



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

COMMITTEE MINUTES

21 December 2016

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Licensing Committee
2 November 2016

Irvine, 2 November 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Bruce, John Easdale, Grace McLean, Catherine McMillan, Donald Reid and Robert Steel.

In Attendance

W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant; P. Kelly, Team Manager (Anti-Social Behaviour and Community Safety), E. Anderson, Team Manager (Private Sector Housing) and J. Wallace, Policy Officer (Private Sector Team); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming Sergeant G. Griffiths (Police Scotland).

Chair

Councillor Bruce in the Chair (Agenda Item 3, Hearings 1-3 and Urgent Hearing) and Councillor McNicol in the Chair (remaining Agenda Items).

Apologies for Absence

Tom Marshall and Alan Munro.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McNicol, due to his involvement with the groups in question, declared an indirect, non-pecuniary interest in Hearings 1 (North Ayrshire Citizens Advice Service) and 3 (Saltcoats Community Action Group) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and left the meeting for those items of business.

Councillor Easdale, as a Council representative on the Board of Ayrshire Citizen's Advice Service, declared an indirect, non-pecuniary interest in Hearing 1 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and took no part in the decision thereon.

Councillor Reid, due to his previous involvement with the group, declared an indirect, non-pecuniary interest in Hearing 1 and left the meeting for that item of business. Councillor Reid, as the applicant, also declared an interest in the Urgent Item (Kilwinning Community Events) which was considered under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), and took no part in the decision thereon.

2. Appointment of the Chair

In light of the Chair's declaration of interest in respect of Hearings 1 and 3 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), nominations were invited to assume the Chair during consideration of Hearings 1-3 and an Urgent Item.

Councillor Barr, seconded by Councillor McLean, moved that Councillor Bruce be appointed as Chair. There being no amendment, the motion was declared carried.

3. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 28 September 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Exclusion of Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in section 50J of and Schedule 7A to the Local Government (Scotland) Act 1973.

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial business affairs of any particular person (other than the authority)") and Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime").

5. Chair's Remarks

The Chair agreed that a further hearing in terms Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) be considered as a matter of urgency to allow the matter to be actioned without delay.

The Chair, in terms of Standing Order 9.3, also agreed to vary the order of business to allow consideration of Hearings 1 and 2 to be combined and the Urgent Item considered immediately following Hearing 2.

Councillors McNicol and Reid left the meeting at this point and Councillor Bruce assumed the Chair.

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

Part A: Hearings

6.1 Public Charitable Collections: North Ayrshire Citizens Advice Service and Promotion Kilwinning

The applicants, having been duly cited to attend, were present. Both applicants have applied for a Charitable Collection on Saturday 19 November 2016, which is outwith the Council policy. Promoting Kilwinning advised on an amendment to end time on their application to change from 6.00 p.m. to 7.00 p.m.

Members asked questions and received clarification from the applicants in respect of the applications.

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

Decision

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

6.2 Urgent Item: Kilwinning Community Events

The applicant, having been duly cited to attend, was present. The applicant has applied for a Charitable Collection between 5.30 p.m. and 8.00 p.m. on 4 November 2016, which is outwith the Council policy.

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

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

Decision

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

Councillor Reid rejoined the meeting at this point.

6.3 Public Charitable Collection: Saltcoats Community Action Group

The applicant, having been duly cited to attend, was present. The applicant has applied for a Charitable Collection on 20 November 2016, which is outwith the Council policy.

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

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

Decision

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

Councillor Bruce then vacated the Chair. Councillor McNicol, rejoining the meeting at this point, resumed the Chair.

6.4 Street Trader Operator's Licence: STL/O/261 (Renewal Pending) - David Duncan McIntyre

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

The Solicitor (Licensing) set out the background to the Suspension Hearing as previously intimated in writing to the licence-holder.

Members asked questions and received clarification from the licence-holder, representatives of Police Scotland and the Solicitor (Licensing).

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

Decision

Councillor Reid, seconded by Councillor Easdale, moved that the application for renewal be granted and that no further action be taken in terms of suspension on the licence. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to (a) grant the application in terms of Paragraph 5 (1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) not to suspend the licence.

6.5 Taxi Driver's Licence TDL/01274 - Cameron Phillips

The licence-holder, having been duly cited to attend, was present, represented by a solicitor and accompanied by a family member. Representatives of Police Scotland were also in attendance. Representatives of Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Suspension Hearing as previously intimated in writing to the licence-holder. The representatives of Police Scotland then addressed the Committee on the terms of a letter setting out alleged grounds for suspension. The licence-holder's solicitor addressed the Committee with regard to CCTV footage of an incident, which was shown to Members of the Committee.

Members asked questions and received clarification from the licence-holder, his solicitor, representatives of Police (Scotland) and the Solicitor (Licensing).

The licence-holder, his solicitor and family member, and representatives of Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

Councillor Bruce, seconded by Councillor McLean, moved that the Committee continue consideration of this matter pending the outcome of legal proceedings.

As an amendment, Councillor Reid, seconded by Councillor McMillan, moved that the licence be suspended under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

On a division, there voted for the amendment 2 and for the motion 6, and the motion was declared carried.

Accordingly, the Committee agreed to continue consideration of the matter to a future meeting, pending the outcome of legal proceedings.

