



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**17 May 2023**

**VOLUME OF MINUTES**

**From 27 January 2023 – 2 May 2023**

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## **AYRSHIRE ECONOMIC PARTNERSHIP BOARD**

### **MINUTES OF MEETING HELD ON THURSDAY 26 JANUARY AT 1300 HRS IN THE WILLIAM MURDOCH ROOM, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK/MS TEAMS**

**PRESENT:** Councillors Clare Maitland, Maureen McKay and Douglas Reid, East Ayrshire Council; Councillors Joe Cullinane and Anthony Gurney, North Ayrshire Council; Councillors Martin Dowey, Peter Henderson and Bob Pollock, South Ayrshire Council; Angela Cox, Ayrshire College; Alastair Dobson, Taste of Arran; Simon Fraser, Spirit Aerosystems; Morag Goodfellow, Highlands and Islands Enterprise; Hisashi Kuboyama, Federation of Small Businesses; Derek McCrindle, Scottish Enterprise; Claire Baird, Ayrshire Chamber of Commerce; and Paul Zealey, Skills Development Scotland.

**ATTENDING:** Eddie Fraser, Chief Executive; Katie Kelly, Depute Chief Executive; David McDowall, Head of Economic Growth; and Graham Saunders, Programme Manager (all East Ayrshire Council); Russell McCutcheon, Executive Director – Space; Emma McMullen, Senior Manager - Economic Policy; and Neale McIlvanney, Programme Management Officer (all North Ayrshire Council); and Louise Reid, Assistant Director; and Theo Leijser, Service Lead (both South Ayrshire Council).

**ALSO ATTENDING:** Lynn Young and Sheryl Wilcox, Democratic Services Officers, both East Ayrshire Council.

**APOLOGIES:** Councillor Marie Burns, North Ayrshire Council; Gillian Docherty, Strathclyde University; Johnny Mone, University of West of Scotland; Malcolm Roughhead, Visit Scotland.

**CHAIR:** Councillor Douglas Reid, Chair.

### **PREVIOUS MINUTES**

1. There were submitted and approved as a correct record, the Minutes of the meeting held on 8 December 2022 (circulated).

### **AYRSHIRE REGIONAL ECONOMIC STRATEGY**

2. There was submitted a report (circulated) by the Ayrshire Regional Strategy Working Group which presented the final draft Ayrshire Regional Economic Strategy for endorsement and which sought authorisation to take the strategy to the Ayrshire Economic Joint Committee for approval.

Following the presentation, the Board agreed:

- (i) to note the progress of the Regional Strategy Working Group in developing a new Regional Economic Strategy for Ayrshire;
- (ii) to endorse the final draft Ayrshire Regional Economic Strategy, subject to editorial adjustment and amendments following the outcome of the recent funding decisions and to submit the final Regional Economic Strategy to the Ayrshire Economic Joint Committee for approval;
- (iii) to note that the Working Group would progress the production of an action plan and appropriate delivery/governance arrangements for future consideration of

the Partnership Board to promote effective delivery of the strategy's emerging actions; and

- (iv) otherwise, to note the contents of the report.

### **FOOD AND DRINK WORKSTREAM UPDATE**

3. The Board received and noted a verbal update from Alastair Dobson, Taste of Arran on the Food and Drink Workstream.

The meeting terminated at 1421 hrs.

## **AYRSHIRE ECONOMIC PARTNERSHIP BOARD**

### **MINUTES OF SPECIAL MEETING HELD ON MONDAY 20 FEBRUARY 2023 AT 1233 HRS IN THE COUNCIL CHAMBERS, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK/MS TEAMS**

**PRESENT:** Councillors Clare Maitland, Maureen McKay and Douglas Reid, East Ayrshire Council; Councillors Marie Burns and Anthony Gurney, North Ayrshire Council; Councillors Martin Dowey, Peter Henderson and Bob Pollock, South Ayrshire Council; Claire Baird, Ayrshire Chamber of Commerce; Angela Cox, Ayrshire College; Alastair Dobson, Taste of Arran; Simon Foster, Aerospace Work Stream Lead; Morag Goodfellow, Highlands and Islands Enterprise; Malcolm Roughhead, Visit Scotland; and Paul Zealey, Skills Development Scotland.

**ATTENDING:** Eddie Fraser, Chief Executive; Katie Kelly, Depute Chief Executive; David McDowall, Head of Economic Growth; (all East Ayrshire Council); Russell McCutcheon, Executive Director - Space; Louise Kirk, Head of Service/Economic Development and Regeneration; and Neale McIlvanney, Programme Management Officer (all North Ayrshire Council); and Louise Reid, Assistant Director, Strategic Change, South Ayrshire Council

**ALSO ATTENDING:** Simon Craufurd, Chairperson, Ayrshire and Arran Visitor Economy Leadership Group; and Christine Baillie, Democratic Services Team Leader and Sheryl Wilcox, Democratic Services Officers, both East Ayrshire Council.

**APOLOGIES:** Johnny Mone, University of West of Scotland; and Hisashi Kuboyama, Federation of Small Businesses

**CHAIR:** Councillor Douglas Reid, Chair.

### **PREVIOUS MINUTES**

1. There were submitted and approved as a correct record, the Minutes of the meeting held on 26 January 2023 (circulated).

### **AYRSHIRE GROWTH DEAL - ANNUAL REPORT**

2. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which introduced the draft Ayrshire Growth Deal Annual Report 2021. It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee to:
  - (i) note the progress made with the Ayrshire Growth Deal (AGD) during 2021/22, which related to activities from 1 October 2021 to 30 September 2022; and
  - (ii) approve the publication of the Annual Report on the AGD website.

### **AYRSHIRE GROWTH DEAL - PROGRAMME UPDATE**

3. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised members of the progress of the Ayrshire Growth Deal and the development of its component parts as at 31 January 2023. It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee to note:

- (i) the updates provided in the report attached as Appendix 1;
- (ii) the progress across the Ayrshire Growth Deal Programme;
- (iii) the anticipated slippage of business case milestones and risk to financial drawdown; and
- (iv) the main strategic and operational risks.

#### **VISITOR ECONOMY WORKSTREAM UPDATE: AYRSHIRE VISITOR ECONOMY STRATEGY AND DRAFT ACTION PLAN**

4. There was submitted a report (circulated) by the Chief Executive, North Ayrshire Council to consider the Ayrshire Visitor Economy Regional Strategy and associated Draft Action Plan, which had been co-produced by member of the Regional Partnership Visitor Economy Workstream. The report also set out arrangements for future reporting on delivery and resource impacts related to the delivery of the Strategy and Draft Action Plan.

It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee to:

- (i) endorse the Ayrshire Visitor Economy Regional Strategy and Draft Action plan, for consideration at the Ayrshire Economic Joint Committee, as a basis for future collaboration of industry and public sector within the visitor economy; and
- (ii) request a paper is brought to a future meeting of the Partnership Board and Committee outlining governance and delivery of the Strategy and Draft Action Plan, as well as resource implications.

