



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

15 May 2019

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**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 14 February 2019
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

Present

Bob Martin, NHS Ayrshire and Arran (Chair)
Councillor Robert Foster, North Ayrshire Council (Vice Chair)
Councillor Timothy Billings, North Ayrshire Council
Alistair McKie, NHS Ayrshire and Arran
Councillor Christina Larsen, North Ayrshire Council
John Rainey, NHS Ayrshire and Arran
Dr Janet McKay, NHS Ayrshire and Arran
Councillor John Sweeney, North Ayrshire Council

Stephen Brown, Director of Health and Social Care Partners
Caroline Whyte, Chief Finance and Transformation Officer
Dr Paul Kerr, Clinical Director
David MacRitchie, Chief Social Work Officer
Alistair Reid, Lead Allied Health Professional Adviser
David Thomson, Associate Nurse Director/IJB Lead Nurse

David Donaghey, Staff Representative (NHS Ayrshire and Arran)
Louise McDaid, Staff Representative (North Ayrshire Council)
Marie McWaters, Carers Representative
Graham Searle, Carers Representative (Depute for Marie McWaters)
Fiona Thomson, Service User Representative
Nigel Wanless, Independent Sector Representative
Heather Malloy, Independent Sector Rep (Depute for Nigel Wanless)
Vicki Yuill, Third Sector Representative
Barbara Connor, Chair, Irvine Locality Forum

Also Present

Councillor Anthea Dickson, North Ayrshire Council

In Attendance

Eleanor Currie, Principal Manager (Finance)
Helen McArthur, Senior Manager, Health and Community Care
Karen Andrews, Team Manager (Governance)
Diane McCaw, Committee Services Officer

Apologies for Absence

Dr. Calum Morrison, Acute Services Representative
Dr. Louise Wilson, GP Representative

1. Chair's Remarks

The Chair welcomed Barbara Connor, Chair of the Irvine Locality Forum to the meeting.

2. Apologies

Apologies were noted.

3. 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 formal declarations of interest.

The Board, however, noted the familial connection intimated by John Rainey in terms of the Allied Health Professionals (AHP) Highlight Report 2018 and the Veterans First Point (V1P) Service.

4. Minutes/Action Note

The accuracy of the Minute of the meeting held on 13 December 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4.1 Matters Arising

Adult Support and Protection – Thematic Inspection Improvement Work Plan Update – Strategic Advocacy Plan – The Strategic Advocacy Plan will be provided to the meeting of the IJB March. Ongoing action.

Action – B. Walker

5. Director's Report

Submitted report by Stephen Brown, Director (NAHSCP) on developments within the North Ayrshire Health and Social Care Partnership.

The report highlighted the following:-

- the funding from Skills Development Scotland to deliver Foundation Apprenticeships in Care across Ayrshire;
- the Partnership Awards taking place on 28 February 2019;
- age simulation suit taster sessions;
- Young Carers Awareness Day which took place on Thursday 31 January 2019;
- staff workshops on “thinking different, doing better”;
- the successes in Dementia Services and Care at Home;
- that the Rosemount Kinship Group is part of the ‘Beings’ Exhibition at the Scottish National Portrait Gallery running from 2 February to 28 April 2019; and
- the Mental Welfare Commission Visit which took place on Monday 14 January 2019 and that a representative of the Mental Health Public Reference Group will attend future Commission visits.

The Director further reported that David Rowland, Head of Health and Community Care Services had left the Council to take up a new role with the Scottish Government. The Board formally intimated their thanks to David Rowland for his

contribution to the set up and work of the IJB since 2014 and wished him the best of luck in his new career.

Louise McDaid congratulated Care at Home and Money Matters staff who had achieved £18,000 for a service user and this was endorsed by the Chair.

The Board noted the ongoing developments within the North Ayrshire Health and Social Care Partnership.

6. Budget Monitoring – Month 9 (December 2018)

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the projected financial outturn for the financial year. Appendix A provided a detailed financial overview of the Partnership budgetary position while Appendix B gave a detailed variance analysis. Appendix C presented full detail on savings, with Appendix D detailing progress against the approved recovery plan and Appendix E highlighting the movement in the overall budget position.

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

- the over-recovery of charging order income;
- the position in relation to income generated from the sale of mental health services forensic beds and that all beds are expected to be sold and in use by the end of February 2019;
- clarification that the level of care provided in terms of the forensic beds has been identified by the Care Commission as an exemplar practice;
- the updated position with regard to unfunded beds due to the management of higher admission levels which affects set aside figures;
- the budget reduction in relation to the AHP workforce saving;
- clarification around unachieved CRES savings; and
- updated timescales against the approved recovery plan.

The Board agreed to (a) note the projected year-end overspend of £0.227m; (b) approve the changes in funding as detailed in section 2.11 and Appendix E to the report; and (c) note (i) the impact of the financial recovery plan and the progress being made in delivering financial balance; and (ii) the potential impact of the Lead Partnerships.

7. Allied Health Professions (AHP) Highlight Report 2018

Submitted report by Alistair Reid, Lead Allied Health Professional providing detail on the activity of AHPs in North Ayrshire Health and Social Care Partnership (HSCP) during 2018 and on key points and collective objectives for the next 12 months. Appendix 1 detailed the full Highlight Report clarifying the range of AHP services provided within the Partnership and setting out the priorities for 2019.

Members received clarification that the figure within Section 6 of the Appendix in relation to the management of aggression should be detailed as 88% and not 8%.

The Board agreed to (a) note the content of the AHP report and Appendix; and (b) endorse the AHP service objectives outlined within the Appendix to the report.

8. Veterans First Point (V1P) Service

Submitted report by Lindsay Kirkwood, Clinical Lead V1P, in consultation with Thelma Bowers, Head of Service (Mental Health), providing information on the

Veterans First Point Ayrshire. The Scottish Veterans Commissioner report “Veterans’ Health & Wellbeing was attached at Appendix 1 to the report. Appendix 2 detailed a summary of the proposal for the Defence Medical Welfare and Wellbeing Service Ayrshire.

The Board agreed to defer consideration of this item to the meeting of the IJB in March 2019.

9. Joint Locality Planning Partnership – Arran Pilot

Submitted report by Michelle Sutherland, Strategic Planning Lead and presented by Vicki Yuill, Third Sector Representative, on proposals to pilot an integrated HSCP Locality Planning Forum and CPP Locality Partnership arrangement on the Island of Arran. The anticipated joint approach would enhance the delivery of the HSCP Strategic Plan ‘Engaging Communities’ and the CPP Local Outcome Improvement Plan (LOIP).