6.6 Taxi Operator's Licence TL/400 (New) - Thomas Coombe

The Solicitor (Licensing) advised that this application had been withdrawn by the applicant.

Noted.

Part B: Applications for Licences/Renewal of Licences

6.7 TDL/02006 (New) - Anthony Healy

The Committee 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 Committee adjourned for a short comfort break at 11.40 a.m., reconvening at 11.50 a.m.

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

7.1 R. Mc

The registered person, having been cited to attend, was present.

The Team Manager (Private Sector Housing) and the registered person addressed the Committee on the issues raised.

Members asked questions and received clarification from the registered person and from officers.

Decision

Councillor Reid, seconded by Councillor Bruce, moved that no further action be taken with regard to this matter. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to take no further action with regard to this matter.

7.2 M.N.

The applicant, having been cited to attend, was not present.

The Team Manager (Anti-Social Behaviour and Community Safety) addressed the Committee on the issues raised.

The Committee unanimously agreed to consider the application in the applicant's absence.

Members asked questions and received clarification from officers.

Decision

Councillor Reid, seconded by Councillor Easdale, moved that the Committee continue consideration of the Application for Registration under Section 83 but serve a Rent Penalty Notice under Section 94 in respect of the house which was the main subject of discussion.

As an amendment, Councillor McLean, seconded by Councillor McMillan, moved that the Committee agree to refuse to enter the applicant in the register and issue a Rent Penalty Notice in respect of all of the houses occupied by a tenant.

On a division, there voted for the amendment 2 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee agreed (a) to continue consideration of the Application for Registration under Section 83, and (b) to serve a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house which was the main subject of discussion (there were no Notices served in respect of the other houses included in the Application).

7.3 L.C.

The registered person, having been cited to attend, was not present, but was represented by his agents.

The Team Manager (Private Sector Housing) and the registered person's agents addressed the Committee on the issues raised.

Decision

The Committee unanimously agreed to take no further action with regard to this matter.

The meeting ended at 12.40 p.m.

Cabinet
8 November 2016

IRVINE, 8 November 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.00 p.m.

Present

Joe Cullinane, John Bell, Alex Gallagher, Peter McNamara, Louise McPhater and Jim Montgomerie.

Also Present

Donald Reid, John Easdale, Grace McLean, Catherine McMillan, Marie Burns and Alan Hill.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director (Finance and Corporate Support); C. Hatton, Executive Director and Y. Baulk, Head of Service (Physical Environment) (Place); C. MacAuley, Head of Service (Economic Growth) and Audrey Sutton, Head of Service (Connected Communities) and Louise Kirk, Access Officer (Economy and Communities) , M. Sugden, Communications Officer, A. Little, Committee Services Officer and H. Clancy, Committee Services Support Officer (Chief Executive's).

Also In Attendance

Helen McPhee, Ayrshire Valuation Joint Board, Colin Glencourse, KA Leisure and David Dunlop.

Chair

Councillor Cullinane in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Cullinane advised, as the previous Chair of the CCTV Company Board, he had sought legal advice from the Council's legal advisor as to whether he would require to declare an interest in Agenda Item 5 - Public Space CCTV in North Ayrshire. The legal advice confirmed he would not require to declare an interest in this item.

2. Minutes

The accuracy of the Minutes of (i) the special meeting held on 18 October 2016 and (ii) the ordinary meeting of the Cabinet held on 25 October 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Presentation

The Cabinet received a presentation from Helen McPhee, Assessor and Electoral Registration Officer on Revaluation which provided information on:-

- Duty of the Assessor
- Preparation for Revaluation
- Initial Stages
- Scottish Assessors Association
- Current Position
- Sector Movement
- Appeals

Members asked a question and were provided with further information in relation to the definition and process of running roll appeals.

Noted.

4. Council House Building Programme

Submitted report by the Executive Director (Place) on the increase of the Council's housing development programme by 250 units for the period 2017-2021

Members asked a question and were provided with further information in relation to the 2,475 households who are currently registered on the North Ayrshire Housing Register and have been assessed as having a housing need.

The Cabinet agreed to approve the proposed increase in the housing development programme as outlined in the report.

5. Public Space CCTV in North Ayrshire

Submitted report by the Executive Director (Place) on the options for the future operation of public space CCTV systems currently managed by North Ayrshire CCTV Ltd

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

- liaison with OSCR to wind down the charitable status of the CCTV company if the operation is integrated within the Council's concierge service;
- future funding support from Police Scotland;
- the estimated Capital costs of option 3 and consideration of any capital funding as part of budget setting process and;
- the best time to start the process for the future operation of public space CCTV systems.

The Cabinet agreed to approve (a) Option 3 - transfer operation of the public space CCTV systems managed by North Ayrshire CCTV Ltd, subject to the allocation of capital funding as part of the Council's budget setting exercise in February 2017; (b) the required capital funding to be considered by Cabinet at a future meeting; (c) subject to the securing of capital funding North Ayrshire CCTV Ltd be supported to ensure a managed wind down by March 2018; and (d) that a review of the Council's wider security and emergency/out of hours provisions be undertaken.

6. Unaccompanied Asylum Seeking Children from Calais

Submitted report by the Executive Director (Place) on the use of emergency powers by the Chief Executive, in consultation with the Leader, in response to an urgent request for the Council to provide a place of safety for vulnerable children being displaced from camps in Calais.