#### **EXTENSION OF FOOD TOURISM CO-ORDINATOR POSTS - 2023/24**

5. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council to note the efforts being made by the Food Tourism Co-ordinators in pursuit of the ongoing recovery and renewal of that sector, and advised of the proposals for the extension of their employment for a period of 12 months.

It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee to:

- (i) acknowledge the activities being undertaken by the Food Tourism Co-ordinators, working in partnership to support food and drink businesses as part of the longer-term recovery of the sector;
- (ii) note the proposals for the Joint Committee to authorise match funding of £6,666 from each Council to allow a 12 month extension of the two Food Tourism Co-ordinator posts, from 1 April 2023 to 31 March 2024; and
- (iii) otherwise, note the contents of the report.

#### **LEVELLING UP FUND AND SHARED PROSPERITY FUND**

6. There was submitted a report (circulated) by the Ayrshire Executive Group which provided an update in relation to the Levelling Up Fund and Shared Prosperity Fund for each of the three Councils.

It was agreed:

- (i) to note the outcome of the bids made by the three Councils to the UK Government's Levelling Up Fund;
- (ii) to note the confirmation of SPF funding and the mobilisation plans in place to deliver on the various projects and programmes contained within each Council's Investment Plans; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1403 hrs.

Cabinet  
21 March 2023

**IRVINE, 21 March 2023** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Marie Burns, Tony Gurney, Alan Hill, Margaret Johnson, Christina Larsen and Shaun Macaulay; Andrew Bruce and Rev Mark Goodman (Church Representatives); and Jacqui MacKenzie (Teaching Representative) (Agenda Items 3 and 4).

**Also Present**

Cameron Inglis.

**In Attendance**

C. Hatton, Chief Executive, M. Boyd, Head of Service (Finance), F. Walker, Head of Service (People & ICT) (Chief Executive's Service); R. McCutcheon, Executive Director, D. Hammond, Head of Service (Sustainability, Corporate Property & Transport), L. Kirk, Interim Head of Service (Economic Development and Regeneration); Y. Baulk, Head of Service and J. Barrett, Senior Manager (Housing & Public Protection), T. Reaney, Head of Service and S. Macfadyen, Network Manager (Neighbourhood Services) (Place); A. Sutton, Executive Director, R. Leith, Head of Service (Connected Communities) and S. Campbell, Senior Manager (Financial Inclusion) (Communities & Education); C. Cameron, Director (Health and Social Care Partnership); D. Forbes, Senior Manager (Financial Management) and L. Miller, Senior Manager (Audit, Fraud, Safety and Risk) (Finance); R. Lynch, Senior Manager (Legal Services), J. Hutcheson, Senior Communications Officer, C. Stewart and S. Wilson, Committee Services Officers (Democratic Services).

**Apologies**

Elizabeth Turbet.

**Chair**

Marie Burns in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting of the Cabinet held on 21 February 2023 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.



### **3. Proposal to close Kilwinning Early Years Centre and incorporate the provision as a new early years' class at Pennyburn Primary School**

Submitted a report by the Executive Director (Communities and Education) providing feedback on the outcome of the statutory public consultation and seeking approval to close Kilwinning Early Years Centre and incorporate the provision as a new early years' class at Pennyburn Primary School. The Consultation Report was attached at Appendix 1 to the report.

The Cabinet agreed (a) to close Kilwinning Early Years Centre and incorporate the provision as a new early years' class at Pennyburn Primary School with effect from August 2023 and (b) otherwise to note the content of the Consultation Report set out at Appendix 1 to the report.

### **4. Future Holiday Meals Provision**

Submitted a report by the Executive Director (Communities and Education) on the future provision of the school holiday meals and the use of the Scottish Government funding.

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

- the anticipated uptake and demand from the service users of programmed activities over the Easter and October holiday period; and
- the support and resourcing of the activity programme from a Council perspective, particularly in respect of working in partnership with the voluntary sector.

The Head of Service (Connected Communities) undertook to request that the Locality team liaise with Church representative Andrew Bruce in response to his suggestion around partnership working with churches in terms of use of premises and/or personnel.

The Cabinet agreed to approve (a) the approach to the future use of the Scottish Government holiday meals funding as proposed in the report; (b) a summer programme of activities and food in localities to be designed with community partners; and (c) the replacement of shopping vouchers with a cash first approach for families with an assessed entitlement to free school meals.

### **5. Access to Information rights in Scotland: a Consultation**

Submitted a report by the Head of Service (Democratic Services) seeking approval for the proposed North Ayrshire Council submission to the Scottish Government's Consultation on access to information rights in Scotland. The Consultation paper was attached at Appendix 1 to the report. The proposed consultation response was attached at Appendix 2 to the report.

The Cabinet agreed to approve the submission of the proposed consultation response set out at Appendix 2 to the report.

## **6. Revenue Budget 2022/23: Financial Performance to 31 January 2023**

Submitted a report by the Head of Service (Finance) on the financial performance for the Council at 31 January 2023. Detailed explanations of the significant variances in service expenditure compared to the approved budgets, together with information on funding to be carried forward to support expenditure during 2022/23 were provided in Appendices 1-4 of the report. A full list of the proposed carry forward of earmarked funds was set out at Appendix 5 to the report. Information in respect of the Housing Revenue Account (HRA) was contained in Appendices 6 and 6a and information on virements/budget adjustment requests was provided at Appendix 7 to the report. Information on the IJB financial performance was presented in Appendix 8 to the report.

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

- the timescale for reporting of projected underspends to Cabinet; and
- the earmarking of underspends to Roads and Energy Smart in accordance with an earlier budget decision.

The Cabinet agreed to (a) note (i) the information and financial projections outlined in the report and its associated appendices, (ii) the latest financial projection for the Health and Social Care Partnership highlighted at section 2.6 of the report and (iii) the current projected deficit position of KA Leisure; and (b) approve (i) the earmarking of £1.361m identified at section 2.5 of the report to meet future year commitments and (ii) the virements detailed at Appendix 7 to the report.

## **7. Capital Programme Performance to 31 March 2023**

Submitted a report by the Head of Service (Finance) on progress in delivering the Capital Investment Programme for 2022/23.

Members asked questions and were provided with further information in relation to the anticipated levels of income from the Shewalton and Nethermaines Solar PV projects.

The Cabinet agreed to (a) approve the proposed revision to the General Services Capital Programme in respect of the additional borrowing requirement to support the Shewalton and Nethermaines Solar PV projects and (b) note (i) the revisions to budgets outlined in the report, (ii) the General Services and HRA revised budgets at 31 January 2023, and (iii) the forecast expenditure to 31 March 2023.

## **8. Strategic Risk Register 2023/24**

Submitted a report by the Head of Service (Finance) seeking approval of the Strategic Risk Register for 2023/24. The Strategic Risk Register was attached at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the risk outlined in the report with regard to the implementation of the National Care Service, and the potential impact on the Council's resources.

The Cabinet agreed to approve the Council's Strategic Risk Register for 2023/24 set out at Appendix 1 to the report.