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

- operation of the new Pilot Group in practice, with core members being the Locality Forum Chair, Senior Manager Co-ordinator and Lead GP for Arran;
- that the remaining LP Forum members would merge with the current patient representative group on Arran and form the Arran Health and Social Care Community Champions network;
- that the Pilot aims to bring together shared priorities and reduce confusion in terms of community engagement;
- that there are no financial implications arising from the Pilot;
- that staff are engaged around the Arran Pilot and good communication is in place to feedback in terms of developing fully integrated services;
- reporting procedures in relation to evaluating the impact of the Pilot; and
- that mechanisms for engaging with staff should continue to be directed through the Staff Partnership Forum.

The Board agreed to (a) to approve the integration of the HSCP Locality Planning Forum into the CPP Locality Partnership for a pilot period of 12 months; and (b) receive a future report on the results of the Arran Joint Locality Planning Partnership pilot.

10. North Ayrshire Integration Joint Board Records Management Plan

Submitted report by Julie Davis, Principal Manager Business Administration, and presented by Karen Andrews, Team Manager (Governance), on the North Ayrshire Integration Joint Board Records Management Plan, which was attached as an Appendix to the report.

The Board approved the North Ayrshire Integration Joint Board Records Management Plan as detailed in the Appendix to the report.

11. Ministerial Strategic Group for Health and Community Care – Review of progress with integration of Health and Social Care

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the publication of the final report relating to the review of progress with integration of Health and Social Care. The final report was detailed at Appendix 1.

The Board was further advised that an action plan would be developed and brought back to a future meeting looking at progress of integration to date and any actions requiring to be implemented from a 'North' perspective. Any questions in relation to the report should be emailed directly to Stephen Brown or Caroline White.

The Board (a) noted the terms of the final report and the joint COSLA and Scottish Government proposals to ensure the success of integration; and (b) agreed to receive a report in April 2019 providing an evaluation of our current position, benchmarked against the findings of the review and the Audit Scotland report, together with an Action Plan.

12. Exclusion of the Public

The Board 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 Paragraphs 1, 3 and 9 of Part 1 of Schedule 7A of the Act.

13. Seabank Care Home

Submitted report by Helen McArthur, Senior Manager, Community Care Services providing detail on the Seabank Care Home decommissioning process.

Noted.

The Meeting ended at 11.15 a.m.

AYRSHIRE SHARED SERVICES JOINT COMMITTEE

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 15 February 2019 at 10.00 a.m.

- Present: Councillors Ian Cochrane (Chair), Bob Pollock, Alec Clark and Philip Saxton (all South Ayrshire Council); and Councillor Jim Roberts (East Ayrshire Council).
- Apologies: Councillors Tom Cook, John McGhee and Douglas Reid (all East Ayrshire Council).
- Attending: Donald Gillies, Director – Place (South Ayrshire Council); Paul Whip, Group Finance Manager (East Ayrshire Council); Stewart Turner, Head of Roads, and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Eillen Wyllie, Committee Services Officer (South Ayrshire Council).

1. Declarations of Interest.

There were no declarations of interest by Members in terms of the Joint Committee's Order No. 25 and the Councillors' Code of Conduct.

AYRSHIRE ROADS ALLIANCE

2. Update on Performance Scorecard.

There was submitted a report ([issued](#)) of 18 January 2019 by the Head of Roads, Ayrshire Roads Alliance (ARA), advising of the progress made to date against the Performance Scorecard.

The Head of Roads advised that the performance direction against street lighting should actually be marked green and reported that, since this report had been issued, the average days lost per employee had reduced from 0.96 days per period to 0.61 days per period.

A question was asked in relation to the number of safety inspections completed within the timescales and the Head of Roads advised that inspections were programmed for the full year and targeted against each month therefore the number of inspections undertaken varied from month to month. The Operations Manager highlighted though that these were 100% complete for each month to date.

In response to a question relating to bridge inspections, the Head of Roads explained the course of action undertaken for each authority and also explained the differences and timeframes for each category of bridge inspection. It was noted that the use of drone technology to undertake bridge inspections was being investigated.

A discussion took place in relation to Christmas light installations within South Ayrshire and it was noted that discussions were taking place with community groups via the Council's Service Lead - Corporate Planning and Improvement so that a programme of installations could be co-ordinated for Switch-on events leading up to Christmas 2019. Also, a guidance note had been circulated to community groups that detailed the grants process for replacement lights. In response to a question regarding Christmas lights, it was noted that the Roads Alliance charged the business community to install the lights but not community groups. The Alliance did not have the facility to store the lights for groups.

The Joint Committee, having otherwise noted the content of the report

Decided:

- (1) to note the performance scorecard presented in this report; and
- (2) to continue to receive performance scorecard updates.

3. Risk Report and Register.

There was submitted a report ([issued](#)) of 18 January 2019 by the Head of Roads, Ayrshire Roads Alliance, advising of the management of risk associated with the Ayrshire Roads Alliance.

Following various questions by Members of the Joint Committee, the Officers responded as follows:-

- (1) in relation to the risk category associated with benefits realisation and whether a breakdown of savings and how these had been achieved could be provided, it was noted that a report would be submitted to the next meeting showing savings and efficiencies as a result of ARA arrangements;
- (2) in terms of flooding risks, it was noted that ARA had progressed very well with flooding mitigations schemes which were contained within a Flood Risk Management Plan. The Head of Roads commented that the River Irvine Study Work is currently being reviewed and also added that approved schemes accepted by the Scottish Government were given 80% funding costs. It was noted that once a scheme was approved, it remained on the Plan; and
- (3) in terms of the shorelines in South Ayrshire and potential risk of storms, it was noted that the Operations Manager would be informing South Ayrshire Elected Members of the Shoreline Management Plans in the very near future.

A discussion took place in relation to the potentials risks associated with the United Kingdom leaving the European Union on 29 March 2019 and possible impact on supply chains, employees and ports and whether this should be identified as a risk. It was noted that risk management had already been identified in the risk categories associated with financial and contractual agreements as detailed within the Risk Register. However, at this moment in time, there was uncertainty around the outcomes of leaving the European Union although the Head of Roads confirmed that employee checks had been undertaken. It was noted that risks and mitigations could be discussed at the next meeting of the Joint Committee on 25 April 2019 as well as noting the expectation that this would be captured at the corporate level of both authorities.

The Joint Committee, having otherwise noted the content of the report

Decided:

- (a) to note the risk register presented in the report;
- (b) to continue to receive updates on progress; and
- (c) to note that a report providing further detail on savings and efficiencies as a result of ARA arrangements would be submitted to the next meeting of the Joint Committee on 25 April 2019.

