around January 2016 and the repair use commenced sometime in the summer of 2017. Planning permission has not been sought or granted for the development. The use of the property is considered to have an adverse impact on the area by way of its impact on amenity due to potential disturbance from emissions, noise and vehicular traffic movements.

Members asked questions and were provided with clarification on the sale of the property by the Council to the owners 'as seen' and with no conditions.

The Committee agreed, in the interest of the character and amenity of the area, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require cessation of the use of the property for the purposes of vehicle valeting and vehicle repair.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 84 Main Street, Largs

Submitted report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of unauthorised development comprising the installation of a Piaggio Ape vehicle on the roof of the building.

Development comprising the installation of a Piaggio Ape three wheeled vehicle on the roof of the building has been carried out at 84 Main Street, Largs. The development was undertaken sometime around 3 July 2017. Planning permission has not been sought or granted for the development.

The Piaggio Ape, on the roof of 84 Main Street, Largs is considered to constitute development requiring planning permission, because the siting of it on the roof constitutes operational development comprising other operations on land, as defined by Section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended). The development is considered to have an adverse impact on the local area by way of its siting, design and appearance. It is not considered to be an advertisement as it is not employed for the purposes of advertising.

The Committee agreed, in the interest of visual amenity, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the Piaggio Ape from the roof of the property.

6. Update on Scottish Government post-legislative scrutiny of the High Hedges (Scotland) Act 2013

Submitted report by the Executive Director (Economy and Communities) on the recommendations made by the Local Government and Communities Committee on the operation of the above Act since its introduction.

The Local Government and Communities Committee (LGCC) issued a call for views on the operation of the Act between 6 February and 20 March 2017 and received 64 responses from individuals, Local Authorities, MSPs and Ministers. North Ayrshire Council responded to this call on 15 March 2017 (Appendix 1). LGCC subsequently also took evidence in person from witnesses during April and May 2017. Their concerns focused on five areas: Data collection and record keeping; Definition; Enforcement; Fees and costs; and Timing. A copy of the LGCC's report and recommendations was published on 10 September 2017 (Appendix 2).

The LGCC's recommendations to the Scottish Government were summarised in the report at 3.2. It concluded that the High Hedges (Scotland) Act 2013 has been beneficial for some of those affected by the issues but further work is required to ensure its effectiveness, the Act is not currently operating in the spirit intended and , despite having this Act, some people are still to enjoy their homes as a result of nuisance high hedges. The LGCC therefore encourages both the Scottish Government and Local Authorities to consider and take on board the recommendations on how the provisions of the Act, in practice, can be made to work better to the benefit of all.

The Council's response to the initial call for views identified concerns over the clarity of the definitions in the Act, which have been addressed within the recommendations made by the LGCC.

Noted.

The meeting ended at 2.25 p.m.

Local Review Body
8 November 2017

Irvine, 8 November 2017 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 pm

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

In Attendance

R. Middleton, Senior Development Management Officer (Economy and Communities); A. Craig, Senior Manager (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ellen McMaster.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meeting of the Committee held on 23 August 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 17/00829/PP - 4 Baidland Meadow, Dalry

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a double garage, including the removal of the existing garage at 4 Baidland Meadow, Dalry.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, further representations and the applicant's response to further representations were provided as appendices to the report.

The Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant. He also advised of a request by the applicant for a site visit.

The Local Review Body agreed to consider the report, prior to consideration of the request for a site visit.

The Planning Adviser thereafter summarised the Notice of Review for the Applicant, the Report of Handling of the Appointed Officer, the representations lodged and the applicant's response to further representations. Photographs and plans of the site were displayed.

The Local Review Body agreed that it had sufficient information before it to determine the matter without further procedure or a site visit.

Accordingly, having considered all of the information, the Local Review Body agreed to uphold the decision to refuse planning permission on the grounds that:-

1. The proposal would be contrary to the adopted North Ayrshire Council Local Development Plan General Policy criterion (a) by reason of its siting, scale and design, leading to a significant loss of private amenity space within the plot and the over development of the site.
2. The proposal would be contrary to the adopted North Ayrshire Council Local Development Plan General Policy criterion (b) in terms of the adverse impact of the double garage on the amenity of the converted farmsteading development at Baidland Meadow by reason of its siting, bulk, height, depth and width, resulting in an unacceptable and overbearing impact on the amenity of the adjacent residential dwellings and their associated private amenity space.

The meeting ended at 2.45 p.m.

Audit and Scrutiny Committee
14 November 2017

Irvine, 14 November 2017 - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

Present

Marie Burns, Margaret George, Joy Brahim, Alan Hill, Donald Reid and John Sweeney.

Also Present

L. Friel, Executive Director, F. Walker, Head of Service (People and Transformation), P. Doak, Senior Manager (Internal Audit, Risk and Performance), A. Young, HR Operations Manager and E. Nixon, Team Manager (Customer and Digital Services) (Finance and Corporate Support); A. Sutton, Head of Service (Connected Communities), J. McKnight, Senior Manager (Community Development) and R. Arthur, Senior Manager (Information and Culture) (Economy and Communities); C. Dempster, Team Manager (Network Management) (Place); A. Fraser, Head of Democratic Services, M. Davison, Senior Manager (Democratic Services), A. Todd, Senior Policy and Performance Officer, A. Hale, Equality and Health Policy Officer and A. Little, Committee Services Officer (Chief Executive's)..

Chair

Councillor Burns in the Chair.

Apologies for Absence

Tom Marshall.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meetings of the Audit and Scrutiny Committee held on 22 August 2017, 19 September 2017 and 11 October 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Public Performance Reporting 2016/17

Submitted report by the Chief Executive on 2016/17 public performance reporting and the Annual Performance Report 2016/17. The report detailed the performance of the range of Performance Indicators that will be used to inform the Council's public performance reporting for 2016/17. Appendix 1 to the report provided details of the full set of indicators. The 26 Red/Amber indicators along with management commentary from the relevant Directorate were set out at Appendix 2 to the report and the Council Annual Performance Report 2015/16 was attached as Appendix 3 to the report.

Members asked questions and were provided with further information in relation to:-

- a range of performance information that is not available until late 2017/early 2018, and the requirement for the Council to publish performance information in relation to the Local Government Benchmarking Framework (LGBF) Performance Indicators (PIs);
- further information that will be provided to Members on the methods used to measure footfall in town centres;
- work by Business Improvement in respect of the timescale for responding to the increasing number of Freedom of Information requests; and
- further information that will be provided to Members on Capital projects completed within budget.

The Committee agreed (a) that the Executive Director (Finance and Corporate Support) provide to Members information on Capital projects completed within budget; (b) the Executive Director (Economy and Communities) provide to Members information on the methods used to measure footfall in town centres; and (c) to otherwise note the report.

4. Equality Mainstreaming and Equality Outcomes Report for 2015 - 2016 and Equality Outcomes for 2017 - 2021

Submitted report by the Chief Executive on (a) the Equality Mainstreaming and Equality Outcomes Report for 2015/16, that contained information on the range of work and statistics on Council activity in relation to equality and diversity (Appendix 1); and (b) the Equality Outcomes for 2017/21, adopted by North Ayrshire Council and other Ayrshire public sector partners (Appendix 2).

Members asked questions and were provided with further information in relation to a report to Cabinet in December that will seek nominations for the refreshed Corporate Equality Working Group

Noted.

5. Equal Pay in Scotland

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the Audit Report on Equal Pay in Scottish Councils. Appendix 1 to the report outlined the key messages from the Accounts Commission's report; and North Ayrshire Council's position on the settlement of equal pay claims was provided at Appendix 2.