## **9. Financial Inclusion Strategy 2023-28**

Submitted a report by the Director (Health & Social Care Partnership) providing an update on progress with the Financial Inclusion Project and the development of a Strategy for North Ayrshire. The Financial Inclusion Strategy for 2023-28 was set out at Appendix 1 to the report.

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

- the joined-up 'no wrong door' approach that would provide valuable assistance in terms of allowing people to access the appropriate services;
- the effective sharing of technology/data; and
- use of the third sector to deliver the best possible service to those impacted by the current cost of living crisis.

The Cabinet agreed (a) to approve the Financial Inclusion Strategy for 2023-28 set out at Appendix 1 to the report; and (b) otherwise to note the positive progress through the review of Financial Inclusion Advice Services.

## **10. Islands Emergency Cost Crisis Fund**

Submitted a report by the Executive Director (Communities and Education) seeking approval for the allocation of the Scottish Government Islands Emergency Cost Crisis Fund.

The Cabinet agreed to approve the proposed distribution of the Islands Emergency Cost Crisis Fund.

## **11. Community Asset Transfer of the Toilet Block and adjacent land at Ardrossan South Beach**

Submitted a report by the Executive Director (Communities and Education) providing an update on progress relating to the Community Asset Transfer of the toilet block and adjacent land at Ardrossan South Beach and seeking approval for the revised rent for the asset being transferred to Ardrossan Community Development Trust. The Ardrossan Community Development Trust (ACDT) Business Plan was attached at Appendix 1 to the report.

The Cabinet agreed (a) a revised of £600 per annum (10% of the current valuation of £6,000 pa); and (b) to note the ongoing progress of the Community Asset Transfer assessment process.

## **12. Home Office Asylum Dispersal**

Submitted a report by the Executive Director (Place) on the Home Office's plans for asylum dispersal across the United Kingdom and highlighting the potential impact for North Ayrshire, taking into consideration the humanitarian resettlement schemes already being supported.

On behalf of Members, Councillor Burns, Chair, thanked officers, and indeed the people of North Ayrshire, for the considerable work and effort that had been put in to settling people in North Ayrshire through the humanitarian resettlement schemes while ensuring a smooth and orderly transition into the community.

The Cabinet agreed (a) that the Council was not in a position to offer social rented housing as part of the wider dispersal programme; (b) to approve the approach taken by Council officers to support Mears with the asylum dispersal programme by working in partnership through the North Ayrshire Refugee Task Force; (c) to note (i) the support being provided within North Ayrshire across the various humanitarian resettlement schemes, (ii) the current pressure on Housing and wider services and (iii) the Home Office rollout of a 'full dispersal' model for asylum seekers across the UK and the implications this has for North Ayrshire.

## **13. Roads Structures & Street Lighting Maintenance Programme 2023/24**

Submitted a report by the Executive Director (Place) seeking approval of the proposed Roads, Structures and Street Lighting Maintenance Programme for 2023/24. The proposed Roads, Structures and Street Lighting Maintenance Programme 2022/23 was attached at Appendix 1a and 1b to the report. Details of additional works were set out at Appendix 1c. Details of how condition assessments are carried out and how roads, structures and lighting locations are prioritised, for inclusion in the maintenance programme, were set out at Appendix 2 to the report. The assessment matrix used for scoring and ranking structures for inclusion in the Structures Maintenance Programme was set out at Appendix 3 to the report.

The Cabinet agreed (a) to approve (i) the maintenance programme for 2023/24, as shown at Appendix 1a and 1b to the report and (ii) the additional works up to the value of £1m, identified for 2023/24 at Appendix 1c to the report should the Council realise an underspend of £1m or more for 2022/23; and (b) to note (i) the approach taken to determining the asset maintenance programme for roads, structures and street lighting and (ii) that the programme would be issued to the Locality Planning Partnerships for information.

## **14. Consultation on Scottish Government draft Energy Strategy and Just Transition Plan**

Submitted a report by the Executive Director (Place) seeking approval for the proposed response to the consultation on the Scottish Government's draft Energy Strategy and Just Transition Plan. The proposed consultation response from the Council was set out at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the importance and sustainable nature of the proposals, and the significant focus on areas such as this in terms of measures designed to address the climate crisis.

The Cabinet agreed to approve the response attached as Appendix 1 to the report as the Council's response to the Scottish Government consultation in relation to the draft Energy Strategy and Just Transition Plan.

## **15. Advertising and Sponsorship Framework**

Submitted a report by the Executive Director (Place) seeking approval of the proposed Advertising and Sponsorship Framework for council assets. The proposed Advertising and Sponsorship Framework was attached at Appendix 1 to the report.

The Cabinet agreed (a) to approve the proposed Advertising and Sponsorship Framework attached at Appendix 1 to the report; (b) that officers would investigate and introduce further advertising opportunities as appropriate and in line with the principles of the proposed Framework; (c) that delegated authority be provided to the Executive Director (Place) to exercise any necessary functions in relation to implementation of the Advertising and Sponsorship Framework; and (d) to note advertising opportunities would be progressed on Council assets in line with the principles of the Framework, including the expansion of the existing roundabout advertising scheme and the progression of advertising on the Council's refuse collection vehicles and wider vehicle fleet.

## **16. Exclusion of the Public**

Cabinet 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 9 of Part 1 of Schedule 7A of the Act.

## **17. Montgomerie Park – Proposed Sale of Phase One Rental Site**

Submitted a report by the Executive Director (Place) advising of the Heads of Terms which had been negotiated for the sale of the Phase 1 Retail Site prior to entering missives for the sale of the site.

The Cabinet agreed to approve the recommendation as detailed in the report.

The meeting ended at 4.05 p.m.

Planning Committee  
22 March 2023

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Robert Foster, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

**Present (Remote Participation)**

Timothy Billings, Scott Davidson, Amanda Kerr, Jim Montgomerie, Ian Murdoch and Chloé Robertson.

**In Attendance**

Y. Baulk, Head of Service (Housing & Public Protection) and J. Miller, Chief Planning Officer (Place); and R. Lynch, Senior Manager (Legal Services), J. Niven, Solicitor (Legal Services) and C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**1. Declarations of Interest**

In respect of Agenda Item 3 (23/00070/PP: Site to Former Coal Terminal, Hunterston, West Kilbride), Councillor Murdoch made a transparency statement advising that he was as a member of Hunterston Park Liaison Committee. Having applied the objective test, he assessed that it was not an interest in terms of the Councillors' Code of Conduct which would prevent him from taking part in the decision. Accordingly, Councillor Murdoch did not require to leave the meeting for this item of business.

**2. Minutes**

The Minutes of the Meeting held on 22 February 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 23/00070/PP: Site to Former Coal Terminal, Hunterston, West Kilbride**

XLCC have applied for a Variation of conditions 9 and 18 of planning permission N/22/00133/PPPM relating to the construction of a high voltage sub-sea cable manufacturing facility at the site to Former Coal Terminal, Hunterston, West Kilbride.

The Chief Planning Officer advised that following preparation of the report, comments had been received from Fairlie Community Council and from a firm of Solicitors instructed by the Community Council. The Chief Planning Officer informed the Committee of the nature of comments received and the officer response.