4. Revenue Financial Monitoring Report.

There was submitted a report ([issued](#)) of February 2019 by the Depute Chief Executive and Chief Financial Officer, Economy and Skills, East Ayrshire Council, providing an update on the revenue budgeting monitoring position for the year to 6 January 2019 for the Ayrshire Roads Alliance.

Various comments were made in relation to:- potential savings; local delivery overspends in both areas; ongoing planned maintenance on potholes; reporting defects online; and the forthcoming introduction of WDM technology and potential benefits of public reporting.

A discussion took place in relation to 'Track My Gritter' and the trialling of 'Alexa' and similar technology in order to support communities. The Operations Manager advised that he would set up demonstrations on the use of this technology at the forthcoming Cold Comfort presentations taking place in February 2019. It was also noted that these new approaches were widely publicised via press releases as well as through schools and community councils.

In response to a question in relation to advertising and filling operative vacancies, the Head of Roads and the Operations Manager commented on the difficulties of retaining staff due to the wages paid in the private sector for similar jobs. It was noted that this situation would be reviewed especially with the introduction of new technology.

The Joint Committee, having otherwise noted the content of the report

Decided:

- (1) to note the financial management position of the Ayrshire Roads Alliance; and
- (2) to request a further financial update at the next meeting of the Joint Committee.

5. Roadworks Programme 2018/19.

There was submitted a report ([issued](#)) of 22 January 2019 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress being made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2018-2019.

The Operations Manager provided an update in relation to the progress being made with the 20mph schemes for rural villages in South Ayrshire. A discussion took place in relation to consultation processes and community buy-in. Also, a speed activated approach was a less expensive option rather than spending monies on costly designs / schemes and that ARA had undertaken extensive work in this although it was difficult to find a balance to suit everyone. It was noted that the approach to undertaking 20mph schemes would be reviewed going forward.

A discussion took place in relation to LED replacement programmes. Also discussed was the replacement of lighting columns and cabling and the Operations Manager gave a brief overview and advised that a programme was in place. It was noted that a report was being submitted to a forthcoming meeting of South Ayrshire Council's Leadership Panel which would contain details of this programme. In relation to the LED programme, it was noted that a Project Manager was now in post and a report would be submitted to the next meeting of the Joint Committee providing information on the current position with the programme. In terms of public and private utility companies, it was noted that ARA had no control over the relevant company's timeframes to repair faults, however, such issues would be raised at the various road forums.

In relation to the introduction of the Transport (Scotland) Bill, the impact on parking charges for businesses was unknown at this point in time and it would be for local authorities to decide on the course of action.

Comments were made about damage to some roads and properties adjacent to bus routes and the Operations Manager provided an update on this matter.

Various questions were raised by Members of the Joint Committee and the Head of Roads advised that he would provide an update in due course to relevant members.

The Joint Committee, having otherwise noted the content of the report

Decided: to note the Ayrshire Roads Alliance works progress for 2018/19 and that a report in relation to the LED replacement programme would be submitted to the next meeting on 25 April 2019.

The meeting ended at 11.20 a.m.

**Planning Committee
20 March 2019**

Irvine, 20 March 2019 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Timothy Billings, Robert Foster and Shaun Macaulay.

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 Planning Committee held on 20 February 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 19/00125/MDPO: Busbie Muir, Ardrossan

Mr John Ross Weir has applied for the discharge of a Section 75 obligation attached to planning permission 05/01151/PP in relation to Part 2 of the development site. No objections were received.

Planning permission 05/01151/PP relates to the development of the second phase of Busbie Muir Windfarm and is subject to a Section 75 legal obligation in relation to the restoration and development of the site. One turbine (T14) is located on Blackshaw Farm which is owned by the applicant. The applicant seeks to discharge of the obligation in relation to areas of the land which do not contain turbines to allow the land to be sold.

The Committee unanimously agreed to grant the application.

4. Supplementary Planning Guidance Work Programme

Submitted a report by the Executive Director (Economies and Communities) on a number of supplementary planning guidance documents which will become obsolete following the adoption of the Local Development Plan 2.

The Senior Manager (Planning) set out the terms of the report, highlighting a number of points including the list of guidance documents which are recommended for deletion as set out in section 3.1 of the report.

Members asked questions and were provided with further information in relation the development at Cairnhouse Farm which received planning permission by adhering closely to the design brief and whether future developments would be held to the same standard; and confusion for developers and Members in terms of multiple guidance documents, how these link with each other and how the proposed deletion should improve this.

The Committee unanimously agreed to approve the deletion of the supplementary guidance documents and design briefs as set out in the report.

The Meeting ended at 2:15 p.m.

**Local Review Body
20 March 2019**

Irvine, 20 March 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.15 p.m.

Present

Tom Marshall, Robert Barr, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

I. Davies, Planning Adviser to the LRB (Economy and Communities); J. Law, Legal Adviser to the LRB (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Timothy Billings, Robert Foster and Shaun Macaulay.

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 Local Review Body held on 20 February 2019 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: 19/00023/PP - BP Girdle Toll Service Station, Long Drive, Irvine

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a Class 1/Class 3 coffee shop unit with drive-through and associated parking at the BP Girdle Toll Service Station, Long Drive, Irvine.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice and a location plan were provided as appendices to the report. There were no interested parties and therefore no further comments or responses.

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 summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

The Committee unanimously agreed that there was enough information provided to determine the review request without a site visit.

Members asked questions and were provided with further information in relation to existing provision of coffee shops in the area; site access and egress and confusion around the existing road layout within the service station; the impact the proposal would have on Irvine town centre; and the potential for screening to be added to the roundabout to reduce the visual impact of the proposed development.