Members asked questions and were provided with further information in relation to:-

- the implementation of the Scottish Joint Council pay and grading scheme in 2007 that did not require, at that time, records to be retained in respect of the number of claims received and therefore precluded the provision of robust information to the Accounts Commission on the costs of compensation payments by North Ayrshire Council;
- information that is available on the total amount of compensation paid by North Ayrshire, but that this figure may or may not include legal costs;
- 605 current claims that are at an advanced stage and will be settled as soon as the Memorandum of Understanding, which is with the claimants' solicitors, is signed; and
- financial provision that has been made for the future costs of claims.

The Committee agreed (a) that the Executive Director (Finance and Corporate Support) provide further information to Members on the total claims paid by North Ayrshire Council; and (b) to otherwise note the report.

6. Scottish Road Works Commissioner Annual Performance Report

Submitted report by the Executive Director (Place) on the Office of the Scottish Road Works Commissioner's report on North Ayrshire Council's Roads Service, which was attached at Appendix 1 to the report. Key management indicators developed by the Commissioner were outlined at Appendix 2 to the report.

Noted.

7. Self-directed Support Progress Report 2017 (Audit Scotland)

Submitted report by the Interim Director (North Ayrshire Health and Social Care Partnership) on Self-directed Support (SDS) progress from a national and local perspective. Appendix 1 to the report outlined the four principles of self-directed support. The Self-Directed Support Strategy Implementation Plan 2016/18 was attached at Appendix 2. Appendix 3 provided information on the feedback from the SDS Team Consultation and Appendix 4 detailed the SDS Audit Action Plan.

The Committee agreed (a) that the Interim Director of Health and Social Care Partnership provide information to Members on the number of people assessed as eligible for SDS for the current year and the 3 previous years and the level of funding that has been awarded; and (b) to otherwise note the report.

8. Internal Audit Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed between 1 August and 31 October 2017. Appendix 1 included the Executive Summary, Action Plan and information on the findings from 6 separate audit assignments.

Members asked questions and were provided with further information in relation to:-

- work that is being done with the Arran Outdoor Education Centre on procurement requirements which will consider the procurement of certain commodities, such as food items, from local suppliers;
- a report that will be presented to Cabinet on a business model that is being developed by the Business Partnering Team for the Arran Outdoor Education Centre that will include an element of flexibility in the charging rates and how the Centre can operate;
- an exit process that is in place for staff who leave the Council to advise Payroll and IT to amend their records and remove all access permissions;
- a future planned audit on a range of controls within the corporate network that will include an audit of access permissions and access to shared drives; and
- information that is shared with the Leadership Team and reported to the Committee on audit findings that are applicable to all services.

Noted.

9. Internal Audit Plan 2017/18: Mid-year Update

Submitted report by the Executive Director (Finance and Corporate Support) on (a) progress as at 30 September 2017 in delivering the 2017/18 Internal Audit Plan, as outlined in the Appendix to the report; (b) details of the 9 reports published during the first half of 2017/18, 6 of which were from the 2016/17 plan and the remaining 3 have been completed from the current plan; (c) a further 5 reports at draft stage as 30 September 2017; (d) 11 audits that are being worked on; and (e) the remaining planned audits scheduled during quarters 3 and 4.

Noted.

10. Internal Audit and Corporate Fraud Action Plans: Quarter 2 update

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made by Council services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 September 2017. Appendix 1 to the report provided full details of the nine actions that were not completed with the agreed timescales.

Noted.

11. External Audit Action Plans: Quarter 2 Update

Submitted report by the Executive Director (Finance and Corporate Support) on progress made in implementing the agreed action plans arising from the external audit of the Council's 2015/16 and 2016/17 accounts. Appendix 1 to the report provided information on the only action that remains open and is scheduled to be complete by December 2017.

Noted.

12. Corporate Fraud Team: Mid-year Progress

Submitted report by the Executive Director (Finance and Corporate Support) which provided a mid-year progress update on the work of the Corporate Fraud team. The report provided details of (a) four internal investigations and 182 investigations that had taken place; (b) a data match between the Council Tax and Payroll systems that resulted in recovery arrangements being put in place for £238,000 of Council Tax debt; (c) investigations into Empty Property Relief that resulted in the withdrawal of £33,000 in relief from 14 properties; (d) the National Fraud Initiative exercise that is underway and will investigate potential data matches, and (e) International Fraud Week that will take place from 13 - 17 November 2016 and will include a series of events that will be held throughout North Ayrshire.

The Committee was advised of Corporate Fraud Training for Elected Members that will take place on 14 December 2017

Members asked questions and were provided with further information in relation to:-

- further information that will be provided to Members on the number of referrals for investigation that were unfounded; and
- the withdrawal of Empty Property Relief, totalling £33,000 on 14 non-domestic properties across North Ayrshire that will be recouped in future Business Rates bills to the owners;

The Committee agreed (a) that the Executive Director (Finance and Corporate Support) provide information to Members on the number of referrals for investigation that were unfounded; and (b) to otherwise note the report.

13. Counter Fraud Maturity Assessment

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of a self-assessment of the Council's Counter Fraud arrangements using the Scottish Government Counter Fraud Maturity Model. Appendix 1 to the report detailed the Scottish Government's Counter Fraud Maturity Model. The outcome of the self-assessment showing the level of compliance with each of the counter fraud controls was attached at Appendix 2 to the report.

Noted.

14. External Inspection Reports

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on (a) a range of external scrutiny from other agencies; and (b) the proposal that the outcome of all such external inspections and reviews should in future be reported to the Audit and Scrutiny Committee in order that the Committee receives a comprehensive view of all external assurance received by the Council.

Members asked questions and were provided with further information in relation to:-

- the current timescale for the circulation of committee reports and whether these could be made available two weeks prior to the meeting to allow Members sufficient time to read the large volume of information that is provided; and
- the provision of Audit Scotland's Executive Summaries to the next available Committee meeting, with full Audit Scotland reports being circulated to Members on their publication date.

The Committee agreed (a) to receive reports on the outcome of all external inspections; and (b) that the Executive Director (Finance and Corporate Support) examine the current timescales in place for the circulation of Committee reports and whether these could be circulated earlier to allow sufficient time for Members to prepare for the Committee meeting.

15. Exclusion of the Public

The Committee resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

15.1 Corporate Fraud Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Corporate Fraud investigations completed between 1 August and 31 October 2017.

Noted.

The meeting ended at 11.30 a.m.

Cabinet
14 November 2017

IRVINE, 14 November 2017 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher and Jim Montgomerie; Very Reverend Canon Matthew McManus and Ian Haining (Church Representatives) (Agenda Items 1-4); and Gordon Smith (Teaching Representative) (Agenda Items 1-4).

Also Present

Robert Barr, Joy Brahim, Shaun Macaulay, Jean McClung, Ronnie McNicol and Davina McTiernan

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director, M. Hogg, Head of Finance, D. Forbes, Senior Manager - Financial Management (Finance and Corporate Support); C. Hatton, Executive Director, Y. Baulk, Head of Service, R. McCutcheon, Head of Service (Commercial Services), C. Dempster, Team Manager (Network Management), A. Cowley, Team Manager (Structures, Flooding and Design) and T. Wilson, Tenant Participation Manager (Place); K. Yeomans, Executive Director and A. Laurenson, Senior Manager (Regeneration) (Economy and Communities); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); D. MacRitchie, Chief Social Work Officer (North Ayrshire Health and Social Care Partnership); A. Fraser, Head of Democratic Services, M. Davison, Senior Manager (Democratic Services), A. Hale, Equality and Health Policy Officer, J. Hutcheson, Communications Officer and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Mari Wallace, Ian Maclachlan and Graham Wallace (Petitioners).