Members asked questions and were provided with further information in relation to the language and cultural differences of the vulnerable children and the accommodation that is available.

The Cabinet agreed to homologate the decision of the Chief Executive, in consultation with the Leader of the Council, to provide a place of safety for up to 6 unaccompanied asylum seeking children.

7. Irvine Leisure Provision: transition arrangements

Submitted report by the Executive Director (Economy & Communities) on the transition arrangements to the Portal Leisure Centre

The Cabinet agreed to approve the proposed arrangements for the transition of leisure provision in Irvine to the Portal.

8. Active Travel and Transport External Funding Applications 2017/18

Submitted report by the Executive Director (Economy & Communities) on the external funding applications for a range of active travel and transport projects for implementation in 2017/18

That the Cabinet agreed to (a) approve the submission of external funding applications for active travel and transport projects; and (b) receive a further report on the outcome of the applications to allow the acceptance and expenditure of any grant offers.

9. Heritage and Arts Services in North Ayrshire

Submitted report by the Executive Director (Economy & Communities) on the changes in heritage and arts services in North Ayrshire as a result of additional service provision at the Townhouse in Irvine

The Cabinet agreed to note a) the outcome of the recent changes and improved service offer; b) the proposed revised schedule of heritage and arts services opening hours; and c) the planned maintenance works and associated closure at the Heritage Centre, Saltcoats.

The Meeting ended at 3.15 p.m

**Ayrshire Shared Services Joint Committee
10 November 2016**

May 2012 - April 2017

IRVINE, 10 November 2016 - At a Meeting of the Ayrshire Shared Services Joint Committee at 2.00 p.m.

Present

Councillors Joe Cullinane, Willie Gibson and Donald Reid (North Ayrshire Council); Douglas Reid, Tom Cook, Maureen McKay and Bobby McDill (East Ayrshire Council) and Alec Clark, Peter Convery, John McDowall and Nan McFarlane (South Ayrshire Council).

In Attendance

A. Fraser, Head of Democratic Services (North Ayrshire Council); L. Bloomer, Executive Director (Economy, Neighbourhood and Environment), C. Boyd, Risk, Safety and Resilience Manager and J. McGeorge, Ayrshire Civil Contingencies Co-ordinator (Ayrshire Civic Contingencies Team); (South Ayrshire Council); C. McAleavey, Depute Chief Executive (Safer Communities) and P. Whip, Group Finance Manager (East Ayrshire Council); S. Turner, Head of Roads and S. McCafferty, Network Manager (Ayrshire Roads Alliance); and M. Anderson, Committee Services Team Leader (North Ayrshire Council).

Chair

Councillor Cullinane (Agenda Items 1-4) and Councillor McDowall (remainder of the Agenda).

1. Apologies

The Chair invited intimation of apologies for absence.

2. Minutes of Previous Meeting

The accuracy of the Minutes of the previous meeting held on 17 June 2016, was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Matters Arising

3.1 Appointment of a Chair for Items Relating to Ayrshire Roads Alliance (RA)

Submitted report by the Head of Democratic Services (North Ayrshire Council) on the rotation of the Chair in meetings where the business to be transacted involves only two authorities, and ancillary matters.

The Committee's Standing Orders allow for the appointment of a Chair by rotation for those items of business which only involves two authorities. Accordingly, the report invited Members to appoint a Chair for Ayrshire Roads Alliance items on an 18-month rotation basis, as set out at Section 3.2, and, thereafter, for East or South Ayrshire Council Members to appoint their Chair at the appropriate time.

The report further recommended that administrative support for each meeting be undertaken by the Council from which the whole Committee Chair is drawn, namely North Ayrshire Council for the period from September 2016 to August 2017. However, it was proposed that, for any meetings involving solely ARA business, then administration would be provided by the Council chairing the meeting, thus allowing ARA meetings to take place in South or East Ayrshire to minimise the need for travel, and avoiding North Ayrshire Council officer attendance during consideration of exempt ARA business. Finally, it was proposed that approval of a Minute should be sought at the next meeting at which the same Councils were represented.

Members asked questions and received clarification that meetings for ARA business would approve the previous Minute only insofar as it related to ARA business. Members also sought, and received, an assurance that draft Minutes would be circulated as soon as possible after each meeting, for Members' information.

Thereafter, Councillor Convery, seconded by Councillor Clark, moved that Councillor McDowall be appointed as Chair for ARA business for the period until February 2017. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed:-

- (a) that Councillor McDowall serve as Chair for ARA business for the period until February 2017;
- (b) to note that nominations for the appointment of a Chair for ARA business thereafter, in terms of Section 3.2 of the report, would be the subject of consideration at a future meeting;
- (c) that the accuracy of Minutes of meetings will be approved at the next meeting of the Committee comprising the same Councils; and
- (d) that the administrative support for meetings where the business solely relates to two Councils would be provided by the Council which chairs that meeting.

AYRSHIRE CIVIL CONTINGENCIES TEAM (ACCT)

4. Ayrshire Civil Contingencies Team

Submitted report by Head of Property and Risk (South Ayrshire Council) on progress made against the 2016/17 Ayrshire Civil Contingencies Team Work Plan. Appendix 1 to the report set out the current work plan for 2016-17 and highlights in terms of recent work activity were set out at Section 4 of the report.