Councillor Reid, seconded by Councillor McMaster, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the Planning Officer's decision to refuse planning permission on the following grounds:

1. That the proposal would be contrary to Policies TC 4 and TC 5 of the adopted North Ayrshire Council Local Development Plan in that no local need for the development has been adequately demonstrated for an additional Class 1/Class 3 development outwith the Irvine town centre boundary and outwith Commercial Centre allocations. Whilst the proposed 140 square metres of additional Class 1/Class 3 floorspace would be adjacent to an existing petrol filling station (PFS), its siting to the north of the PFS via dedicated vehicular access and egress routes with separate parking provision demonstrates that the development would be capable of operation independently of the PFS at a location which cannot be conveniently reached on foot from the surrounding residential areas. As such, the proposed development cannot be justified either as a local shop nor as a facility that would exclusively serve the needs of motorists using the local road network, resulting in the potential for detrimental impacts on the vitality and viability of Irvine town centre.
2. That the proposal would be contrary to criterion (a) siting, design and external appearance, (b) amenity and (d) access of the General Policy contained in the adopted North Ayrshire Council Local Development Plan in that:
 - the proposed building would appear out of scale for its context and setting, resulting in over-development of the petrol filling station site;
 - the prominent siting of the proposed building and drive-thru facility on an elevated roadside site at the edge of the Hill Roundabout would have an adverse visual impact on the 'parkland' landscape design of the Long Drive area, to the detriment of visual amenity; and

- there would not be a pedestrian footpath connection between the site and the surrounding residential areas, to the detriment of active travel, and road safety in the area.

The Meeting ended at 2:40 p.m.

Audit and Scrutiny Committee 26 March 2019

IRVINE, 26 March 2019 - 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, Tom Marshall, Donald Reid and John Sweeney.

In Attendance

L. Friel, Executive Director, P. Doak, Senior Manager (Internal Audit, Risk and Fraud) and B. Quigley, Team Manager (Systems) (Finance and Corporate Support); S. Brown, Director (Health and Social Care Partnership); C. McAuley, Head of Service (Economic Growth) and J. Miller, Senior Manager Planning (Economy and Communities); and A. Fraser, Head of Democratic Services and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Martin Clark (Deloitte LLP) and Daniel McGreish (Petition – Seafield House, Ardrossan)

Chair

Councillor 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 Minutes of the meeting of the Audit and Scrutiny Committee held on 29 January 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Petition – Seafield House, Ardrossan

Submitted report by the Chief Executive on a petition of 200 signatures that had been received requesting the Council to take a number of actions in respect of Seafield House, Ardrossan. The report outlined the terms of the petition and areas of the petition that were out with the powers of the Council. The areas of the petition before the Committee for consideration were detailed as shown below:-

- To take action to ensure the fire damage to Seafield House (School) building is repaired soon by the owners where insured, following the recent fire; and
- It be determined whether there is a reliable commitment by owners to save, restore and convert the building for a future use including possible, sub division as flats, or otherwise.

A briefing note by the Head of Economic Growth was attached to the report as an appendix.

Mr McGreish, a local resident supporting the petition, outlined his concerns regarding the building and site. He stated that the owners appear to be unable to carry out due diligence and duty of care for the building, which in his view was an iconic example of Scottish baronial architecture in the local area. The fabric of the building is declining due to a fire that damaged the roof and lack of maintenance. The building now attracts anti-social behaviour which overflows into the local area. Whilst workmen have attended to board up openings in the building, the Council's suggestion of metal boarding to prevent break-ins has not been undertaken. There has been no development of the site and it was his view that the building will deteriorate to such an extent that it will require to be demolished.

The Senior Manager Planning Services referred to the briefing paper that outlined the current condition of the site and the work done by the Council to date. He provided information on:-

- the history of the site;
- the involvement of Planning Services in making the owners aware of concerns about the condition of the building and how to make the site secure;
- the powers available to a Planning Authority, in respect of Listed Buildings;
- complaints regarding the condition of the building and actions taken by the owners to secure the building and site; and
- discussions with the owners on the plans for development of the site, although to date no application for planning permission has been received.

Photographs of the building, taken in March 2019, were displayed to allow the Committee to see the current condition of Seafeld House.

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

- the common building practice of retaining demolition materials and rubble on-site to allow for reuse;
- the requirement to serve a Repair Notice on owners to give them an opportunity to carry out specified works or repairs, prior to the compulsory purchase of a Listed Building in need of repair.
- the effect of market forces on the commercial viability of development of the site;
- previous discussions with the owners of the building and a further meeting to be arranged to discuss their proposals for Seafeld House;
- Section 179 of the Town and Country Planning (Scotland) Act which allows a Planning Authority to take action against a site which is of a condition held to cause harm to amenity;
- regular visits by officers to the site to assess the condition of the building;
- requests to the owner for repairs that have been undertaken;

- a Compulsory Purchase Order which would apply only to the building and not the whole site, negating the value of the building and affecting development opportunities.
- the fact that demolition of Listed Buildings is not supported in principle by the Planning Authority or the Scottish Government, unless it can be demonstrated that the building is incapable of further use; and
- increased fencing and/or security that could help prevent anti-social behaviour and that could be explored with the owners.

The Committee agreed (a) to note Planning Services' actions to date in respect of the property; (b) that Planning Services again contact the owner to (i) seek assurances regarding the long term condition of the building and any proposals to develop the property; and (ii) recommend increased fencing and/or security to further secure the site; (c) that Planning Services continue to inspect the property as necessary to ensure that the minimum steps have been taken to prevent further deterioration of the building; (d) that Planning Services seek authority from the Planning Committee for the issue of notices available under the powers available to the Planning Authority, as considered necessary and including a Section 179 of the Town and Country Planning (Scotland) Act; (e) that Planning Services explore the option of a Compulsory Purchase Order and subsequent sale to a third party (a back-to-back arrangement); and (f) that a update be provided to the Committee at the September meeting.

4. Planning Performance Framework

Submitted report by the Executive Director (Economy and Communities) on the positive feedback received from the Scottish Government on the Council's Planning Performance Framework 7 submission. Appendix 1 to the report detailed the feedback on the Performance Markers, with all applicable Markers rated as green.

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

- the benefits to the local economy as a result of the quick turnaround of planning applications within North Ayrshire;
- proactive work with landowners and stakeholders and the addition in the Local Development Plan 2 of some additional sites to make them more attractive and viable for development; and
- the success of the Planning Service in being shortlisted for UK Planning Team of the Year.

The Committee congratulated Planning Services on the excellent feedback received from the Scottish Government and their achievement in receiving the best Planning Performance Framework report in Scotland

Noted.

5. Brexit Quarterly Update

Submitted report by the Head of Democratic Services on the work the Council is doing in preparation for Brexit and the risks to North Ayrshire associated with a Negotiated Deal and a No Deal Brexit.

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

- regular meetings of the Election Team and the fact that an Election Plan is in place;
- funding for elections that is generally externally funded;
- no further details regarding the UK Shared Prosperity Fund and no additional costs for the Council to date;
- resilience planning arrangements that are being activated to identify the local context, risk and mitigation of Brexit; and
- the Council's insurance that will cover schools on overseas trips within the Europe.

Noted.