Chair

Joe Cullinane in the Chair.

Apologies for Absence

Elizabeth Higton (Church Representative).

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillors Gallagher and Montgomerie, each the owner of a second property currently unaffected by the provisions referred to in the report, declared an interest in Agenda Item 12 (Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013). On the basis that the interest was remote or insignificant, neither Member withdrew for the item.

2. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 26 September 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973

3. Education Governance : Next Steps

Submitted report by the Chief Executive on the progress towards the implementation of a South West Regional Improvement Collaborative in line with the timescale set out by the Deputy First Minister. Appendix 1 to the report set out the role description for the Collaborative's Regional Improvement Lead, a role to which Douglas Hutchison, Director of Education from South Ayrshire Council, was appointed from 31 October 2017.

Members asked questions and were provided with further information on the anticipated arrangements for democratic input into the Collaborative and feedback from it.

The Cabinet agreed to (a) note the implementation steps taken to date, including the appointment of an Improvement Lead Officer; and (b) receive future reports which will identify a Regional Improvement Plan and associated resources for the South West Regional Improvement Collaborative.

4. Fair Funding Consultation

Submitted report by the Executive Director (Finance and Corporate Support) on the response to the Scottish Government consultation on "Fair Funding to Achieve Excellence and Equity in Education". The Council's consultation response, which had been submitted by the 13 October 2017 deadline, was set out at Appendix 1 to the report.

The Cabinet agreed to (a) note the key messages within the Council's response, which was set out at Appendix 1 to the report; and (b) homologate the submission to the Scottish Government.

5. Millport Flood Protection Scheme and Millport Harbour

5.1 Petition

Submitted report by the Chief Executive on a petition received in respect of the "Save Millport Pier" campaign with in excess of 9,000 signatures.

The Chief Executive summarised the terms of the petition and the procedure for considering it in the context of a separate report on development options for the pier.

The principal petitioner, Mari Wallace, set out the background to, and reasons for, the campaign and the importance of the pier in terms of the island's economy, community resilience and infrastructure.

Ian Maclachlan, a chartered civil engineer, also spoke on behalf of the campaign, outlining a strategy which could, through cost-effective, unconventional repair methods, return the existing pier to a serviceable condition pending construction of a replacement pier and integrated flood prevention measures. The petitioners considered that offshore breakwaters, with either the retention of the current pier or incorporating a new, modern pier facility, should be selected as the preferred flood protection option as promoted by the Millport Pier and Harbour Users' Group.

Members asked questions and were provided with further information in relation to:

- the nature of the 'unconventional' repair methods proposed and whether there were any technical reasons why they might not be suitable for use in this country;
- whether the approach proposed would meet the requirements of UK regulators and funders;
- any evidence supporting the assertions made by the petitioners about the impact, on the economy and shipping on the Clyde, of losing the pier;
- whether the campaign's priority was flood prevention rather than the local economy; and
- the method used by recent cruise ship passengers to disembark given that the existing timber section of the pier was not currently in service.

The Cabinet agreed to note the petition and take into account the petitioners' presentation when considering the report by the Executive Director (Place).

5.2 Report

Submitted report by the Executive Director (Place) seeking agreement to the proposed further development of options for the Millport Coastal Flood Protection Scheme and on the current condition and prohibited use of the existing timber section of Millport pier. Appendix 1 to the report provided a summary of the results of the community consultation questionnaire on the Millport Coastal Flood Protection Scheme.

Members asked questions and were provided with further information in relation to:-

- the indicative budget requirement of £12.1m referred to in the report to Cabinet on 8 December 2015;
- whether the presence of sediment would have a negative impact on the cost of the third potential flood protection design option; and
- whether the pier extension referred to in terms of option 3 would serve a flood prevention purpose.

The Cabinet agreed:-

- (a) to note the work carried out, which has to date developed two potential design options for the proposed Millport Coastal Flood Protection Scheme;
- (b) that officers will continue to engage with the local community to develop a third potential flood protection design option which involves the replacement of the timber pier structure with an appropriate steel and/or concrete pier structure, complemented by an appropriate offshore rock breakwater;
- (c) to note the potential budget implications and that further work is required to identify likely option costs to allow appropriate benefit/costs appraisal and affordability considerations which will be required prior to any proposed scheme being progressed;
- (d) that officers will arrange to carry out an economic benefits appraisal of the 3 options being explored to assist in the appraisal of potential designs;
- (e) to note the poor condition and current prohibited use of the existing timber section of Millport Pier;
- (f) to note the terms of the petition received entitled "Save Millport Pier"; and
- (g) to receive further progress updates when appropriate.

6. B714 Upgrade between A737 and A78

Submitted report by the Executive Director (Place) seeking approval of a wider strategic approach to upgrading the B714, pending the outcome of a Regional Transport Appraisal as part of the developing Ayrshire Growth Deal.

Members of the Cabinet and, with the permission of the Chair, a number of other Elected Members who were present, asked questions and were provided with further information in relation to:-

- expenditure to date on ground surveys and other works associated with the Scottish Transport Appraisal Guidance;
- the local importance of the B714 and its wider strategic role in terms of North Ayrshire as a whole;
- road safety concerns associated with the B714 and measures to address these; and
- the need for continued maintenance and inspection of the road pending further developments in terms of the Ayrshire Growth Deal.

The Executive Director (Place) undertook to provide Councillor McNicol with accident statistics relating to the B714.

The Cabinet agreed to pause local realigning of the B714 pending the development of a Regional Transport Appraisal as part of the developing Ayrshire Growth Deal.

Councillors Barr, Brahim, Macaulay, McClung, McNicol and McTiernan left the meeting at this point.

7. Local Government Benchmarking Framework (LGBF) 2015/16

Submitted report by the Chief Executive on the Directorates' priorities identified following the publication of the latest LGBF report. The North Ayrshire Council LGBF Indicators were set out at Appendix 1 to the report.

The Cabinet agreed to:-

(a) note (i) the LGBF priorities identified by Directorates and (ii) that the Framework is continuing to be developed by the Improvement Service; and (b) submit the report to the Audit and Scrutiny Committee.

8. Extending Smoke Free Grounds in North Ayrshire Council

Submitted report by the Chief Executive on progress with the implementation of Smoke-Free Grounds across Council premises

The Cabinet agreed to a phased approach to implementation of smoke free grounds, with schools and playparks to go smoke-free in January 2018, followed by Offices in March 2018, with further review and consideration of depots/care at home establishments at a later date.

9. Revenue Budget 2017/18 : Financial Performance to 30 September 2017

Submitted report by the Executive Director (Finance and Corporate Support) which (a) set out the revenue budgetary position for the Council at 30 September 2017; (b) provided a brief explanation of Services' major variances at Appendices 1-9; (c) detailed the proposed virement at Appendix 10; and (d) detailed the Housing Revenue account budgetary control position at 30 September 2017 at Appendix 11.

The Chair, on behalf of the Cabinet, extended his best wishes to Margaret Hogg, Head of Finance, who was leaving the Council to take up a post with another local authority. He also indicated his intention to seek Council approval to fund a separate post to cover the Social Care element of the Head of Finance position to the end of the current financial year and that the Chief Executive would write to the Chief Executive of NHS Ayrshire and Arran regarding potential joint funding of this post into the new financial year.