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

- reassurances provided in connection with a previously reported crack in the reactor core at Hunterston B;
- whether there had been any ACCT involvement in responding to a recent serious bus crash on the A76;
- the ACCT's involvement in contingency planning for the three Integration Joint Boards;
- the approach to raising community resilience, including work with community councils and other community groups, particularly in isolated and rural areas;
- the valued role of the ACCT in supporting the Scottish International Air Show;
- 'off site' planning arrangements in respect of Hunterston B power station and whether such plans were publicly accessible on all three Council websites; and
- arrangements in respect of the rail transportation of spent nuclear fuel.

The Committee agreed:-

- (a) to approve the progress made against the current work plan for 2016/17;
- (b) note recent highlights, as outlined at Section 4 of the report; and
- (c) that the ACCT team ensure that a link to the Hunterston B power station 'off site' plan is also available on East and South Ayrshire Councils' websites.

5. Rotation of Chair

Councillor Cullinane withdrew from the Chair at this point, to allow Councillor McDowall to chair the meeting for the remaining items of ARA business.

Councillors Cullinane, Gibson and Reid left the meeting at this point.

AYRSHIRE ROADS ALLIANCE (ARA)

6. Maintaining Scotland's Roads

Submitted report by the Head of Roads, Ayrshire Roads Alliance on the Audit Scotland report, "Maintaining Scotland's Roads", published on 4 August 2016. The published report was attached as an appendix, together with extracts which made reference to the ARA.

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

- Exhibit 9 of the report, which compared Councils' roads maintenance spending with that necessary to maintain their road condition in 2014/15;
- the desirability of North Ayrshire Council joining the ARA at this stage and the appropriate mechanism for progressing consideration of this;
- the level of improvement set out at paragraph 7 of the covering report;
- how surface dressing is used by the ARA and whether it delivered value for money in the longer term;
- confidence regarding winter resilience preparations; and
- the positioning of the three Ayrshire Councils on Exhibit 3 of the report and the length of their respective road networks.

The meeting stood adjourned at 3.00 p.m. for a period of 15 minutes to allow officer advice to be sought. Thereafter, the meeting reconvened with the same Members and officers present.

The Committee agreed:-

- (a) to note the content of the "Maintaining Scotland's Roads" report;
- (b) having considered the Audit Scotland report and acknowledging the benefits of the ARA to East and South Ayrshire Councils and the recommendations of the Audit Scotland report in respect of shared services approaches, to request that East and South Ayrshire Councils consider requesting North Ayrshire Council to open discussions at officer level regarding the potential future involvement of North Ayrshire Council in the Alliance; and
- (c) that a further and more detailed report be submitted to a future meeting on the specific actions against the Ayrshire Roads Alliance.

7. Winter Service

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on the unified Winter Operations delivered over 2015/16 and the proposals for 2016/17.

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

- the social media and other mechanisms used to highlight winter resilience and the importance of preparing for winter weather;
- the extent to which the programme is adapted to the needs of different geographical locations;
- the important work done by operatives in delivering the winter operations programme;
- whether there had been any changes in terms of staffing and hours which might impact on the delivery of the winter service; and
- the business case for the introduction of a 'dome' salt storage facility for Girvan.

The Committee agreed:-

- (a) to approve the proposals for maintaining the winter service across the ARA, as set out at Section 4 of the report; and
- (b) to note an invitation to Members to observe the monitoring and control systems used in connection with the delivery of the winter service.

8. Roadworks Programme

Submitted report by the Head of Roads, Ayrshire Roads Alliance on progress made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2016-2017. Appendices 1 and 2 to the report set out the ARA Programmes for 2016/17 for South and East Ayrshire Councils, respectively.

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

- changes to the level of financial provision for South Ayrshire Council's roadworks programme;
- the current position in terms of a number of projects within the East Ayrshire programme described as "to be designed";
- the matrix used to prioritise and programme roadworks;
- any action which might be taken to address delays in respect of the U26 West Clerkland Bridge replacement project (East Ayrshire);

- the timescale for commencing the Todd Street Bridge, Girvan project (South Ayrshire); and
- the financial period covered by the covering report.

The Committee agreed:-

- to note the ARA works progress, as set out in Appendices 1 and 2 to the report;
- that officers be requested to (i) provide Members information on action to address delays in respect of the U26 Clerkland Bridge replacement project and the timescale for commencing the Todd Street Bridge, Girvan project and (ii) include budget information in future reports.

9. Finance Review

Submitted report by the Depute Chief Executive and Chief Financial Officer, Economy and Skills, on the revenue budget monitoring position for the year to 24 July 2016, for the Ayrshire Roads Alliance. Appendix 1 to the report provided information on the split between strategic and local service delivery. Appendix 2 set out the Financial Performance Summary in respect of the 2016/17 General Services Revenue Budget at 24 July 2016 (Period 4).

The Group Finance Manager (East Ayrshire Council) provided a short, verbal update on the information contained in the report, advising that an updated report would be submitted to the next meeting.

Members asked questions, and received information and clarification, on the more favourable current position in terms of the variance report at section 6 of the report.

The Committee agreed:-

- to note the financial management position of the ARA, as set out in the report; and
- to request a further financial update at the next meeting of the Committee.