6. HSCP Operational Budget Management

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the projected financial outturn for the financial year as at December 2018. Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B, with full details of savings provided at Appendix C. The progress of the Recovery Plan was outlined at Appendix D and Appendix E highlighted the movement in the overall budget.

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

- Vacancy Scrutiny Panels that manage vacancies by determining which posts require to be filled to prevent an impact on front line services;
- Council or NHS Ayrshire and Arran employment contracts for new staff as the IJB is not an employing body;
- the setting of the NHS budget and the provision of more detail in NHS financial reports;
- additional payments within Primary Medical Services to GP practices currently experiencing difficulty; and
- a backlog in assessments for Free Personal Care.

The Committee commended the Health and Social Care Partnership on the progress being made in delivering financial balance.

The Committee agreed to (a) continue to receive regular financial reports from the HSCP; and (b) to otherwise note the report.

7. External Audit Plan

Submitted report by the Executive Director (Finance and Corporate Support) on the External Audit plan for 2017/18, attached at Appendix 1, which summarised Deloitte LLP's assessment of the key risks and challenges facing the Council and the audit work proposed in the 2018/19 financial year.

Members asked questions and were provided with further information in relation to specific testing that will be undertaken in relation to the key risks of recognition of grant income and management override of controls.

The Committee agreed (a) to receive an Interim Report to the Committee in June 2019 and the Annual Audit Report in September 2019; 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 during January and February 2019. Appendix 1 to the report provided details of six audit assignments, together with their respective executive summary and action plans.

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

- the introduction of an automated process to control and remove access to IT systems for employees moving roles within the Council and leaving the Council;
- spot checks of the access rights of employees who have moved roles and those who have left the Council that will be undertaken by Internal Audit;
- the establishment of a Project Team, involving HR, IT and Payroll and representatives from key Council systems to ensure appropriate processes are in place;
- the discontinuation of GCSX email and the instruction that users should advise their contacts to stop using this address; and
- additional resources that will be brought in to assist the work of the HSCP Finance Team to ensure invoices are raised for chargeable services.

Noted.

9. Internal Audit and Corporate Fraud Action Plans: Quarter 3 Follow Up

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 31 December 2018. Full details of the three actions that were not completed within the required timescales were provided at Appendix 1 to the report.

Noted.

10. Internal Audit Plan 2019/2024

Submitted report by the Executive Director (Finance and Corporate Support) on the proposed Internal Audit Plan for 2019 – 2020. Appendix 1 to the report provided a full list of auditable areas and an indicative programme of work for Internal Audit for the 5-year period from April 2019 to March 2024. The detailed audit plan for 2019-20 was outlined at Appendix 2 to the report.

The Committee agreed to (a) approve the Internal Audit Plan for 2019 – 2020; and (b) note (i) the indicative programme for 2020 – 2024 and (ii) the indicators and targets as detailed at 2.8 of the report.

11. 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.

11.1 Corporate Fraud Reports

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of corporate fraud investigations completed between January and February 2019.

Noted.

The meeting ended at 12 noon.

Licensing Committee
10 April 2019

IRVINE, 10 April 2019 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

A. Craig, Senior Manager (Legal Services), A. Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McNicol in the Chair.

Apologies

Todd Ferguson.

1. Chair's Remarks

The Chair welcomed everyone to the Special Meeting of the Licensing Committee and introduced all Members and officers present to the licence holder who was in attendance and the complainant who was present via Skype. He outlined the process that would be undertaken during proceedings and asked that the complainant advise if at any point he was unable to hear the discussion or questions from Members to allow these to be repeated.

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. 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 item of business on the grounds that it involves 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 a hearing to be determined under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

4.1 Taxi Driver's Licence

The Committee at its meeting on 30 January 2019, considered information relating to a complaint against a licence holder. The complainant and the licence holder had submitted written statements but had been unable to attend the meeting. The Committee agreed to continue consideration of the matter to a future Special Meeting, at a date convenient to the licence holder and the complainant, to allow them both to participate in the meeting.

The Committee was advised of an error in the report at Appendix 1, Page 5, Section 3.2, which stated "The alternative vehicle the complainant in fact used was not "wheelchair accessible", and his wheelchair and luggage were carried in the boot". Following circulation of the agenda papers the complainant advised by email that "The alternative vehicle I used was fully wheelchair accessible and I travelled in my wheelchair".

The licence holder and complainant each addressed the Committee on the issues raised and responded to questions.

The Members withdrew to deliberate and returned to advise of the Committee's decision. The Skype video conferencing facilities remained live throughout.

Decision

The Committee stressed the importance of having a robust system in place so that members of the public have confidence in the taxi hire system.

Councillor McTiernan, seconded by Councillor McNicol moved that the Committee agree (a) there had been a breach of Condition 13 in that the complainant had to make the initial arrangements to contact another driver to fulfil the contract; (b) not to sanction by revocation or suspension as the licence holder permitted the use of his vehicle to fulfil the contract; and (c) that a formal written warning be issued to the licence holder advising that licence conditions must be adhered to and that any failure to do so in future will result in a further call to appear before the Committee. There being no amendment, the motion was declared carried.

The meeting ended at 11.45 a.m.

Licensing Committee
10 April 2019

IRVINE, 10 April 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

W. O'Brien, Solicitor (Licensing), D. Robertson, Civic Licensing Standards Officer, C. McCutcheon, Senior Paralegal, A. Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Sergeant Raymond Ferguson and Dawn Hastings (Police Scotland).

Chair

Councillor McNicol 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 Minutes of the meeting held on 6 March 2019 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Submitted report by the Head of Democratic Services on the Taxi Fare Review process that is required to be done at maximum intervals of eighteen months. A meeting with interested parties was held on 29 March 2019 and the minute of that meeting was attached as Appendix A to the report. Appendix B outlined the current taxi scales and percentage increases. The Consumer Price Index was provided at Appendix C and a draft of the Taxi Fare Scales was attached at Appendix D to the report.

The Committee agreed to (a) approve the draft scale as set out in Appendix D to the report; (b) instruct the Chief Executive to give public notice of the draft scale; and (c) continue consideration of the review until a further meeting of the Committee at least one month after the public notice has been given.

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 Agenda Item 5.2 – 6.1 (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."

5. 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

5.1 Caravan Site Licence: CAR/036 (New) - Mary Watson

The Committee was advised that Ms. Mary Watson had recently sold the caravan site to Ms. Catherine Lindsay-Brown and that the application for an 'old system' Licence had now transferred to Ms. Lindsay-Brown.