The Cabinet agreed to:-

- (a) note the information and financial projections outlined in the report;
- (b) approve the utilisation of the General Fund in-year underspend as part of the 2018/19 Budget strategy;
- (c) note the current financial projection for the Health and Social Care Partnership; and
- (d) approve the virements detailed in Appendix 10;
- (e) fund a post to cover the Social Care element of the Head of Finance position to the end of the current financial year at £35,000; and
- (f) instruct the Chief Executive to write to the Chief Executive of NHS Ayrshire and Arran regarding potential joint funding of this post into the new financial year.

10. Capital Programme Performance to 30 September 2017

Submitted report by the Executive Director (Finance and Corporate Support) on the progress in delivering the Capital Investment Programme as at 30 September 2017, on the progress of all projects and explanations for the carry forwards and further revisions to the budget. Appendices 1-10 provided information on the General Services financial position, by Service, the Period 6 Objective Summary, the Period 6 Subjective Summary, miscellaneous items and virement/budget requests. Appendix 11 gave the financial position for the Housing Revenue Account for the six months to 30 September 2017.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report and appendices; and (b) note (i) the General Services and HRA expenditure and revised budgets to 30 September 2017; and (ii) the forecast of expenditure to 31 March 2018.

11. Treasury Management Mid Year Report 2017/18

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management update for the period 1 April to 30 September 2017. The appendix to the report set out information on the progress of all projects and explanations for the carry forwards. The Mid-Year Treasury Management Report for 2017/18 was set out at Appendix 1 to the report.

The Cabinet agreed to:-

- (a) endorse the contents of the Mid-Year Treasury Management Report for 2017/18 as detailed at Appendix 1 to the report;
- (b) note the Prudential and Treasury Indicators contained therein;
- (c) approve the introduction of the methodology for repaying advances to mirror income streams for projects where this is appropriate; and
- (d) note the new methodology for allocating interest and expenses effective from 2017/18.

12. Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013

Submitted report by the Executive Director (Finance and Corporate Support) on a review of the Cabinet decision of 1 September 2015 to impose a council tax levy on unoccupied dwellings having regard to the Scottish Government's 2013 Guidance and 2015 Supplementary Guidance. A report to the Cabinet of 1 September 2015, giving further information on the change, was set out at Appendix 1 to the report. Appendices 2 and 3 contained the 2013 Guidance and the 2015 Supplementary Guidance, respectively.

The Cabinet agreed, having regard to the Scottish Government's 2013 Guidance and 2015 Supplementary Guidance, to make no change to the modification to Regulation 3 of the Council Tax (Variation for Unoccupied Dwellings) (Scotland) Regulations 2013 agreed on 1 September 2015.

Councillor Montgomerie left the meeting at this point.

13. Chief Social Work Officer Annual Report

Submitted annual report by the Chief Social Work Officer (CWSO) on all statutory, governance and leadership functions of the CWSO as required by the Scottish Government's Guidance. The annual report was set out at Appendix 1 to the report.

The Cabinet agreed to endorse the report as detailed at Appendix 1.

14. Housing Revenue Account Rent Structure Review

Submitted report by the Executive Director (Place) on the implementation of a revised Housing Revenue Account rent structure. Tenant consultation documents for each phase were set out in the detailed in Appendix 1 to the report.

The Cabinet agreed to (a) note the outcome of the tenant consultation; and (b) approve the implementation of a new rent structure from April 2018.

15. Customer Connections: Housing Services' Tenant Participation Strategy 2017-22

Submitted report by the Executive Director (Place) on the draft Tenant Participation Strategy 2017/22, which sets out the strategic priorities for Housing Services over the next five years. The draft Strategy was set out at Appendix 1 to the report.

The Cabinet agreed to approve the content of the draft Tenant Participation Strategy 2017-22, as detailed at Appendix 1 to the report.

16. Roads Winter Service and Weather Emergencies Plan 2017/18

Submitted report by the Executive Director (Place) on the Roads Winter Service and Weather Emergencies Plan 2017/18, in support of the Council's statutory duties under the Roads (Scotland) Act 1984. The 2017/18 Winter Preparation Action Plan was set out at Appendix 1 to the report. Appendix 2 contained the Roads Winter Service and Winter Emergencies Plan 2017/18.

Members sought and received reassurance that:-

- the same amount of the road network would be covered in terms of the Priority 1 routes identified, notwithstanding changes to the routes; and
- IT work was being undertaken to restore the cameras which were not currently operational

The Cabinet agreed to (a) approve the Roads Winter Service and Weather Emergencies Plan 2017/18 set out at Appendix 2 to the report; and (b) note the preparations and developments contained in the Winter Action Preparation Plan at Appendix 1.

17. Interim Ayrshire Development Board - Membership and Remit

Submitted report by the Executive Director (Economy and Communities) on the membership and terms of reference of the Interim Ayrshire Development Board to be established to support the work of the Regional Partnership for Economic Development Services.

The Cabinet agreed to (a) appoint the three Senior Elected Members who are appointed to the North Ayrshire Economic Development and Regeneration Board (namely, the Leader of the Council, the Economic Portfolio holder and the Leader of the Opposition) to serve on the Interim Ayrshire Development Board; and (b) allow the Board to develop its own remit in relation to the development and governance of the Ayrshire Growth Deal, the Regional Pathfinder, the Regional Partnership for Economic Development Services and the Ayrshire Economic Strategy/Inclusive Growth Diagnostic.

18. Tax Incremental Finance Update

Submitted report by the Executive Director (Economy and Communities) on the submission of a Business Case to the Scottish Government for investment in the Irvine Enterprise Area through the Tax Incremental Finance mechanism. A summary of the draft Business Case was detailed at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to:-

- whether the land in question was associated with the Ayrshire Growth Deal innovation centre;
- the timescale associated with the manufacturing innovation centre bid; and
- the use which income from i3 would otherwise have been put.

The Cabinet agreed (a) to approve an application for investment through a Tax Incremental Finance business case for submission to the Scottish Government as outlined in Appendix 1 to the report; and (b) that authority is delegated to the Chief Executive to conclude negotiations and a legal agreement on the Tax Incremental Finance investment.

The Meeting ended at 4.50 p.m.



**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 16 November 2017
at 10.00 am, Council Chambers, Cunninghame House, Irvine**

Present

Stephen McKenzie, NHS Ayrshire & Arran (Chair)
Councillor Robert Foster, North Ayrshire Council (Vice Chair)
Councillor Timothy Billings, North Ayrshire Council
Councillor Christina Larsen, North Ayrshire Council
Councillor John Sweeney, North Ayrshire Council
Bob Martin, NHS Ayrshire & Arran
Dr Janet McKay, NHS Ayrshire & Arran
Alastair McKie, NHS Ayrshire & Arran

David Rowland, Head of Service (Health and Community Care)
Margaret Hogg, Section 95 Officer/Head of Finance
David MacRitchie, Chief Social Work Officer – North Ayrshire
Alistair Reid, Lead Allied Health Professional Adviser
David Thomson, Lead Nurse/Mental Health Advisor
Louise McDaid, Staff Representative – North Ayrshire Council
David Donaghey, Staff Representative – NHS Ayrshire and Arran
Robert Steel, Chair Kilwinning Locality Forum
Fiona Thomson, Service User Representative
Nigel Wanless, Independent Sector Representative
Vicki Yuill, Third Sector Representatives
Marie McWaters, Carers Representative

Also Present

Councillor Anthea Dickson, North Ayrshire Council

In Attendance

Thelma Bowers, Head of Service (Mental Health)
Eleanor Currie, Principal Manager (Finance)
Jo Gibson, Principal Manager (Planning and Performance)
Dale Meller, Senior Manager (Community Mental Health)
Kate McCormack, Community Care (Mental Health/Learning Disabilities)
Mark Gallagher, Lead Officer (North Ayrshire Alcohol and Drug Partnership)
Cheryl Gilmour, Recovery Policy Officer
Karen Andrews, Team Manager (Governance)
Angela Little, Committee Services Officer

Apologies for Absence

Dr Paul Kerr, Clinical Director
Stephen Brown, Interim Director NAHSCP

Chair's Remarks

The Chair welcomed Robert Steel, Chair of the Kilwinning Locality Forum to the Integration Joint Board.