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

- the risk of flooding with particular reference to finished floor levels;
- the rationale for the application coming forward at this time and whether there was an overall timeline for the full application; and
- the nature of a previous decision by the Planning Committee, in respect of a complete 'as one' application coming to the Committee for determination.

Councillor Inglis, seconded by Councillor Ferguson, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. That the permission was for a high voltage cable manufacturing facility with associated factories, research and testing laboratories, offices with associated stores, transport, access, parking and landscaping with on-site generation and electrical infrastructure and cable delivery system only and planning permission would be required for any other use within Class 5 of the Town and Country Planning (General Permitted Development) (Scotland) Order, as amended.
2. That the approval of North Ayrshire Council, as Planning Authority, with regard to the siting, design and external appearance of all building and external plant or machinery, including landscaping, means of access, internal roads, external lighting, sustainable travel plan and low and zero carbon technology, shall be obtained before the development permitted in principle is commenced.
3. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of on-site heat recovery and re-use, or a heat network infrastructure plan, or demonstrable evidence that such schemes have been explored but are not feasible for technical or economic reasons.
4. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.
5. That further application(s) for approval under the terms of Condition 1 shall be accompanied by details of an appointed Ecological Clerk of Works (ECoW). The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved.

6. Prior to development commencing the applicant shall implement the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 9 Hydrogeology, Geology and Ground Conditions of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council, as Planning Authority.
7. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a Dust Management Plan. This shall include the measures detailed under Mitigation Measures Adopted as Part of the Project in Chapter 13 Air Quality of the submitted EIA report dated February 2022. All documentation be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
8. That further application(s) for approval under the terms of Condition 1 shall be accompanied by an assessment of the details in terms of the rated noise level, as defined in 'BS4142:2014+A1:2019, from the operation of the facility. The assessment must demonstrate that the noise from the operation of the facility will not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application and include details of a monitoring scheme for the first 12months of operation of the facility.
9. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat surface water arising from the or otherwise affecting the site, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded.
10. That further application(s) for approval under the terms of Condition 1 shall be accompanied by a habitat survey dated not more than 1 year prior to the date of the submission of the application.
11. Prior to commencement of the development of the tower, details of a financial bond to be secured with the landowner for the removal of the tower in the event of redundancy shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Any such bond shall be retained through the life of the development with confirmation to be provided to North Ayrshire Council, as Planning Authority, on a yearly basis following completion of the tower.



12. Should the tower become redundant, it shall be removed within 6 months of redundancy. For the avoidance of doubt, redundancy means the factory not becoming operational within 3 years of construction of the tower or the factory ceasing to operate for a period of more than 1 year after first becoming operational.
13. The prior to commencement of the development of the tower, details of the external finish shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved and the tower maintained with those details unless otherwise agreed in writing with the Planning Authority.
14. The prior to the commencement of the development of the tower, a Dust Management Plan for the control of dust from the construction of the tower shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. Thereafter the development shall be undertaken in accordance with any Plan as may be approved.
15. That prior to the commencement of the development of the tower, a Construction Management Plan and Code of Practice, including details for monitoring and action against non-compliance shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter the construction shall be carried out only as approved by the Plan and Code of Practice. For the avoidance of doubt this shall include an assessment of use of the rail and port connections as a first principle and the prohibition of the use of the A78 through Fairlie, the B780/B781, the C26 and all local non-classified roads by construction vehicles and details of management of impact on the core path and cycle rout network.
16. That prior to the commencement of the development of the tower, details of an appointed Ecological Clerk of Works (ECoW) shall be submitted to North Ayrshire Council, as Planning Authority, for approval. The details shall include contact details, the scope and responsibilities of the ECoW as well as confirmation of their power to halt or otherwise stop works which are not in accordance with the mitigation measures identified in the EIA or others, as may be approved. The development will thereafter be undertaken only with the oversight of the appointed ECoW.
17. The rated noise level, as defined in 'BS4142:2014+A1:2019, from the operation of the tower must not exceed the background noise level at the curtilage of any existing or consented noise sensitive property at the time of application.
18. The prior to the commencement of the development of the tower, that a scheme to treat surface water arising from the or otherwise affecting the site of the tower, prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C7453, published November 2015) and the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, and certified by a suitably qualified person, shall be submitted to North Ayrshire Council, as Planning Authority, for

written approval. Thereafter, the certified scheme shall be implemented prior to the completion of the development of the tower and maintained thereafter to the satisfaction of North Ayrshire Council, as Planning Authority. Any scheme approved shall include details of proposed ground levels, finished floor levels, and pre & post development overland flows that shall demonstrate that people and property would not be put at flood risk during the designed storm event (1 in 200 return period plus an allowance for climate change and urban creep) when the capacity of the proposed infrastructure is exceeded.

19. Prior to the commencement of the tower, confirmation that the basement proposals are sufficiently flood resilient/resistant, including an accompanying certified flood management plan suitably addresses residual flood risk at the site from all sources of flooding, certified by a suitable qualified person, shall be submitted in writing for the written approval of North Ayrshire Council, as Planning Authority.
20. In the event that the works to commence the tower are not undertaken within 1 year of the date of this permission, an updated habitat survey dated not more than 1 year prior to the date of commencement shall be submitted to North Ayrshire Council, as Planning Authority, for written approval prior to the commencement.
21. Prior to the commencement of the development, details of omni-directional red aviation warning lights to be fitted to the tower shall be submitted to North Ayrshire Council, as Planning Authority, for approval in consultation with Prestwick Airport, Air Traffic Control and the Ministry of Defence. The lighting will thereafter be fitted and retained thereafter in accordance with any details as may be approved.

#### **4. 23/00058/PP: Site to Oldhall ERF 16 – 20 Murdoch Place, Oldhall West Industrial Estate, Irvine**

Submitted report by the Chief Planning Officer regarding Proposal to increase flue height at energy recovery facility by an additional 10m as alternative to permitted scheme under refs. 20/00819/PPM and 19/00539/PPM.

Councillor Billings, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

The Committee agreed to grant the application, subject to the following condition:

1. That the flue stack shall be fitted with an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

**5. 23/00120/PP: Site to Oldhall ERF 16 – 20 Murdoch Place, Oldhall West Industrial Estate, Irvine**

Submitted report by the Chief Planning Officer regarding Proposal for Variation of Condition 1 of planning permissions 19/00539/PPM and 20/00819/PPM to facilitate temporary 24 hour working on the slip forming of the approved concrete bunker.

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

- noise and addition of traffic movement at night, particularly in relation to trucks and the frequency of truck movements;
- the routes that the trucks would use and whether they would go through any residential areas on their way to and from the site; and
- the potential issue of light pollution at night and whether this could have an adverse impact on the amenity of nearby residential properties (or commercial property that provided overnight accommodation).

The Chief Planning Officer advised Committee that only one condition was involved in this application. Whilst the report mentioned a 'Temporary Construction Hours of Variation of Condition' document, this was a typographical error and should have read 'Temporary working hours supporting statement' (which was available online). Accordingly, Recommended Condition 1 should therefore be amended to reflect this.