The applicant Ms. Lindsay-Brown was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He told the Committee that the solicitor for the seller (Ms. Watson) had sent the Council a letter drafted in conjunction with the Solicitor for the purchaser Ms. Lindsay-Brown and the Solicitor (Licensing).

This stated:

- (a) that the Application should be amended so as to restricted to the field having an area of 950 square metres or thereby, which was the southeastmost field of the four areas shown on a plan submitted by the seller's Solicitor; and

(b) that the Licence should be granted to Ms. Lindsay-Brown.

The seller's Solicitor invited the Committee to defer the conditions of the Licence for a period of 12 months to allow the purchaser to carry out improvement works.

Decision

The Committee unanimously agreed to (a) grant the application in terms of the Caravan Sites and Control of Development Act 1960; (b) to grant the Licence to Ms. Lindsay-Brown; and (c) to defer the conditions of the Licence for a period of 12 months from the date of the Committee to allow the purchaser to carry out improvement works.

5.2 Window Cleaner's Licence: WCL/067 (New) - Lee Allan

The applicant, having been duly cited, was present and accompanied by a relative. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

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

Decision

Councillor Easdale, seconded by Councillor Reid, moved that the Committee 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 3 years. There being no amendment, the motion was declared carried.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened with the same Members and officers present and in attendance.

5.3 Window Cleaner's Licence: WCL/071 (New) - The Partnership of Dean Gallacher & Stephen Spooner

The applicants, having been duly cited, were present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicants.

Both applicants agreed that the proceedings concerning one of them could take place in the presence of the other.

The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of Dean Gallagher.

Dean Gallagher then addressed the Committee on the issues raised and responded to questions.

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

Decision

Councillor McClung, seconded by Councillor Reid, moved that the Committee grant each 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 3 years. There being no amendment, the motion was declared carried.

5.4 Window Cleaner's Licence: WCL/076 (New) - Conor Watson

The applicant, having been duly cited, was present and accompanied by a relative. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

Decision

The Committee unanimously agreed to continue consideration to a future meeting, no later than 30 October 2019, to allow the applicant to provide further information to the Committee.

Appendix B: Applications for Licences/Renewal of Licences

5.5 TDL/01613 (Renewal) Peter Strachan

The Committee unanimously agreed 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 3 years.

5.6 TDL/02160 (New) Brenda Barratt

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 TL/424 (New) Russell Drummond

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 and that the applicant attend with the proposed vehicle.

5.8 TL/425 (New) Russell Drummond

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 and that the applicant attend with the proposed vehicle.

5.9 WCL/056 (New) Andrew Thomson

The Solicitor (Licensing) advised the Committee that the only response from Police Scotland was a holding letter.

The Committee agreed to instruct the Solicitor (Licensing) to (a) contact Police Scotland to enquire if they were going to make an objection (not simply a representation); and (b) failing receipt of an objection within 7 days of that enquiry, to exercise delegated powers so as to grant the Application.

Appendix C

Preliminary consideration of Revocation or Suspension complaints (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11)

5.10 Taxi Driver Licence

The Civic Licensing Standards Officer outlined the terms of the report concerning an allegation that on 13 February 2019 the licence holder had breached the licence condition prohibiting smoking in the licences vehicle.

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.

5.11 Taxi Driver Licence

The Civic Licensing Standards Officer outlined the terms of the report concerning an allegation that on 8 December 2018 and 26 March 2019 the licence holder had breached the Council Dress Conditions.

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.

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

6.1 S.D.

Submitted report by the Private Sector Housing Team on their involvement with a property in Kilwinning that did not meet the legally required Tolerable and Repairing Standard.

The Committee noted that the Landlord was absent but had contacted the Licensing Office.

The Committee was provided with an update in respect of the property and eviction proceedings that had been initiated by the Landlord.

The Committee unanimously agreed to defer consideration of the case and instructed the Solicitor (Licensing) to write to the Landlord reporting that the Committee was making the continuation conditional on the following conditions:

- (a) after the current tenant leaves and prior to any new tenancy starting that the Landlord must contact the Council's Private Sector Housing Team to arrange an Officer to carry out a pre-tenancy inspection; if any works are identified at time of the Council's inspection then the Landlord must provide evidence that the work has been completed to the Council's satisfaction prior to anyone else moving in.
- (b) the Landlord must carry out a pre-tenancy inspection before allowing anyone else to live in the house;
- (c) the Landlord must fix any outstanding defects before allowing anyone else to live in the house;
- (d) the Landlord must give the new Tenant the documents prescribed by Law.

The meeting ended at 3.30 p.m.

Appeals Committee

11 April 2019

IRVINE, 11 April - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Councillors John Easdale, Davina McTiernan and Timothy Billings.

In Attendance

D. Grier, Solicitor (Litigation) (Democratic Services) and F. Carlyle, HR Advisor (Finance and Corporate Support).

Also In Attendance

H. McArthur (Community Care Services) (Health and Social Care Partnership); T. Drain, HR Adviser (Health and Social Care Partnership); and the appellant and appellant's representative.

Chair

Councillor John 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. Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 19 March was confirmed and the Minutes 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 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.

4. 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 the appellant's 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.

Thereafter the appellant presented the grounds of 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, the appellant and the appellant's representative 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; (b) to confirm the decision previously imposed on the Appellant; and (c) that the Appellant be so advised within 14 days.

The Meeting ended at 2.25 p.m.

Cabinet
16 April 2019

IRVINE, 16 April 2019 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Joe Cullinane, John Bell, Alex Gallagher and Louise McPhater.

Also Present

Davina McTiernan, Donald L Reid and Donald Reid.

In Attendance

L. Friel, Executive Director (Finance and Corporate Support); K. Yeomans, Executive Director and F. Anderson, Economic Development Officer (Economy and Communities); Y. Baulk, Head of Service (Physical Environment) and L Cree, Senior Manager (Property Management and Investment (Place); and A. Fraser, Head of Service (Democratic Services), A. Hale, Equality and Health Policy Officer, M. McColm, Communications Manager and E. Gray, Committee Services Officer (Chief Executive's Service).

Also In Attendance

C. Glencross, KA Leisure

Apologies

Robert Foster, Jim Montgomerie and Craig Hatton

Chair

Joe Cullinane 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 Cabinet held on 12 March 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Equality Mainstreaming and Equality Outcome 2017-2019

Submitted report by the Chief Executive on Equality Mainstreaming and Equality Outcome 2017-2019. The Equality Mainstreaming report was set out at Appendix 1 and the Equality Outcomes report at Appendix 2 to the report.

Members asked questions and were provided with further information in relation to where the Equality Mainstreaming and Equality Outcomes reports are published and whether more can be done to publicise the contents of these reports.