1.	Apologies Apologies were noted.	
2.	Declarations of Interest In terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies there were no declarations of interest.	
3.	Minutes/Action Note The accuracy of the Minutes of the meeting held on 17 August 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following addition, shown in bold :- 10. Ensuring Alignment of Advice Services in North Ayrshire The Board agreed, Councillor Billings and Barbara Hastings dissenting, on the basis that they considered that the proposal did not take appropriate account of the risk to existing non-council advice services because of the change to the way in which they are funded , to (a) develop the capacity of the Money Matters Team within the totality of the financial	
3.1	Matters Arising Public Partnership Forum – a meeting has taken place with the PPF. Further meetings will take place with the PPF as the Locality Forums are developed and are likely to take place in February and August 2018. F. Thomson advised of the large number of meetings that require attendance by service user and carer representatives that would be assisted by appointments to the vacant posts. F. Thomson to further discuss with S. Brown and J. Gibson. Technology Enabled Care (TEC) and Innovation – the financial viability has been examined and requires to be reported to NHS Scrutiny. An update will be provided as soon as NHS Scrutiny have considered the report.	S. Brown/J. Gibson and F. Thomson Kathleen McGuire
4.	Café Solace	

	<p>Mark Gallagher, Lead Officer (Alcohol and Drugs Partnership) and Cheryl Gilmour, Recovery Policy Officer gave a presentation on the work of Café Solace.</p> <p>The presentation provided information on Café Solace which is a community resource providing low cost, good quality food and opportunities for the people of North Ayrshire. Operating in Ardrossan, Irvine and Kilbirnie, the cafés are run by volunteers in recovery, all with appropriate training, experience and qualifications, who want to support their local community. It provides an opportunity to build social networks in a safe and welcoming place and an ideal chance to find out information about services and supports, about what's going on in North Ayrshire and how to get involved.</p> <p>Mark Crombie and Hugh Reid, both volunteers at Café Solace described their involvement in Café Solace, outlining their experiences and the positive impact on their lives.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • The success of the project and the interest from other locality areas for this initiative; and • The development of the café into a model of community engagement that cuts across all age groups and tackles inequality and early intervention. <p>The Chair and Board Members thanked the officers and volunteers for their presentation.</p> <p>Noted.</p>	
5.	<p>Director's Report</p> <p>Submitted report by Stephen Brown, Interim Director NAHSCP, on development within the North Ayrshire Health and Social Care Partnership.</p> <p>The report highlighted works underway in the following areas:-</p> <ul style="list-style-type: none"> • National Reference Group – thematic scrutiny of adult protection; • Chief Officers/CSWA Meeting on children's services; • Education and Skills Committee • Children and Young Persons Mental Health; • Woodland View Official Opening; • Health and Social Care pressures; • Care experienced young people – Council Tax exemptions; • Children's Challenge Fund; • Child Protection and Safeguarding Team; • NAHSCP Infographic; <ul style="list-style-type: none"> • Celebrating Success Again - Ward 3 Woodland View, Irvine, Café Solace, Mental Health Pilot – Ayrshire Police Scotland Awards and care experienced young people event; 	

	<ul style="list-style-type: none"> Review of Integration Scheme. <p>The Board was also advised that the Dirrans Centre has been awarded the Investors in People Award and had also gained Grade 6 from the Care Inspectorate.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> The findings from the review of the Integration Scheme that had been shared with South Ayrshire; The range of awards that have been achieved by services whilst embracing the change agenda and delivering core business. <p>The Board agreed (a) that a table of the awards achieved be prepared to highlight the number and range of success within the partnership; and (b) to otherwise note the report.</p>	S. Brown
6.	<p>Meeting Dates 2018</p> <p>Submitted report by Angela Little, Committee Services Officer on the proposed dates for meetings of the Integration Joint Board and the IJB Performance and Audit Committee for 2018. Appendices 1 and 2 to the report provided details of the key dates for meetings of the IJB and the IJB PAC in 2018. A calendar of Council, CPP, NHS Board and IJB and IJB PAC meetings was attached for information at Appendix 3.</p> <p>The Board agreed (a) that a calendar be prepared listing all other relevant group meetings dates; and (b) the dates for meetings of the Integration Joint Board and the Integration Joint Board Performance and Audit Committees for 2018, as outlined in the report.</p>	A. Little
7.	<p>Period 6 Financial Performance</p> <p>Submitted report by Eleanor Currie, Principal Manager and Margaret Hogg, Chief Finance Officer on the projected financial outturn for the financial year 2017/18 as at 30 September 2017.</p> <p>The detailed position against the full year budget of £224.540m was set out at Appendix A to the report. Appendix B detailed some savings at risk from delivery and included £1.165m of NHS savings shortfall still to be agreed. The forecasted net position, including the projected underspend of £0.497m was outlined in Appendix C. Appendix D provided full details of previously approved mitigations, which if delivered will reduce the deficit to £4.094m. Further mitigations have been develop, which if approved would reduce the deficit to £3.614m and were detailed in Appendix E. Appendix F detailed underspends which have been allocated to the NHS savings target. The Budget Reconciliation was attached at Appendix G and Appendix H outlined the Annual Financial Statement for 2017/18.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> The NHS underspend that had not been known in April 2017; The removal of underspends from budgets; 	

	<ul style="list-style-type: none"> • The overall financial headline for each budget and that the sub sections only highlight the larger variances and therefore may not total the headline figure; • Further information that will be provided to Members on the application of the Integration Scheme to the projected overspend in 2017/18; • One out-of-authority care package that Legal Services confirmed required to be backdated for 5 years at a cost of £392,000; • Additional care packages that have been put in place to assist delayed discharges; • A review of those savings that have not been achieved that has been undertaken to identify when the savings will be delivered; • The responsibility of the partnership for the Set Aside Budget which is managed in-year by the Health Board; • Information that has been provided to the Child and Sport Committee on the financial position and projections; • The financial overspend by 20 other IJBs; • Proposed mitigating actions that will waitlist new clients based on need for equipment, a delay in recruiting 10 staff for care at home and additional savings to be secured from Challenge Fund projects; <p>The Board agreed to (a) note the projected financial outturn for the year; (b) approve the proposed mitigation actions detailed in Appendix E; (c) approve the savings identified to date against the NHS target (Appendix F) and note that this will be further refined as part of an update to the Board in December; (d) note the Annual Financial Statement for 2017/18 as outlined in Appendix H; and (e) to provide further information to Members on the application of the Integration Scheme to the projected overspend in 2017/18;</p>	E. Currie
8.	<p>Chief Social Work Officer Annual Report</p> <p>Submitted report by David MacRitchie, Chief Social Work Officer on the annual report of the Chief Social Work Officer to the local authority on the statutory, governance and leadership functions of the role, as detailed at Appendix 1, which included information in relation to:-</p> <ul style="list-style-type: none"> • Partnership structures/governance arrangements; • Social Services landscape/market; • Resources; • Service Quality and Performance including delivery of statutory functions; • Statutory Duties – Protection; and • Workforce. <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • The partnership approach that will provide a robust care plan for all young people to facilitate a return to the local community; • An increase of 31% in Community Payback Orders which has not seen an increase in budget to reflect the demand; and 	