10. Risk Report and Register

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on the management of risk associated with the Ayrshire Roads Alliance. Appendix 1 to the report provided the Risk Register Scoring Matrix. Appendix 2 set out the Ayrshire Roads Alliance Risk Register.

The Committee agreed:

- to note the revised risk register set out at Appendix 2 to the report; and
- to receive updates on progress at future meetings.

11. Service Plan Update

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on progress made to date against the 2016/17 Ayrshire Roads Alliance Service Plan. Appendix 1 to the report set out the Ayrshire Roads Alliance Improvement Action Plan 2016/17.

Members asked questions, and received information and clarification, on the timescale for a report on detailed recommendations arising from the improvement plan.

The Committee agreed:-

- (a) to note progress against the 2016/17 Service Plan as presented in the report; and
- (b) to receive progress updates at future meetings.

12. Performance Report

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on progress made to date against the Performance Scorecard, which was attached at Appendix 1.

The Committee agreed:-

- (a) to note the performance scorecard metrics presented in the report; and
- (b) to continue to receive performance scorecard updates at future meetings.

The Meeting ended at 3.45 p.m.

Audit and Scrutiny Committee
14 November 2016

Irvine, 14 November 2016 - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

Present

John Hunter, John Easdale, Catherine McMillan and David O'Neill.

In Attendance

L. Friel, Executive Director, M. Hogg, Head of Finance, E. Currie, Principal Manager (Finance), P. Doak, Senior Manager (Internal Audit, Risk and Performance) and S. Humphries, Chief Benefits and Revenues Officer (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); J. Miller, Senior Manager Planning, C. Dempster, Team Manager (Network Management) and J. Barrett, Senior Manager (Homelessness and Community Safety) (Place); M. Davison, Senior Manager (Democratic Services), A. Todd, Senior Policy and Performance Officer and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Hunter in the Chair.

Apologies for Absence

Alan Hill and Tom Marshall.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Audit and Scrutiny Committee held on 23 September 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Appointment of Vice Chair

The Committee sought nominations for the position of Vice Chair of the Audit and Scrutiny Committee. Councillor McMillan nominated herself for the position.

The Committee unanimously agreed to appoint Councillor McMillan to the position of Vice Chair of the Committee.

4. Presentation: NAHSCP Annual Performance Report

The Committee received a presentation by the Director (Health & Social Care Partnership) on the North Ayrshire Health and Social Care Partnership's Annual Performance Report.

The presentation provided information on:-

- the national context, with guidance issued from the Scottish Government in June 2015 and the Annual Performance Report not legally required until July 2017;
- National Health and Wellbeing, Children's Outcomes and Criminal Justice and Mental Health delivery during 2015/16;
- details of the financial performance in 2015/16, which highlighted that 58% of the budget had been managed within the budget set and 42% had been spent above the budget set;
- a breakdown of the overspend within Children and Families, Physical Disability, Learning Disability and Mental Health and Community;
- a summary of the projected demand for 2020, 2025, 2030 and 2035;
- people living in more deprived areas in Scotland developing multiple conditions around 10 years before those living in the most affluent areas; and
- priorities for 2016/17.

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

- the reduction in funding set against the increased demand for services;
- the split between acute and primary care; and
- challenges for providers in recruiting and retaining home care staff for rural and isolated areas of North Ayrshire.

Noted.

5. Internal Audit and Corporate Fraud Action Plans: Quarter 4 Update

At its meeting on 22 August 2016, the Committee received a verbal update from the Executive Director (Education and Youth Employment) on progress in allocating time for teachers to attend the Corporate Acceptable Computer Use training. Members were advised that one third of staff have now completed training with the balance of staff being progressed through the training with an estimated completion of January 2017. The Committee agreed to receive a further update from the Executive Director (Education and Youth Employment) on training levels on Corporate Acceptable Computer Use to its next meeting.

The Committee was advised that 41% of teachers and 19.1% of support staff have either started or completed the training. Two national work to rule actions by the EIS and a lack of supply staff have impacted on the release of staff to undertake this training. A target of January 2017 has been set for all staff to have completed the training.

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

- 1,043 teachers and 999 support staff who have yet to complete the training; and
- the training course which takes approximately 20 - 45 minutes to complete.

The Committee agreed to receive a further update from the Executive Director (Education and Youth Employment) on the training levels on Corporate Acceptable Computer Use to the meeting.

6. Corporate Fraud and Corruption Strategy

Submitted report by the Executive Director (Finance and Corporate Support) on the Council's Counter Fraud and Corruption Strategy, which was attached at Appendix 1 to the report. The Strategy highlighted the areas of the Council's operations at greatest risk of fraud and corruption and set out the five key steps in managing the Council's approach to tackling fraud and corruption

Members asked questions and were provided with further information in relation to civil action that can be undertaken in order to recover monies where the Procurator Fiscal takes no action and powers the Court has to order repayment when an individual is convicted of fraud.

Noted.

7. Internal Audit Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed between 1 August and 31 October 2016. Appendix 1 to the report provided information on the seven reviews completed together with any high priority actions from each one.