Councillor Billings, seconded by Councillor Kerr, moved that the application be granted, subject to conditions (as revised). There being no amendment, the motion was declared carried.

The Committee agreed to grant the application, subject to the following condition:-

1. That condition 1 of planning permissions 19/00539/PPM and 20/00819/PPM are hereby amended as follows:

"That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting accommodation submitted with the planning application unless otherwise indicated below, and in accordance with the details submitted in the 'Planning Statement - Temporary Construction Hours' document dated 15/02/2023, all to the satisfaction of North Ayrshire Council as Planning Authority."

For the avoidance of doubt, all other conditions attached to the above planning permissions are unaffected by this decision and shall continue to have effect.

**6. 23/00097/CON: Site at Benthead Farm, Kilwinning**

Submitted report by the Chief Planning Officer regarding proposal for installation of a solar farm with a generating capacity of up to 63MW and a battery storage system with a capacity of up to 31.1MW and associated infrastructure.

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

- consideration of any risk assessment particularly in relation to fire risk, the issue of battery storage and the size of storage area that would require to be put in place for this;
- the issue of fencing, in terms of protecting the site from any external interference/disturbance; and
- the intended height of the deer fencing in relation to site boundaries.

Councillor Davidson, seconded by Councillor McTiernan, moved that the Committee agree it had no objections to the application, subject to conditions. There being no amendment, the motion was declared carried.

The Committee indicated that it had no objections to the application, subject to the following conditions:

1. That the development shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application (inclusive of all associated supporting reports and documentation) unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, which shall address site construction traffic routes and management, working hours, dust suppression measures, noise control measures and surface water run-off control measures. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, for all roads/tracks accessing the site, visibility splays of 2.5 metres by 120 metres, in both directions, shall be provided and maintained at the junction with the associated public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles.
4. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of landscaping and tree planting. The scheme shall include:
  - the restoration of existing hedgerows, including the planting of hedgerow trees throughout the site;
  - the restoration of existing woodland areas, including the removal of diseased/dead trees and details of their replacement;
  - details of tree protection measures;
  - details of wild flower planting;The landscaping and tree planting scheme shall include details of species, planting densities, soil treatment and aftercare. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and managed thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

5. That, prior to the commencement of any peatland restoration, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed scheme of such works, including their timing and future management arrangements. Thereafter, the scheme as may be approved shall be implemented and managed during the lifespan of the solar farm to the satisfaction of North Ayrshire Council as Planning Authority.
6. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of fixed plant and machinery, including the battery storage facilities, sub-station, transformers, etc. shall not exceed the background noise level at the curtilage of any noise sensitive property existing or consented at the time of the application.
7. That the solar farm and battery storage facilities hereby permitted shall be removed and the land restored for agriculture and/or nature conservation purposes within 40 years of the date of the consent, all to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed beforehand.

## **7. Grouping of Trees in the grounds surrounding Moorpark House, Kilbirnie**

Submitted report by the Chief Planning Officer regarding the process and merits of protecting a group of trees located on the grounds of Moorpark House, Kilbirnie via a Tree Preservation Order (TPO).

The report indicated that concerns had been raised by a member of the public in connection with a lack of protection afforded to the trees, some of which were currently subject to works, located within the grounds of Moorpark House. Council Officers conducted a site visit and desk top analysis to assess the suitability of a TPO and relevant legislation. Accordingly, it was considered that the trees were an important characteristic of the local area and were visible from various parts of Kilbirnie and its fringes. The western part of the proposed TPO area was directly adjacent to a Core Path, which led from the edge of the town centre to the more rural northwest fringes of the settlement. The site was also allocated as Open Space within the Local Development Plan, which green infrastructure such as trees played a significant role in contributing to amenity and setting. A subsequent site visit confirmed a mix of tree species including Scots Pine, Sycamore, Lime, Larch and Horse Chestnut. The trees were found to have met the criteria for a TPO and the report recommended that this be served in the interests of protection of public amenity.

Councillor Inglis, seconded by Councillor Robertson, moved to support the serving of a TPO in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to the serving of a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997.

## **8. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 17 Auldlea Road, Beith**

Submitted report by the Chief Planning Officer seeking authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with Condition 1 of planning permission (ref. 22/00536/PP).

The report advised that on 5 June 2022, it was brought to the Council's attention that a conservatory extension had been erected to the rear of an end-terraced dwellinghouse at 17 Auldlea Road, Beith. Public concerns had been raised regarding the scale and height of the conservatory. The conservatory was measured on site and was found to have exceeded the height limits set out in Class 1A of the HPDR. Consequently, an application for planning permission was requested from the householder at 17 Auldlea Road, Beith.

A retrospective planning application was duly received in July 2022 and validated on 1 August 2022. Mitigation measures were discussed with the applicant's agent and it was agreed with the agent that the matter could be addressed by a condition. The planning application was duly granted, subject to conditions, on 27 September 2022.

Condition 1 of the permission stated that details of the obscure glazing required to be submitted within four weeks of the date of the decision (27 September 2022). However, the required details were not received within four weeks of the decision notice, nor since. Likewise, obscure glazing required as part of the second part of the condition had not been installed to the north elevation of the conservatory.

The Committee also noted that over five months had elapsed since the date of the decision. Accordingly, it was considered that the applicant has had sufficient time to comply with, or to challenge, the condition.

Accordingly, the Committee agreed to grant authority for the service of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with Condition 1 of planning permission ref. 22/00536/PP at 17 Auldlea Road, Beith.

## **8. Chair's Closing Remarks**

The Chair informed the Committee that this was the last meeting which Jim Miller, Chief Planning Officer, would attend as he was retiring from Council service.

On behalf of the Committee, Councillor Foster thanked Mr Miller for all his expert guidance, dedication and commitment over many years, which had contributed to making North Ayrshire Council the best performing Planning Authority in Scotland and wished him a long and happy retirement. The Members present warmly concurred.

The meeting ended at 2.50 p.m.

Audit and Scrutiny Committee  
28 March 2023

At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

John Bell, Donald Reid, Eleanor Collier, Cameron Inglis, Matthew McLean, and John Sweeney.

**Present (Remote Participation)**

Tom Marshall and Davina McTiernan.

**In Attendance (Physical Participation)**

R. McCutcheon, Executive Director, D. Hammond, Head of Service (Sustainability, Corporate Property & Transport), T. Reaney, Head of Service (Neighbourhood Services), L. Kirk, Interim Head of Service (Economic Development and Regeneration), N. McIlvanney, Interim Head of Service (Growth, Investment and Employability) and A. Elliot, Senior Manager (Housing and Public Protection) (Place); A. Sutton, Executive Director, A. McClelland, Head of Service (Education), R. Leith, Head of Service (Connected Communities), and L. Taylor, Senior Manager (Communities & Education); P. Doak, Head of Service (Finance and Transformation) A. Sutherland, Head of Service and M. Henderson, Senior Manager (Children, Families and Justice) (Health and Social Care Partnership); M. Boyd, Head of Service (Finance), F. Walker, Head of Service (People & ICT); L. Miller, Senior Manager, K. Gray, Team Supervisor, D. Perrit and G. McMaster, Fraud Investigators, (Audit, Fraud, Safety and Risk) (Finance); and A. Craig, Head of Service (Democratic), I. Hardy, Team Manager (Policy and Performance), D. McCaw and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance (Physical Participation)**

D. Jamieson and C Foster (Audit Scotland).

**Chair**

Councillor Bell in the Chair.