	<ul style="list-style-type: none"> Information that will be provided to Members to provide a landscape picture of the projections outlined the report and their associated budgets <p>The Board agreed (a) that information be provided to Members of the projections highlighted in the report and their associated budgets; and (b) to note and endorse the Chief Social Work Officer Annual Report as set out in Appendix 1 to the report.</p>	D. MacRitchie
**	Councillor Foster left the meeting at this point.	
9.	<p>Service Review of Pan Ayrshire Psychological Services</p> <p>Submitted report by Thelma Bowers, Head of Service (Mental Health) on the progress of the Service Review of Pan Ayrshire Psychological Services. The draft Review of Pan Ayrshire Psychological Services was attached at Appendix 1 to the report.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> A presentation that will be made to North, East and South IJBs on the Service Review of pay Ayrshire Psychological Services; Two posts that will be lost within the senior leadership structure as a result of natural wastage; and The review has been led by the Director of Psychological Services. Extensive engagement has been undertaken as part of the wider process with staff by the Director of Psychological Services and the Heads of Service. <p>The Board agreed to (a) approve the establishment of a pan-Ayrshire and Arran professional lead role to provide strategic leadership for Psychological Services across the region and at senior Partnership level; and (b) Operational integration: Psychological Services staff to be integrated and embedded in operational teams for Adult community mental health and child specialities CAMHS/community paediatric services.</p>	T. Bowers
10.	<p>HSCP Strategic Plan 2018-21 (1st Draft)</p> <p>Submitted report by Scott Bryan, Team Manager (Planning) on the current status of the development of the partnership's new three year Strategic Plan for the period April 2018 – March 2021, which was attached at Appendix 1 to the report.</p> <p>Members asked questions and were provided with further information in relation to:-</p>	

	<ul style="list-style-type: none"> • The finalised Strategic Plan that will shortly be circulated to IJB Members for their feedback; • The engagement of Board Members in the consultation; and • The provision of an Executive Summary of the Strategic Plan. <p>The Board agreed (a) that an Executive Summary be prepared; and (b) the proposed content and layout of the 1st draft of the Strategic Plan 2018-21.</p>	Jo Gibson
**	Councillor Sweeney left the meeting at this point.	
11.	<p>Peer Support Services Specification for People with Mental Health Problems in North Ayrshire</p> <p>Submitted report by Dale Mellor, Senior Manager (Community Mental Health) on the outcome of an options appraisal undertaken in relation to the future commissioning model for a peer support, recovery and employability service. The report provided details of the three options that had been examined:-</p> <ul style="list-style-type: none"> • Option 1 – status quo – re-tender utilising the current service specification; • Option 2 – re-tender as one service specification with the addition of the recovery college; and • Option 3 – re-tender each aspect of the service specification separately – peer support, employability and recovery college. <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • The new contract that will be like-for-like and split £85,000 for peer support, £50,000 for employability support services, with a scoping exercise being undertaken for the recovery college element; and • A report that will be made to a future meeting of the IJB on the scoping exercise that will be undertaken. <p>The Board agreed (a) that a report be provided to a future meeting on the scoping exercise undertaken in respect of the recovery college; and (b) to approve Option 3 as the commissioning model for the peer support, recovery and employability service.</p>	D. Meller
12.	<p>Valedictory</p> <p>The Chair advised Members that Margaret Hogg, Section 95 Officer, would be leaving the Council and the North Ayrshire Health and Social Care Partnership to take up a new post.</p> <p>The Chair thanked Margaret for her outstanding contribution to the work of the partnership and wished her the very best in her new role. Members of the Board joined the Chair in paying tribute to Margaret.</p> <p>Margaret thanked the Chair and the Board for their kind words.</p>	

	The meeting ended at 12.30 p.m.	
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Police and Fire and Rescue Committee
21 November 2017

IRVINE, 21 November 2017 - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

Present

Donald L. Reid, John Glover, Todd Ferguson, Ellen McMaster, Davina McTiernan and Angela Stephen.

In Attendance

A. Fraser, Head of Democratic Services; M. Inglis, Senior Manager (Intervention Services) and V. Fitzpatrick, Team Manager (Health and Social Care Partnership); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Chief Superintendent P. Main, Chief Inspector B. Shaw, Inspector B. Skimming and Police Constable A. Fletcher (Police Scotland); and Area Manager J. Scott (Scottish Fire and Rescue Service).

Chair

Councillor Donald L. Reid in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Council.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 5 September 2017 was confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Chair's Remarks

The Chair invited Chief Superintendent Main to make presentations to two Police Scotland Officers, Inspector Brian Skimming and Constable Andrea Fletcher, who, having joined the Force in December 1987 and served predominantly in Ayrshire over the course of their careers, would shortly be retiring from Police Scotland.

The Chair took the opportunity, on behalf of the committee as a whole, to add his own thanks to the officers for their service, wishing them both a long and fulfilled retirement.

Thereafter, the Chair provided a brief verbal report on the following matters arising from his attendance at the COSLA Police Conveners meeting on 10 November and from other meetings attended recently:-

- issues relating to Temporary Traffic Regulation Orders and the formation of a working group on this matter;
- liaison with Scottish Police Authority members and the Chair's recent meeting with the SPA Chair;
- the Police Scotland three-year plan, which should be available for circulation by April 2018;
- the localism agenda in Policing and measures to update channels of communication with the public;
- the impending integration of British Transport Police into Police Scotland;
- the role of Police Scotland Youth Volunteers and Special Constables, and that of Young Fire Fighters;
- the recent visit by Committee Members and officers to the Govan Contact, Command and Control Centre;
- public space CCTV and the potential for a Police/COSLA working group on the subject; and
- the importance of benchmarking in helping to ensuring the Committee is fulfilling its scrutiny function.

Noted.

Councillor Glover joined the meeting during consideration of this item.

4. Presentations

4.1 "MADART/MAASH"

The Team Manager (Health and Social Care Partnership), accompanied by the Senior Manager (Intervention Services), provided a presentation on the work of the Multi Agency Domestic Abuse Response Team (MADART) and the Multi Agency Assessment and Screening Hub (MAASH), including:-

- the background to the formation of the MADART joint working arrangements, which became fully operational in 2012;
- the composition of the team, which is based in Kilmarnock Police Station;
- the 2016/17 outcomes, which illustrate the important role played by the team;
- the pattern of domestic abuse incidents in the period between 2003 and 2017;
- a case study showing the positive impact of the team on the circumstances of a service user; and
- the development of the service to incorporate the Multi Agency Assessment and Screening Hub.

Members asked questions, and received further information, in respect of the following:-

- liaison between the team and the Scottish Children's Reporter Administration in cases where referrals are made directly to the Reporter;
- any impact on the workload of the wider Social Services team following the introduction of the team; and
- whether the MADART/MAASH structure had been implemented on a permanent basis and the extent to which the approach had been mirrored elsewhere.

Noted.