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

- support that is directed and managed by Social Services and self directed support that is funded via direct payments to the individual;
- the indicator in relation to the number of properties at risk of flooding that was out of date and removed from the Council's performance indicators;
- work that has been done to improve the processing times of Discretionary Housing Payments (DHP) and Council Tax Reduction Scheme (CTR) applications;
- vouchers and cash payments that are available to some individuals to purchase clothing and discussions that will take place with the Procurement Team to explore all options for purchasing clothing vouchers;
- an instruction that will be issued to all Masterpiece users to retain supporting records and back up documentation for their service for invoices and credit notes;

- a database that is being developed by the Council's IT Team to replace the existing database used by the Records Management Team;
- an automated system that will be run every 6 months to periodically check that Payments and Receipts Income System (Paris) users are still in relevant roles

Noted.

8. Internal Audit and Corporate Fraud Action Plans: Quarter 2 Update

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made by Council services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 September 2016. Appendix 1 to the report provided details of the 15 actions that were not complete within the agreed timescales.

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

- issues that have been encountered with the annual software update for the HR/Payroll system and discussions with the software company in relation to the quality of the upgrades; and
- the establishment of an employee register of interests as part of the full review of the Council's Governance documents.

Noted.

9. Internal Audit Plan 2016/17: Mid-year Progress

Submitted report by the Executive Director (Finance and Corporate Support) on (a) progress as at 30 September 2016 in delivering the 2016/17 Internal Audit plan, as outlined in the Appendix to the report, (b) details of the 20 reports published during the first half of 2016/17, 16 of which were from the 2015/16 plan and the remaining 4 completed from the current plan and (c) the withdrawal of a number of audits from the plan, as agreed by the Audit Committee at its meeting on 22 August 2016.

Noted.

10. External Audit Action Plans: Quarter 2 update

Submitted report by the Executive Director (Finance and Corporate Support) on progress made in implementing the agreed action plans arising from the external audit of the Council's 2014/15 and 2015/16 accounts. Appendix 1 to the report provided information on the incomplete actions along with the latest management comments.

Noted.

11. Corporate Fraud Team: Mid-year Progress

Submitted report by the Executive Director (Finance and Corporate Support) which provided a mid-year progress update on the work of the Corporate Fraud team. The report provided details of (a) ten internal investigations and 359 external investigations that had taken place, (b) the expansion of the Corporate Fraud Team to cover the East Ayrshire area that will be operational early in 2017, (c) the National Fraud Initiative exercise that is underway and will investigate potential data matches, and (d) International Fraud Week that will take place from 14 - 18 November 2016 and will include a series of events that will be held throughout North and East Ayrshire.

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

- the recovery of Blue Badges by individuals not entitled to them; and
- the expansion of the Corporate Fraud Team to cover the East Ayrshire area and the costs that will be met by East Ayrshire for this service.

Noted.

12. Audit Scotland Benefits Performance Audit Annual Update 2015/16 and Housing Benefit Good Practice Guide

Submitted report by the Executive Director (Finance and Corporate Support) on (a) the findings of the Audit Scotland benefits performance audit annual update 2015/16 as set out at Appendix 1 to the report and (b) the Council's good practice contained in the Housing Benefit Good Practice Guide as set out at Appendix 2 to the report.

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

- the reduction of 5.8% of benefits administration funding from the Department for Work and Pensions (DWP); and
- a reduction in the Council's funding by 7.8% and a potential reduction in DWP funding in 2017/18 to reflect the reduction in Housing Benefit caseload due to the rollout of Universal Credit.

Noted.

13. Consolidation of School Funds

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on (a) the recent Internal Audit recommendation that consideration be given to consolidating school funds into one manageable account and (b) the review undertaken which concluded the investment income, in the current financial climate, would not be sufficiently large to fund staffing support to manage this global fund at this time.

Noted.

14. Audit Scotland report - Maintaining Scotland's Roads

Submitted report by the Executive Director (Place) on (a) Audit Scotland's follow up report "Maintaining Scotland's Roads" published in August 2016, which was attached at Appendix 1 to the report, (b) a number of recommendations made by Audit Scotland for Local Authorities which have been developed by the Council into an Action Plan detailed at Appendix 2 to the report and (c) a fundamental review of the Roads Service that was undertaken by the Council in 2015, attached at Appendix 3 to the report.

Members asked questions and were provided with further information in relation to the follow up report published in August 2016 which reviewed key information and documents, conducted fieldwork at a sample of 11 roads authorities and interviewed senior officers and Elected Members at a sample of ten councils

Noted.

15. Superfast broadband for Scotland: A Progress Update

Submitted report by the Executive Director (Economy and Communities) on the key messages from Audit Scotland's update on the Scottish Government's Programme to roll-out superfast broadband in Scotland. Audit Scotland's update was attached as Appendix 1 to the report and provided information on targets that have been achieved in Scotland. Information was also provided on significant engineering works that have been undertaken in North Ayrshire to deliver the programme which is on course to reach 95% coverage in North Ayrshire by December 2017.

Noted.

16. Audit Scotland Report: Social Work in Scotland

Submitted report by the Executive Director (Finance and Corporate Support) on the recent Audit Scotland report which examined how effectively Councils and Integration Joint Boards are planning to address the financial and demographic pressures facing social work. An Action Plan detailing the key areas of work underway within the Health and Social Care Partnership to address the key messages within the report was appended at Appendix 1 to the report. Appendix 2 provided an Elected Member's self-assessment checklist which set out some issues that Elected Members may wish to consider in relation to social work.