The Cabinet agreed to approve reports set out in the appendices to the report, for publication by 30 April 2019.

4. The Great Harbour

Submitted report by the Executive Director (Economy and Communities) on the development proposals and plans at Irvine Harbourside and Ardeer "Great Harbour".

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

- liaison with environmental groups about unregulated development on the Ardeer Peninsula;
- the progress of work with the Scottish Government to remove the Ardeer 1953 Special Development Order and the level of compensation that the Council would be liable for should this occur;
- the proposed two-year partnership with NPL; and
- contrasting views held by the Council and some local residents on the benefits of the proposed development and work which could be carried out to rectify this.

The Cabinet agreed to approve (a) progression of the masterplan and technical feasibility work set out at sections 2.14 and 2.15 to the report; and (b) the agreement to enter into a two-year partnership with NPL to progress the masterplan and technical feasibility work set out at sections 2.14 and 2.15 to the report.

5. Year of Coasts and Waters 2020 Events Programme

Submitted report by the Executive Director (Economy and Communities) on the development of the Year of Coasts and Waters 2020 Events Programme with the list of major events set out at Appendix 1 to the report.

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

- timescales for the project and the work which has been carried out to ensure the proposed Making Waves festival does not clash with established local events; and
- a previous attempt by the Council to host an event at Irvine Beach Park, lessons which could be learned from this and the possibility of utilising the work carried out for any future events.

The Cabinet agreed to (a) continue development of the Making Waves events programme for the Scottish Government's National Year of Coasts and Waters 2020;

(b) further development of a signature event with a detailed business case to be developed for future cabinet approval; and (c) support £50k revenue funding from the tourism budget in 2019/20 in support of the programme.

6. Proposals for Community Investment Fund (CIF) Expenditure

Submitted report by the Executive Director (Economy and Communities) on the applications by the Locality Partnerships to allocate Community Investment Fund (CIF) funding to a range of proposed projects. The application was set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the application from the Three Towns Locality Partnership in line with CIF criteria; (b) approve expenditure of £100,000 over three years for the Three Towns Growers project, as set out in section 2.4 of the report; (c) accept future applications from Locality Partnerships for CIF funding; and (d) accept future reports on the progress of the initiatives at dates to be agreed with the Locality Partnerships.

7. 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 8 of Part 1 of Schedule 7A of the Act.

8. Surplus Property – Former Council Offices, Montgomerie House, West Byrehill, Kilwinning

Submitted report by the Head of Service (Physical Environment) on the surplus office building at West Byrehill, Kilwinning.

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

The Meeting ended at 3.00 p.m.

Planning Committee
24 April 2019

Irvine, 24 April 2019 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Robert Barr, Timothy Billings, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

I. Davies, Planning Officer, (Economy and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct, Councillor Billings, as the Chair of Lamlash Improvements, declared an indirect, non-pecuniary interest in Agenda Item 3.1 (19/00199/PP: Lamlash Public Toilet, Lamlash, Brodick, Isle of Arran) and left the room during consideration of this item.

2. Minutes

The Minutes of the meeting of the Planning Committee held on 20 March 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3.1 19/00199/PP: Lamlash Public Toilet, Lamlash, Brodick, Isle of Arran

Lamlash Improvements have applied for planning permission for the replacement of an existing toilet block with new toilet facilities, shelter and "Geo-park" information board at Lamlash Public Toilets, Lamlash, Brodick. No objections to the application were received.

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

1. That the external walls shall be finished in white vitreous enamel cladding panels, as indicated in the drawings hereby approved unless any variation has been approved in writing by North Ayrshire Council as Planning Authority.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Land to North East of Birchbrae, Corrie, Isle of Arran

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 127 of the Town and Country Planning (Scotland) Act 1997 be served requiring that soil and aggregate placed on the land be removed and the land reinstated to its former condition on land to north east of Birchbrae, Corrie, Isle of Arran.

The Planning Officer informed the Committee that information had been received which suggested that the work set out in the proposed Notice had been carried out and that an officer would carry out a site inspection.

The Committee unanimously agreed to continue consideration of the item to a future meeting pending an inspection of the site.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9-15 Bath Street, Largs

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 179 of the Town and Country Planning (Scotland) Act 1997 be served to abate the adverse impact on the local area at 9-15 Bath Street, Largs.

The Planning Officer provided the Committee with information on the site which is currently vacant and is used as an informal car park and contains an accumulation of litter and a number of fly-tipped items. Details of several complaints which have been received and previous investigations which resulted in the owner clearing refuse from the site were also given. It was confirmed that since this work was carried out further complaints have been lodged and attempts to contact the owner have failed.

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

- ownership of the site and attempts which have been made to contact the owner;
- the steps which would be taken if enforcement notice were served and no further action was taken as well as issues around reclaiming costs from owners;
- current use of the site as a carpark and the fact that is done on an informal basis; and
- other sites across North Ayrshire which are in a similar state of disrepair with owners who are reluctant to act and actions which can be taken by Planning and Members to combat this.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the local area at 9-15 Bath Street, Largs.

The Meeting ended at 2:20 p.m.

**Local Review Body
24 April 2019**

Irvine, 24 April 2019 - At a Special Meeting of the Local Review Body of North Ayrshire Council at 2.20 p.m.

Present

Tom Marshall, Robert Barr, Timothy Billings, Ian Clarkson, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

A. Hume, Planning Adviser to the LRB (Economy and Communities); A. Craig, Legal Adviser to the LRB (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Shaun Macaulay.

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 Local Review Body held on 20 March 2019 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: 18/01120/PP – The Rustics, Brodick, Isle of Arran

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for formation of two dormer extension to the front and one dormer extension and roof terrace to the rear of a detached dwelling at The Rustics, Brodick, Isle of Arran.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice and a location plan were provided as appendices to the report. There were no interested parties and therefore no further comments or responses.

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 summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit and request for hearing sessions.

Councillor Larsen left the meeting at this point.

The Local Review Body unanimously agreed that there was enough information provided to determine the review request without a site visit or hearing sessions.

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

- the neighbour notification exercise and whether any objections had been received in respect of the application;
- the photographs and plans shown in relation to siting design, external appearance and amenity;
- discussions which had taken place between the Planning Officer and the applicant prior to the application being determined; and
- the processes for submitting an amended application and the fact that the applicant could do so without being charged within a year of determination.