**Apologies**

Ian Murdoch.

**1. Declarations of Interest**

In terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors, Eleanor Collier declared a non-pecuniary interest, as a previous member of the environmental group, in relation to Agenda Item 3 Petition: West Kilbride Glen Extension Grass Cutting and withdrew from the meeting for that item of business, taking no part in discussion thereon.

## 2. Minutes

The Minutes of the Meeting of the Audit and Scrutiny Committee held on 31 January 2023 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Councillor Collier left the meeting at this point.

## 3. Petition: West Kilbride Glen Extension Grass Cutting

Submitted report by the Head of Democratic Services on the terms of a petition, in the form of 251 individual letters, received in respect of grass cutting at the West Kilbride Glen Extension and requesting the continuation of 100% grass cutting in the 2023 season. The report outlined the terms of each individual letter as detailed below:

*“Would you please, for one **final** time, instruct your senior members of staff in Streetscene to continue the 100% grass cutting schedule in the Glen Extension, as it is their intention to begin another 50% cut in 2023 season.*

*It is only **2 years** since this was last attempted, with the result the whole field was in such an unsightly/unacceptable state local residents no longer used the facility.*

*It took over 150 letters of objection to address the issue.”*

In response to a request for supporting information, the lead petitioner had also indicated that a previous approach had been made by West Kilbride Community Council in 2020 to the Council's Streetscene section to cut only paths through the extension, to allow wild flowers to grow, but that, by Autumn of that year, the whole area was overgrown with three-foot high dock weeds, ragwort etc. This resulted in 150 letters of objection being submitted. The lead petitioner advised in her written submission that the then Head of Service, gave instruction to have the whole area cleared and normal maintenance restored. However, in Autumn 2022, the Council was again intending to cut 50% and let wild flowers grow in uncut area, which prompted the current petition.

The Committee was advised that the petitioners were unable to attend in person (or via the remote meeting platform) but had provided additional information in the form of two pictures of the Glen area. This was circulated to Members of the Committee.

The Committee considered that it had enough information to proceed to consider the terms of the petition in the absence of the petitioners.

A briefing note by the Head of Neighbourhood Services was detailed as an Appendix to the report and advised the Committee that the community was divided in terms of maintenance of the Glen, with Environmental Groups wishing to see more relaxed grass cutting/re-wilding, and others wanting the status quo to remain with grass cut as usual. Historic maintenance duties at West Kilbride Glen were also detailed in the briefing note. The Head of Service outlined the plan for a pilot to be undertaken for the 2023 grass cutting season with approximately 50% cut/uncut and on how this would be achieved. The pilot would only involve the hillside area at the Glen and all



other maintenance would be delivered as per the existing scheduled. Following the summer season, there would be an opportunity for review, feedback and evaluation of the pilot. An assessment from the North Ayrshire Biodiversity Officer was also contained in the briefing note and highlighted by the Head of Neighbourhood Services.

Members asked questions of the Head of Neighbourhood Services and received responses in relation to:

- the plan to introduce wild flowers to the pilot area with signage highlighting biodiversity benefits;
- engagement with local schools in terms of wild flower seed planting;
- methods of evaluation at the conclusion of the pilot period;
- measures to tackle weeds within the area and ensure maintenance of public amenity areas;
- the success of a similar project at Lochshore Park, Kilbirnie; and
- the importance of ensuring a consistent approach across North Ayrshire in terms of biodiversity.

Councillor Sweeney seconded by Councillor Inglis moved that the Committee (a) note the proposal for a pilot on only the hill area of the Glen, with a review of success or otherwise at the end of the season; and (b) agree to dismiss the petition. As there was no amendment, the motion was declared carried.

Councillor Collier re-joined the meeting at this point.

#### **4. Accounts Commission's Report: Local Government in Scotland: Financial Bulletin 2021-22**

Submitted report by the Head of Service (Finance) on the findings of the recent Accounts Commission Local Government in Scotland Financial Bulletin 2021/22, a link to which was provided within the report. The report provided an independent analysis of the performance of Local Authorities during 2021/22 and set out some longer-term challenges facing Councils.

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

- ongoing work in terms of business case development and considerations around value engineering;
- updates to Members on future improvements to the B714; and
- the challenges in terms of discretionary elements of the Council budget.

The Head of Service (Finance) undertook to circulate to the Committee information in relation to a number of areas within the Council budget which were tied to some form of condition or limitation.

The Committee agreed to note (i) the findings of the recent Accounts Commission report; and (ii) the current position of North Ayrshire Council in relation to the findings.

## **5. External Audit Plan 2022/23**

Submitted report by the Head of Service (Finance) on the External Audit Plan for 2022/23. Audit Scotland have been appointed as the Council's external auditors for the period 2022/23 to 2027/28, with 2022/23 being the first year of the appointment. Audit Scotland's Annual Audit Plan for the 2022/23 audit was attached at Appendix 1 to the report.

David Jamieson of Audit Scotland provided an update on the Appendix to the report including highlighting the identification of key risks in relation to management override of controls and the valuation of non-current assets and further audit procedures which would be performed to gain assurance over these risks. In addition, further areas of risk had been identified in relation to pension liabilities and the accounting for service concession arrangements. Although not considered significant risks, these areas would be kept under review.

In relation to the consideration of the Council's Group accounts, the Committee was advised that Audit Scotland had reviewed the assessments of the group entities and recommended that North Ayrshire Leisure Limited should be classified as a subsidiary of North Ayrshire Council and should be consolidated within the 2022/23 Group accounts on that basis.

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

- timeous presentation of the annual audit to Committee prior to 30 September 2023;
- the reason for audit focus on management override of controls;
- any implications arising from the change to the classification of North Ayrshire Leisure Limited as a subsidiary of North Ayrshire Council; and
- the service concession risk being reviewed as part of the accounts process.

The Head of Service (Finance) undertook to provide information to the Committee in terms of any implications arising from the change to the classification of North Ayrshire Leisure Limited as a subsidiary of North Ayrshire Council.

The Committee agreed to note the External Audit Plan for 2022/23 set out in the appendix to the report.

## **6. Council Plan Mid-Year Progress Report 2022-23**

Submitted report by the Head of Service (Democratic) on progress with Council Plan priorities. The Council Plan 2022-23 Progress Update (Mid-Year 2021-22) was attached at Appendix 1 to the report. Appendix 2 detailed the Performance Indicators from the Council Plan Performance Framework with Appendix 3 providing information on the actions from the Council Plan Delivery Plan.

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

- funding confirmation in terms of Mental Health Practitioners within GP Practices;

- the mid-year progress update covering the period 1 April to 13 September 2022; and
- the next progress report which was due for submission to Cabinet just prior to summer recess

The Committee agreed to note (i) the Council Plan Mid-Year Progress Report as set out at Appendix 1 to the report and (ii) the status of the Council's performance indicators and actions at Appendices 2 and 3 to the report.