The Committee agreed to (a) circulate to all Members the Elected Member Checklist which sets out some issues that Members may wish to consider in relation to social work in their Council for their information and interest; and (b) otherwise note the report.

17. Local Government Benchmarking Framework (LGBF) 2014/15

Submitted report by the Chief Executive which set out (a) the Directorates' priorities identified through work undertaken following the publication of the latest LGBF report; and (b) highlighted the Improvement Service's areas for development that will enable the Council to make further use of the Framework. Appendix 1 to the report provided an explanation and details of improvement activity in terms of the LGBF measures, focusing in particular on the priority measures.

Members asked questions and were provided with further information in relation to targets that are not set for the costs per primary and secondary school pupil and pre-school education place, as it is considered they provide limited value in determining progress against the key priorities.

Noted.

18. Public Performance Reporting 2015/16

Submitted report by the Chief Executive on the public performance reporting and the Annual Performance Report 2015/16. The report detailed the performance of the range of Performance Indicators that will be used to inform the Council's public performance reporting for 2015/16. Appendix 1 to the report provided details of the full set of indicators to be publicly reported. The 29 Red/Amber indicators along with management commentary from the relevant Directorate were set out at Appendix 2 to the report and the Council Annual Performance Report 2015/16 was attached as Appendix 3 to the report.

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

- work that is being done with services to set targets; and
- narrative that has been provided to explain indicators with a downward trend.

Noted.

19. North Ayrshire CCTV Ltd: Monitoring Report

Submitted report by the Executive Director (Place) which provided information on (a) the performance of North Ayrshire CCTV Ltd during 2015/16; (b) the allocation of funding from the Council and other sources; (c) a financial review that was undertaken in 2016; and (d) statistical information on both the Monitoring Station and the Mobile CCTV Unit.

The Senior Manager (Homelessness and Community Safety) provided further information on a report to Cabinet on 8 November 2016 on the options for the future operation of public space CCTV systems currently managed by North Ayrshire CCTV Ltd. The Cabinet agreed (a) to approve Option 3 - transfer operation of the public space CCTV systems managed by North Ayrshire CCTV Ltd, subject to the allocation of capital funding as part of the Council's budget setting exercise in February 2017; (b) that the required capital funding be considered by Cabinet at a future meeting; (c) subject to the securing of capital funding, that North Ayrshire CCTV Ltd be supported to ensure a managed wind down by March 2018; and (d) that a review of the Council's wider security and emergency/out of hours provisions be undertaken.

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

- the mobile CCTV unit which has experienced a number of mechanical issues resulting in it not being roadworthy for some periods; and
- the requirements to update some of the equipment that has become obsolete.

Noted.

20. Interim Equality Mainstreaming Report and Equality Outcomes

Submitted report by the Chief Executive on the Interim Equality Mainstreaming Report 2014 - 2015, which provided an overview of work going on across the Council to meet the requirements of the Equality Act 2010 and was attached at Appendix 1 to the report.

Noted.

21. Ayrshire Valuation Joint Board Minutes

Submitted the Minutes of the meetings of the Ayrshire Valuation Joint Board (AVJB) held on 12 January 2016, 29 March 2016 and 24 May 2016.

Noted.

22. 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 items of business on the grounds indicated in terms of Paragraph 9 of Part 1 of Schedule 7A of the Act.

23. Corporate Fraud Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Corporate Fraud investigations finalised between 1 August and 31 October 2016. Appendix 1 to the report provided details of the investigations completed and included an executive summary and action plan from each of the investigations.

Noted.

The meeting ended at 11.50 a.m.

Planning Committee
16 November 2016

Irvine, 16 November 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 10.00 a.m.

Present

Matthew Brown, John Ferguson, Robert Bar, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell, Joe Cullinane and Robert Steel.

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 meetings of the Committee held on 26 October 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Consultation on proposed removal of various Public Call Boxes

Submitted report by Executive Director (Economy and Communities) on an update in relation to the ongoing consultation on the proposed removal of various Public Call Boxes by British Telecom.

At its meeting on 26 October 2016, the Committee considered the report on the proposed removal of various Public Call Boxes. The Committee agreed to continue consideration to seek further information from BT on the location of alternative call boxes within 800m of those proposed to be removed, which could absorb the volume of calls had in the last 12 months in the event of removal.

Appendix 1 to the report provided a list of the proposed call box removals. Guidance from the UK's communications regulator (Ofcom) on the removal of a phone box was provided at Appendix 2 to the report. Appendix 3 detailed the consultation letter that had been circulated to Elected Members. BT supplied further information on the location of 8 call boxes within 800m of those proposed to be removed and this was appended to the report at Appendix 4. Further information is awaited on remaining call boxes and this will be forwarded to Members as soon as it becomes available.

The Committee was advised that consultation had taken place with Members and the relevant Community Councils and the Area Housing Managers for Beith/Dalry, Irvine, Kilwinning, Kilbirnie, Largs and the Three Towns.

The Committee agreed to the removals in principle with the exception of the first eight call boxes detailed in Appendix 4 to the report.