4.2 "Doing More for Scotland: Transforming for the Future"

The Area Manager, Scottish Fire and Rescue Service, provided a presentation on the Service's transformation journey, which included:-

- contextual information setting out the changing nature of risk faced by the Service;
- the need to re-examine the service delivery model in light of factors such as new technology;
- the financial imperative for transformation of the Service;
- the transformation strategy, which sets out the values and vision of the Service, what it intends to achieve and the planned outcomes;
- the expanding role and duties of firefighters, including work in relation to safety in the home and responding to acts of terrorism;
- a proposed new recognition package for firefighters; and
- plans for wider public consultation on the transformation proposals.

Members discussed the Chair's attendance at meetings of the Scottish Police Authority and the value of seeking to arrange similar attendance, by the Vice Chair, at meetings of the Scottish Fire Service Board.

The Committee agreed (a) to write to the new Chair of the Scottish Fire Service Board with regard to the Vice Chair's proposed attendance at meetings of the Board; and (b) that the Vice Chair provide a short update to the Committee on the outcome of such meetings in due course.

5. Performance Reports

5.1 Scottish Fire and Rescue Service

Submitted report by the Scottish Fire and Rescue Service which provided an update on progress against the North Ayrshire Local Fire and Rescue Plan 2014-17 and gave other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April 2017 to 30 September 2017 was set out in Appendix 1 to the report.

The report identified a 3% increase in activity levels across North Ayrshire compared with the corresponding period in 2016, and an 8% increase in terms of the preceding three years average. False alarms accounted for 51% of all activity within North Ayrshire, with fire related activity and special service activity accounting for 39% and 10% respectively. Review of performance against the six agreed performance indicators noted that four indicators were above the three year average due to a rise in activity, two had seen a reduction in their respective three year averages and one indicator was trending with a reduction of more than 5%. Section 3 of the report also provided a number of Service updates and provided links to key reports.

The Chair made reference to the excellent presentation provided by representatives of the Kilmarnock Fire Safety Community Action team at a recent Age Concern Scotland conference.

Members asked questions, and received information, on the various methods used by the Service to recruit retained and whole time firefighters.

Noted.

5.2 Police Scotland

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April 2017 to 5 November 2017.

Chief Superintendent Main reported that North Ayrshire continued to perform well in terms of sustained reductions in crime levels. He provided further contextual information in respect of robberies, housebreaking and road safety and, for the purposes of comparison, contrasted current statistics in these areas with the number of incidents reported historically. Among the other elements of the report which were highlighted, was Exercise Border Reiver (which took place in October 2017 and was based on a Marauding Terrorist Firearms Attack), Ayrshire Police Mental Health Triage (a pilot to improve responses to people with mental health problems who present Police or emergency departments), the work of the Ayrshire College Campus Liaison Officer, and the recent Ayrshire Division Recognising Excellence Awards.

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

- local concern regarding road safety in the light of a number of recent incidents;
- a proposed initiative which, subject to approval of the project, might allow community groups to become involved in Community Speed Watch activity;
- the mechanisms in place for considering and introducing traffic calming measures and the circumstances in which a detailed engineering response might be considered;
- whether there were any housebreaking trends apparent in terms of the time of date incidents took place or the method of entry used; and
- the anticipated impact of the introduction of minimum pricing of alcohol.

The Committee agreed to note that (i) a briefing would be provided at a future meeting of the Committee on the subject of serious and organised crime and (ii) a report providing more detailed information on complaints would be submitted to the next meeting of the Committee; and (b) otherwise, to note the content of the report.

6. North Ayrshire Local Policing Plan 2017-2020

Submitted Police Scotland's Local Police Plan for North Ayrshire for 2017 to 2020, which outlined how Policing services would be delivered over the next three years in pursuit of locally identified policing priorities and how Police Scotland would work closely with partner agencies through the Community Planning process to improve safety and security in North Ayrshire. The Plan also described how Police Scotland would contribute to the Community Planning Partnership's 'Fair For All' strategy and help to seek to reduce inequalities in North Ayrshire.

The Committee agreed to endorse the North Ayrshire Local Policing Plan 2017-20.

The Meeting ended at 4.05 p.m.

Appeals Committee
22 November 2017

IRVINE, 22 November 2017 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

John Easdale, Marie Burns and Jimmy Miller.

In Attendance

S. Montgomery, Solicitor (Litigation)(Chief Executive's Service); and A. Young, HR Operations Manager (Human Resources) (Finance and Corporate Support).

Also In Attendance

J. Butcher, Executive Director (Education and Youth Employment); and C. Devoy, HR Advisor (Human Resources) (Finance and Corporate Support); and the appellant.

Chair

Councillor Easdale in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Exclusion of the Public

The Committee resolved in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

3. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Education and Youth Employment.

The Service Representative presented the grounds for dismissal as previously advised to the appellant in writing. The appellant was given the opportunity to respond to the issues raised and to ask questions of the Service Representative. Members of the Committee were also given the opportunity to ask questions.

Thereafter the appellant presented the grounds of the appeal. The Service Representative was given the opportunity to respond to the issues raised and to ask questions of the appellant. Members of the Committee were also given the opportunity to ask questions of the appellant.

After summing up their respective cases, the Service Representative together with the appellant withdrew from the hearing to allow the Committee to deliberate.

Following deliberation, the Committee agreed (a) that the grounds of appeal had not been upheld; and (b) that the appellant be so advised within 14 days.

The Meeting ended at 1.45 p.m.

Licensing Committee
29 November 2017

IRVINE, 29 November 2017 - At a Meeting of the Licensing Committee on North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, Todd Ferguson, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen.

In Attendance

E. Anderson, Team Manager (Private Sector Housing), B. Ferry, Policy Officer (Private Sector) and R. Todd, Empty Homes Co-ordinator (Place); and W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), C. Pollock, Licensing Administration Officer, D. Robertson, Enforcement Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Office).

Also In Attendance

Sergeant Dougan and D. Hastings, Licensing Administrator (Police Scotland).

Chair

Councillor McNicol in the Chair.

1. Order of Business

The Chair agreed that the Committee consider two applications, namely a Street Trader's Licence and a Public Charitable Collection Licence, as a matter of urgency in order to allow these matters to be progressed without delay.

In terms of Standing Order 9.4, the Chair further agreed to vary the order of business to allow consideration of the urgent items as part of Agenda Item 3 (Civic Government (Scotland) Act 1982: Licensing Matters) Part A (Hearings).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McTiernan, as a member of the SNP Group, declared an indirect, pecuniary interest in an application by Largs SNP for a Public Charitable Collection which did not necessitate her leaving the meeting during consideration of this item.

Councillor McTiernan also declared an indirect, non-pecuniary interest in a landlord registration case to be considered in terms of Agenda Item 4 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, the circumstances being that one of the landlords in question, A.M., was personally known to her, and left the meeting for that item of business.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 1 November 2017 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following items of business, on the grounds that they involved the likely disclosure of exempt information as defined in Section 50J of, and Schedule 7A to, the Local Government Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial business affairs of any particular person (other than the authority)"), Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime") and Paragraph 15 ("The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance)."

Councillor McClung joined the meeting at this point.

5. Civic Government (Scotland) Act 1982: Licensing Matters

Submitted report by the Chief Executive on hearings to be determined, applications for the grant or renewal of licences and permits and issuing arising in respect of existing licences, all in terms of the Civic Government (Scotland) Act 1982.