## **7. Internal Audit Plan 2023/24**

Submitted report by the Head of Service (Finance) on the proposed Internal Audit Plan for 2023/24. The detailed audit plan for 2023/24 was set out at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the number of planned audit days for 2023/24 being comparable to previous years.

The Committee agreed (a) to approve the Internal Audit plan for 2022-23 as detailed at Appendix 1 to the report.

## **8. Internal Audit and Corporate Fraud Action Plans: Quarter 3 Update**

Submitted report by the Head of Service (Finance) on the progress made by Council Services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 31 December 2022. Appendix 1 to the report provided full details of the eight actions which were not completed within the agreed timescales.

Members asked questions and were provided with further information on the length of time taken to complete the action in relation to email controls in education.

The Committee agreed to (a) note the current position with the implementation of Internal Audit and Corporate Fraud actions; and (b) challenge those Services that had not implemented actions within the previously agreed timescales.

## **9. Internal Audit Reports Issued**

Submitted report by the Head of Service (Finance) on the findings of Internal Audit work completed between January and February 2023. The findings from two audit assignments were detailed at Appendix 1 to the report, together with the respective executive summaries and actions plans.

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

### Financial Controls within ASN and Primary Schools

- the importance of audit trails in relation to expenditure;
- findings presented being relative to the period covered by the audit;
- the need for establishments to maintain detailed inventory records; and
- detailed inventory records being essential for insurance purposes.

The Committee agreed to note the outcomes from the Internal Audit work completed as set out in the report and detailed in Appendix 1 to the report.

#### **10. Internal Audit Charter 2023**

Submitted report by the Head of Service (Finance) on the updated Internal Audit Charter. A copy of the revised Charter was detailed at Appendix 1 to the report.

The Committee agreed (a) to approve the Internal Audit Charter attached at Appendix 1 to the report; and (b) that future amendments to the Charter would be made where a need was identified.

#### **11. Exclusion of the Public – Para 1**

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.

#### **12. Investigation Reports Issued**

Submitted report by the Head of Service (Finance) on investigation reports finalised since the last meeting.

Following questions and discussion, the Committee agreed note the reports and to receive information to a future meeting on updated procedures.

The meeting ended at 12.20 p.m.

Staffing and Recruitment Committee  
28 March 2023

At the Meeting of Staffing and Recruitment of North Ayrshire Council at 4.45 p.m. involving participation by remote electronic means.

**Present**

Marie Burns, John Bell, Cameron Inglis, Shaun Macauley and Tom Marshall.

**In Attendance**

C. Hatton, Chief Executive and F. Walker, Head of Service (People and ICT).

**Apologies**

Joe Cullinane

**Chair**

Marie Burns 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. Minutes**

The accuracy of the Minutes of the meeting of the Staffing and Recruitment Committee held on 28 February 2023 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Exclusion of the Public and Press**

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 that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

**4. Workforce Update**

Submitted a report by the Chief Executive on the above.

The Committee considered the report and agreed the proposals presented.

The Meeting ended at 5.00 p.m.

Education Appeal Committee  
30 March 2023

**IRVINE**, 30 March 2023 - At a Meeting of the Education Appeal Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Nairn McDonald (North Ayrshire Council); and Jim Smith and Val Gibson (Lay Members).

**In Attendance**

P. Gosnay, Senior Manager (Education), A. McDougall, Headteacher, D. Gardiner, Year Head (Garnock Community Campus); and R. Wilson, Clerk to the Education Appeal Committee.

**Also in Attendance**

Appellant

**Chair**

Councillor McDonald 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.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 10.05 a.m. to allow the appellant time to arrive, reconvening at 11.45 a.m. with the same Members and officers present and in attendance with the addition of the appellant.

**2. Exclusion of the Public and Press**

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 that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

**3. Appeal Against the Education Authority's Decision to Exclude a Pupil from School**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from school.

The appellant, having been invited to attend, was present. The Senior Manager (Education), Headteacher and Year Head (Garnock Community Campus) were also in attendance.

Those present were introduced and their role in the proceedings explained. The Chair then outlined the procedure to be followed by the Committee and advised on how the decision of the Committee would be intimated to the appellant and the Education Authority before the Chair invited the Education representatives to make their case. The appellant and Committee Members were afforded the opportunity to question the Education representatives.

The appellant was then invited to present her case. The Education representatives and Committee Members then had an opportunity to question the appellant.

The Education representatives and the appellant summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate.

### **Decision**

The Committee agreed to uphold the decision of the Education Authority to exclude the child from school.

The meeting ended at 12.35 p.m.

Licensing Committee  
19 April 2023

**IRVINE**, 19 April 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Eleanor Collier, Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Matthew McLean and Donald L. Reid.

**In Attendance**

D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service).

**Also in Attendance**

Detective Inspector S. Ridge, Sergeant S. Syme and D. Hastings (Police Scotland)

**Chair**

Councillor Collier in the Chair.

**Apologies**

Jean McClung, Ronnie Stalker and Angela Stephen

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on 8 March 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 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 Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) 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 (Scotland) Act 1973.

The 'Exempt Information' concerned is information of the type described in one or more of Paragraphs 3, 6, 14 and 15 of Part 1 of Schedule 7A to the Act:

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."



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."

**4. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters**

Submitted report by the Head of Democratic Services on hearings to be determined and applications for the grant or renewal of licences, consents and permits, on hearings and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

**Appendix A: Hearings**

**4.1 Taxi Driver's Licence: TDL/00298 (Renewal): John Phillips**

The applicant, having been duly cited to attend, was not present. Representatives from Police Scotland were in attendance.

Representatives from Police Scotland addressed the Committee on the terms of a letter setting out their representation.

**Decision**

The Committee agreed to defer consideration of this application to a future meeting to allow the applicant to attend.

**4.2 Taxi Licence: TL/437 (Substitute): Alexander Davidson**

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

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

**Decision**

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to grant the application for consent to a material change under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

**4.3 Taxi Licence: TL/444 (New): Stacey Beattie**

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

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

## **Decision**

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

### **4.4 Taxi Driver's Licence: TDL/02177: Francis Clarke**

At a previous meeting on 8 March 2023, the Committee considered a complaint against the licence-holder and agreed to continue consideration to allow the licence holder to attend.

The licence holder and licence holder's Solicitor, having been duly cited to attend, were present. The licence holder and licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

The licence holder and licence holder's Solicitor then withdrew to allow the Committee to deliberate. Thereafter the licence holder and licence holder's Solicitor re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

## **Decision**

The Committee unanimously agreed (a) to uphold the complaint; and (b) to suspend the Taxi Driver's Licence for a period of 14 days starting from 28 days after the date of the meeting.

## **5. Urgent Items**

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

- 5.1 Taxi Licence TL/440: Jamie Dorrans**
- Taxi Licence TL/441: Calvin Smith**
- Taxi Driver's Licence: TDL/2283: Jamie Dorrans**
- Taxi Driver's Licence: TDL/2303: Calvin Smith**
- Taxi Driver's Licence: TLD/2310: Nathan Gordon Smith**

The Committee was advised of information from Police Scotland requesting the suspension of the licences in terms of Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982.