Members discussed the proposal thereafter. Councillor McNicol, seconded by Councillor Reid, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission for the reasons given in the decision notice. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the Planning Officer's decision to refuse planning permission on the following grounds:

1. That the development would be contrary to criteria (a) Siting, Design and External Appearance, and (b) Amenity, of the General Policy of the adopted North Ayrshire Council Local Development Plan as the proposed dormer extension and balcony on the north roof slope would represent overdevelopment and be both oversized and unduly visually prominent to the detriment of visual amenity; and would overlook gardens and windows of neighbouring properties to the detriment of residential amenity in the area.

The Meeting ended at 2:40 p.m.

Licensing Committee
8 May 2019

IRVINE, 8 May 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

W. O'Brien, Solicitor (Licensing) and C. Pollock, Licensing Administrative Officer (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

Also in Attendance

Inspector David Cameron and Sergeant David Dougan (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies

Angela Stephen.

1. Chair Remarks

The Chair advised that a request from Police Scotland for the immediate suspension of a Taxi Driver's Licence would be considered at Agenda Item 6.1 as a matter of urgency. He further advised that application SPTL/053 would be considered at Agenda Item 6.10 as a matter of urgency to allow the application to be progressed without delay.

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. Minutes

The Minutes of the special meeting held on 10 April 2019 at 10.00 a.m. and the ordinary meeting held on 10 April 2019 at 2.00 p.m. were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Licensing of Sexual Entertainment Venues – Civic Government (Scotland) Act 1982

Submitted report by the Head of Democratic Services on an amendment to the Civic Government (Scotland) Act 1982 to enable Licensing Authorities to adopt a new

licensing system to require that sexual entertainment venues (SEVs) should obtain a licence granted by the Council.

The Committee agreed (a) that North Ayrshire should adopt a scheme of licensing Sexual Entertainment Venues; (b) that public consultation should be put in place; and (c) that an update report on the outcome of the public consultation be provided to a future meeting.

5. 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 Item 5.2 – 6.1 (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."

6. 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

6.1 Taxi Driver Licence: TDL/1754 - Derek Johnstone Boyd

The Committee considered a request by Police Scotland for the Emergency Suspension of the Licence under Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982. The Committee was satisfied that the carrying on of the licenced activity is likely to cause a serious threat to public safety, and accordingly suspended the Licence forthwith.

Further, 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.

6.2 Taxi Driver's Licence: TDL/02160 (New) - Brenda Barratt

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

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

Decision

Councillor McClung, seconded by Councillor McTiernan, moved that the Committee 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 1 year. There being no amendment, the motion was declared carried.

Police Scotland representatives left the meeting at this point.

6.3 Taxi Driver's Licence: TDL/00410 - John Blair

The licence holder, having been duly cited, was present and accompanied by the Taxi Operator.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder, relating to the Condition 3 of the Taxi Driver Licence (No Smoking).

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

The licence holder and the Taxi Operator then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Reid, seconded by Councillor Barr, moved that the Committee suspend the licence for 7 days (6 June 2019 to 12 June 2019 inclusive) under Paragraph 11 of Schedule 1 to the Civic Government (Scotland) Act 1982 for a period of seven days, to commence at 00.01 hours on Thursday 6 June 2019 and end at 23.59 hours on

Wednesday 12 June 2019 (both dates inclusive). There being no amendment, the motion was declared carried.

Councillor Gallagher left the meeting at this point.

6.4 Taxi Driver's Licence: TDL/02114 – Andrew Dysart

The licence holder, having been duly cited, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder, relating to the Council's Dress Code Condition.

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

Decision

The Committee unanimously that the grounds for suspension were established but decided to take no further action.

Councillor Gallagher rejoined the meeting at this point.

6.5 Taxi Licence: TL/424 (New) and TL/425 (New) – Russell Drummond

The applicant, having been duly cited, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant, in respect of the Council

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

The Chair then adjourned the meeting to allow the Committee Members and the applicant to view one of the vehicles proposed by the applicant, Ford Tourneo Custom FX8 registration MK17 VYS (side-loading Wheelchair Accessible Vehicle, not fitted with a lifting mechanism.) The meeting reconvened thereafter with the same Members and officers in present and in attendance.

Decision

The Committee unanimously agreed (a) to treat the type of vehicle viewed as exceptions to both:

- (i) the Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) with effect from 16 May 2018, in respect of the requirement in Paragraph 12(b) that a vehicle proposed for the grant of a Licence for a Taxi or Private Hire Car "must be fitted with a lifting mechanism which can raise an occupied wheelchair from ground level without requiring it to be pushed by the driver or anyone else;"

- (ii) the Taxi Numbers Limitation Policy made under Section 10(3) of the Civic Government (Scotland) Act 1982,

and (b) directed that the Solicitor (Licensing) could grant both applications under delegated powers if and when satisfied that the proposed vehicles satisfied the other requirements of Section 10(2), and that the vehicles proposed for both applications were substantially the same as that viewed by the Committee.

Appendix B: Applications for Licences/Renewal of Licences

6.6 PHCL/369 (New): Kelly Scott

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.

6.7 TDL/00061 (Renewal): Peter McGuinness

The Committee unanimously agreed that the application be continued to a future meeting.

6.8 TDL/02177 (New): Francis Clarke

The Committee unanimously agreed 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 1 year.

6.9 TL/248 (Renewal): Partnership of Edward Hail, James McCallum, Kevin Warden and Pamela Angelini

The Committee unanimously agreed that the Solicitor (Licensing) write to the licence holders and advise that the licence will expire in 6 weeks' time and that a new application would require to be submitted by the three remaining partners.

6.10 SPTL/053: Gemma Irvine

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.

The meeting ended at 12.10 p.m.

Staffing and Recruitment Committee
8 May 2019

IRVINE, 8 May 2019 – At the Meeting of Staffing and Recruitment of North Ayrshire Council at 4 p.m

Present

Joe Cullinane, John Bell, Marie Burns, Davina McTiernan, Donald L Reid and Todd Ferguson.

In Attendance

C. Hatton, Chief Executive; F. Walker, Head of Service (People) (Finance and Corporate Support) and H. Clancy, Committee Services Officer (Chief Executives).

Apologies

Alan Hill and Tom Marshall

Chair

Joe Cullinane 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 27 September 2018 was confirmed and the Minute and 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. Reshaping the Workforce

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made in “Reshaping the Workforce”.

The Committee agreed to note the progress made to 31 March 2019 and the actions being taken to deliver against the savings commitments.

5. Chief Officer Structure

Submitted report by the Chief Executive on the Chief Officer structure.

The Committee agreed to approve the recommendations as detailed in the report.

The Meeting ended at 4.30 p.m.