PART A: Hearings

5.1 Taxi Driver's Licence: TDL/2053 (New) - Stewart M Alexander

The applicant, having been duly cited to attend, was not present, but had provided a written submission in respect of his application. Representatives of Police Scotland were in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application and responded to questions.

Decision

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence. There being no amendment, the motion was declared carried.

5.2 Street Trader's Licence: STL/0/475 (New) - George Moreland

The applicant, having been duly cited to attend, was present. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out representation in respect of the application and a further letter containing further details of the conviction. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor McClung, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

The representatives of Police Scotland left the meeting at this point.

5.3 Taxi Driver Licence: TDL/02057 (New) - Ernest Mukumba

The applicant, having been duly cited to attend, was present.

The applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Stephen, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

5.4 Public Entertainment Licence: PEL/003 (Permanent) - Shiskine Village Hall Committee

The Solicitor (Licensing) advised that the necessary certificate of compliance had been submitted by the applicant and, as a result, there was now no requirement for a hearing to be held.

Decision

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

5.5 Taxi Licence and Taxi Driver's Licence: TL/194 and TDL/01355 - Michael Ferguson

The Committee, at its meeting held on 1 November 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982

The licence holder, having been duly cited to attend, was not present. However, reference was made to an email from the licence holder's business partner, setting out the reason for his inability to attend the hearing.

Decision

The Committee unanimously agreed to continue consideration of this matter to the next meeting to allow the licence holder to attend.

PART B: Applications for Grant/Renewal of Licences

5.6 Late Hours Catering Licence: LHCL/116 (Renewal) - Mascot Scotland Limited

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.7 Taxi Driver's Licence: TDL/00792 (Renewal) - George Williams

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.8 Taxi Driver's Licence: TDL/02062 (New) - Craig Moffat

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.9 Taxi Driver's Licence: TDL/2068 (New) - Douglas McGuire

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

5.10 Public Charitable Collection - Alzheimer's Scotland

The applicant has applied for a Charitable Collection on Thursday 7 December 2017 between 4.00 p.m. and 9.00 p.m., which is outwith the Council policy.

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to the Council's standard conditions.

5.11 Public Charitable Collection - Largs SNP

The applicant has applied for a Charitable Collection on Thursday 7 December 2017 between 5.30 p.m. and 8.30 p.m., which is outwith the Council policy.

The Committee unanimously agreed (a) that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to delegate authority to the Solicitor (Licensing) to grant the application in terms of Section 119 of the Civic Government (Scotland) Act 1982, subject to (a) the Council's standard conditions and (b) no Police objection being received in respect of the application.

In terms of Standing Order 5.7, the Chair then adjourned the hearing for a short recess to allow relevant officers to join the meeting. The meeting reconvened with the same Members present, with the exception of Councillor McTiernan, who had declared an interest in the first landlord registration case.

6. Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8

Submitted report by the Chief Executive on matters relating to Landlord Registration.

6.1 A.M

The Committee, at its meeting held on 1 November 2017, was advised of information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, to allow (i) the Registered Landlord to attend a review hearing and (ii) inspection of the property in question and, if possible, inspection of other tenanted properties owned by the Registered Landlord.

The Registered Landlord, having been cited to attend, was not present, but was represented by his solicitor.

The Registered Landlord's solicitor addressed the Committee on the issues raised and responded to questions. The Team Manager (Private Sector Housing), Policy Officer (Private Sector) and Empty Homes Co-ordinator then addressed the Committee on the terms of a report on the condition of a number of tenanted properties owned by the Registered Landlord.

Thereafter, the Registered Landlord's solicitor and Housing Officers responded to questions.

Councillor McClung, seconded by Councillor Barr, moved that the Committee proceed to determine the matter in the absence of the Registered Landlord. There being no amendment, the motion was declared carried.

The Registered Landlord's representative and the Housing Officers in attendance then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McClung, seconded by Councillor Barr, moved, in terms of Section 89 of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 to remove the Registered Person from the Register of Landlords. There being no amendment, the motion was declared carried.

Thereafter, Councillor McNicol, seconded by Councillor Ferguson, moved to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the properties included in the Registration which the Committee was satisfied were currently occupied. There being no amendment, the motion was declared carried.

Councillor McTiernan rejoined the meeting at this point.

6.2 P.H.W.

The Relevant Person, having been cited to attend, was not present, but was represented by his parents. The Relevant Person had also provided a number of written submissions, including references from previous employers.

The Relevant Person's representatives addressed the Committee on the issues raised and responded to questions.

The Relevant Person's representatives then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor McNicol, seconded by Councillor Ferguson, moved, in terms of Section 84(2)(b) Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004, to refuse to enter the Relevant Person on the Register of Landlords on the ground that he was not a fit and proper person to act as a Landlord. There being no amendment, the motion was declared carried.

6.3 D.D.

The Committee, at its meeting held on 1 November 2017, was advised of information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. The Committee, having regard to the information presented, unanimously agreed to continue consideration of this matter to the next meeting, pending the outcome of a further inspection of the property.

The Solicitor (Licensing) advised that an inspection by officers had confirmed that the required repairs had now been undertaken in respect of the Registered Landlord's property.

Decision

The Committee, having regard to the information presented, unanimously agreed to take no further action in respect of this matter.

The Meeting ended at 12.35 p.m.

Planning Committee
6 December 2017

Irvine, 6 December 2017 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services), A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Ian Clarkson.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of meeting of the Committee held on 8 November 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 17/01079/PP: 1A Park Road, Ardrossan

Mr Martin Gray, 121 Argyle Road, Saltcoats has applied for a change of use of vacant yard and buildings to a tyre fitting and wash/valet centre at 1A Park Road Ardrossan. Four representations were received and were detailed in the report.

The Committee agreed to grant the application subject to the following conditions:-

1. That the operation of the tyre fitting and car wash/valet centre hereby approved shall discontinue on or before 6 December 2018 unless North Ayrshire Council as Planning Authority gives written consent to any variation.
2. That the use hereby approved, shall not operation outwith the hours of 0900 to 1600 on Monday to Friday and 0900 to 1400 on Saturday, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

3. That all works in connection with tyre fitting shall take place within the existing building, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
 4. That prior to the operation of the tyre fitting and car was/valet centre hereby approved, full details of the proposed parking layout shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. Thereafter, the layout as may be approved shall be implemented throughout the operation of the centre, to the satisfaction of North Ayrshire Council as Planning Authority.
- 4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to West of Eglinton House, Kilwinning**

Submitted report by the Executive Director (Economy and Communities) on a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use and removal of the storage container at Site to West of Eglinton House, Kilwinning, also known as Ground at Garden Cottage, Eglinton, Kilwinning.

A storage container has been sited on land to the west of Eglinton House, Kilwinning. The container was placed on the land some time after 3 March 2015 for the storage of materials involved with management of the woodland. This was done as development not requiring planning permission on the basis that the container would be removed by the end of Summer 2015. The container was not removed and has been on site, to date, for up to 21 months. At March 2017 the owner considered that the woodland management works were ongoing. On this basis the Council requested that the container be removed by the end of August 2017. However, this action has not been done. As at the date of the Planning Committee, the development will have been in situ for approximately 21 months with no prospect of it being removed.

The development has been undertaken within the last 10 years without the necessary planning permission. The development has a negative visual impact on the area which is both countryside and part of a designed landscape. It is contrary to Policy ENV1, Policy HE5 and criterion (a) criterion (a) of the General Policy of the LDP

The Committee agreed, in the interest of visual amenity, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of the storage container from the land.

The meeting ended at 2.10 p.m.