Representatives from Police Scotland addressed the Committee on the terms of a letter setting out their representation.

The Committee unanimously agreed (a) to suspend the Taxi Licences and Taxi Driver's Licences with immediate effect under the "Emergency Suspension" procedure prescribed by Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982; (b) to proceed to a Hearing under the "Ordinary Revocation or Suspension" procedure in terms of Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

## **5.2 Private Hire Car Licence: PHCL/369 (Substitute): Kelly Scott**

The Committee unanimously to continue consideration of the Licence-Holder's application for consent to a material change under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

## **5.3 Preliminary Consideration of Complaint Against a Licence-holder**

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

The meeting ended at 1.15 p.m.

Cabinet  
2 May 2023

At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Tony Gurney, Marie Burns and Margaret Johnson; and Rev Mark Goodman (Church Representative) and Jacqui MacKenzie (Teaching Representative) (Agenda Item 3).

**Present (Remote Electronic Participation)**

Shaun Macaulay.

**Also Present (Physical Participation)**

Cameron Inglis, Chloé Robertson and Davina McTiernan.

**In Attendance (Physical Participation)**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); A. Sutton, Executive Director, A. McClelland, Head of Service (Education) and R. Leith, Head of Service (Connected Communities) (Communities & Education); M. Boyd, Head of Service and S. Paisley, Senior Manager (Transformation) (Finance); F. Walker, Head of Service (People and ICT); D. Hammond, Head of Service (Sustainability, Transport & Corporate Property), L. Kirk, Interim Head of Service (Economic Development and Regeneration) and E. McMullen, Senior Manager (Economic Policy) (Place); and A. Craig, Head of Service, J. Hutcheson, Senior Communications Officer, S. Wilson and C. Stewart, Committee Services Officers (Democratic Services).

**Apologies**

Alan Hill and Christina Larsen and Lay Members Andrew Bruce and Elizabeth Turbet.

**Chair**

Councillor Gurney in the Chair.

**1. Chair's Remarks**

Prior to commencing with the business of the meeting, Councillor Gurney advised Cabinet that, notwithstanding the Chair's presence, he would be standing in for Councillor Burns as Chair for this meeting, as she was recovering from illness.

Noted.

**2. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

### **3. Minutes**

The Minutes of the Meeting of the Cabinet held on 21 March 2023 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **4. Review of Early Learning and Childcare (ELC) Hourly Rate for Funded Providers**

Submitted a report by the Executive Director (Communities and Education) seeking approval to increase the rate of payment to funded providers of early learning and childcare (ELC) in North Ayrshire contracted by the Council to deliver funded ELC to eligible 2-5 year-olds.

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

- the rate proposed and how this compared with that of neighbouring authorities and the national average; and
- how the Service would engage with providers to encourage participation in the Scottish Government annual survey as well as a local exercise to continue to build on working relationships with partners across North Ayrshire.

The Cabinet agreed (a) to increase the hourly rate paid by the Council to funded providers for provision of ELC to all entitled children aged 2-5 years from £5.31 to £5.76 for session 2022-23; (b) that this rate should be paid retrospectively from 1 August 2022, to be in place until 31 March 2024; and (c) to receive a further report on proposed changes to be implemented from 1 April 2024 following a further review of the sustainable rate following the national review of the Real Living Wage in November 2023.

### **5. Digital North Ayrshire Strategy**

Submitted a report by the Head of Service (Finance) providing details of the refreshed Digital Strategy. The Digital Strategy was attached at Appendix 1 to the report.

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

- the uptake in registrations since the 'My Account' service was introduced and how further users would be encouraged to sign up for it;
- the internal Digital Innovation Hub and how it was used across the authority; and
- what supports and information were available for members of the public who lack confidence in using Information Technology systems.

The Cabinet agreed to approve the refreshed North Ayrshire Digital Strategy set out at Appendix 1 to the report.

## **6. Proposals for Community Investment Fund (CIF) Expenditure**

Submitted a report by the Executive Director (Communities and Education) on applications by Locality Partnerships to allocate CIF funding to proposed projects. Appendices 1-3, respectively, set out applications by Ardrossan Scouts Group for £100,000, Ardrossan Community Sports Hub for the early release of £15,000 from a previously agreed grant and West Kilbride Community Sports Club (WKCSC) and Friends of Kirktonhall Glen (FOKG) for £6,750.

The Head of Service (Democratic Services) advised that consideration of the application from Ardrossan Community Sports Hub for the early release of funds from a previously approved grant would require suspension of Standing Orders as the decision to award the grant was taken fewer than six months previously.

The Cabinet unanimously agreed, in terms of Standing Order 23.1, to suspend Standing Order 25 to allow consideration of the application for CIF funding from Ardrossan Community Sports Hub.

The Cabinet, having reviewed the applications from the North Coast and Cumbraes and Three Towns Locality Partnerships set out in the appendices to the report in line with CIF criteria, agreed to approve (a) the award of CIF funding to (i) Ardrossan Scouts Group in the amount of £100,000 and (ii) the West Kilbride Community Sports Club and Friends of Kirktonhall Glen in the amount of £6,750; and (b) the early release of £15,000 of the £100,000 grant to Ardrossan Community Sports Hub which was approved by Cabinet on 24 January 2023 to facilitate progression of the project.

## **7. Lochshore Hub Lease**

Submitted a report by the Executive Director (Place) seeking approval to provide a lease of the Lower Ground Floor of the new Lochshore Hub to Garnock Rugby Club. A plan of the site was attached at Appendix 1 to the report.

The Cabinet acknowledged and thanked the team for the level of work that was involved in securing this package of funding, noting that the Lochshore Hub was welcomed and well-used by the community.

The Cabinet agreed to approve the lease disposal of the Lower Ground Floor at Lochshore Hub to Garnock Rugby Club for a period of 25 years at an initial rent of £5,500 per annum, exclusive of VAT, as detailed in the report and illustrated in the plan at Appendix 1.

## **8. Scottish Government Consultation on Building Community Wealth in Scotland**

Submitted a report by the Executive Director (Place) on the proposed development of Community Wealth Building legislation by the Scottish Government and seeking approval for the proposed submission to the consultation on Building Community

Wealth in Scotland. The proposed consultation response was set out at Appendix 1 to the report.

The Cabinet thanked the team for the extensive work carried out in relation to Community Wealth Building and noted that this was a key component of the Council's approach.

The Cabinet agreed to (a) approve the submission of the proposed consultation response provided at Appendix 1 to the report; and (b) otherwise note (i) the Scottish Government's intention to develop Community Wealth Building legislation in the current Parliamentary term, (ii) the Council's participation in the Bill Steering Group and other Scottish Government events to inform the development of the legislation, (iii) the extensive cross-service engagement to inform the proposed consultation response, and (iv) that a separate regional response was being prepared on behalf of the Community Wealth Building Commission.

The meeting ended at 3.15 p.m.