4. Control of Advertisements Policy

Submitted report by Executive Director (Economy and Communities) on proposed revisions to the North Ayrshire Control of Advertisements Policy, approved by Committee on 27 April 2016. Appendix 1 to the report provided details of the revised Policy which seeks to ensure the continued provision of appropriate guidance on specific types of advertisements which require express consent, including hoardings (both panels and free-standing), advance signs, and free-standing illuminated signs.

The Committee agreed to (a) adopt the North Ayrshire Control of Advertisements Policy (Appendix 1); and (b) delegate authority to Executive Director (Economy and Communities) to make non-significant editorial changes to the guidance from time to time.

The meeting ended at 10.10 a.m.

Local Review Body
16 November 2016

Irvine, 16 November 2016 - At a Meeting of the Local Review Body of North Ayrshire Council at 10.10 a.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Ian Clarkson, Ronnie McNicol and Tom Marshall.

In Attendance

Anthony Hume, Planning Adviser to the Local Review Body, A. Craig, Team Manager (Litigation) (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell, Joe Cullinane and Robert Steel

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 26 October 2016 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: N/16/00398/PP - Willowbank Hotel, 96 Greenock Road, Largs

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the siting of a self contained biomass boiler and fuel store at Willowbank Hotel, 96 Greenock Road, Largs

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

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

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

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

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

- (1) the proposed development would not accord with Criteria (a) and (b) of the General Policy of the Adopted North Ayrshire Local Development Plan as it would (i) be visually intrusive and out of character with the design and appearance of adjacent and nearby properties to the detriment of the amenity of the areas, and (i) would have a detrimental impact on the amenity of nearby properties by way of smells and emissions.

and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

The meeting ended at 10.35 a.m.

**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 17 November 2016
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

Present

Councillor Peter McNamara, (Chair)
Stephen McKenzie, NHS Ayrshire & Arran (Vice Chair)

Councillor Anthea Dickson, North Ayrshire Council
Councillor Robert Steel, North Ayrshire Council
Councillor John Easdale, North Ayrshire Council
Dr Carol Davidson, NHS Ayrshire & Arran
Dr Janet McKay, NHS Ayrshire & Arran

Iona Colvin, Director North Ayrshire Health and Social Care (NAHSCP)
Pete Gilfedder, Interim Lead Nurse/Mental Health Advisor
Margaret Hogg, Chief Finance Officer
Dr Paul Kerr, Clinical Director
Louise Gibson, Lead Allied Health Professional Adviser

Nigel Wanless, Independent Sector Representative
Louise McDaid, Staff Representative – North Ayrshire Council
Marie McWaters, Carers Representative
Sally Powell, Carers Representative
Jim Nichols, Third Sector Representative
Martin Hunter, Service User Representative
David Donaghey, Staff Representative – NHS Ayrshire and Arran

In Attendance

David Rowland, Head of Health and Community Care
Eleanor Currie, Principal Manager (Finance)
Thelma Bowers, Head of Service (Mental Health)
Paul Davies, Internal Auditor
David Hornell, Team Manager (Money Matters)
Karen Andrews, Team Manager (Governance)
Angela Little, Committee Services Officer

Apologies for Absence

Bob Martin, NHS Ayrshire & Arran
Stephen Brown, Chief Social Work Officer – North Ayrshire
Kez Khaliq, GP Representative
Dr Mark McGregor, Acute Service Representative

1.	Apologies Apologies were noted.	
2.	Declarations of Interest There were no 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.	
3.	Minutes/Action Note – 8 September 2016 The accuracy of the Minutes of the meeting held on 8 September 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.	
3.1	Matters Arising There were no matters arising.	
4.	Review of Services for Older People and Those with Complex Care Needs Submitted report and presentation by David Rowland, Head of Health and Community Care on the work being undertaken to meet the future needs of Older People and People with Complex Care Needs. The Interim Report was outlined at Annex A to the report and outlined the vision for the programme and a summary of the broad framework that was developed for the components of care focused around the needs of older people and people with complex needs. The presentation provided information on:- <ul style="list-style-type: none"> • Do we need to change? • Overarching Strategic Direction; • Developing the Strategic Vision; • Refreshing the intended outcomes; • Do the vision and outcomes take us in the right direction? • The RCOP Model; • The RCOP Pathway; • Defining a new paradigm; • Engaging others to define a new paradigm; • Redefining the Model and Pathway for a new paradigm; • Is this the correct paradigm?; and • Transitioning to a new paradigm. 	-

	<p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • Education, awareness raising and a Communications Strategy that will be required to ensure the public are kept informed of the changes to services for older people and those with complex care needs; • Work that will be also be done with health professionals to raise awareness of the services that are available for older people, which will include a Single Point of Contact and an electronic information system for professionals to access information on services; • The differentials in services across Ayrshire; and • The development of a pan Ayrshire Business Case to cost the proposals and determine affordability. <p>The Board agreed to support the further development of the project and receive regular updates of progress.</p>	
5.	<p>Chief Social Work Officer Annual Report</p> <p>Submitted report by Stephen Brown, Head of Children and Families and Criminal Justice on the annual report of the Chief Social Work Officer to the local authority on the statutory, governance and leadership functions of the role, as detailed at Appendix 1, which included information in relation to:-</p> <ul style="list-style-type: none"> • Partnership structures/governance arrangements; • Social Services landscape/market; • Finance; • Performance and Service Quality; • Statutory functions; • Continuous improvement; • Planning for change; • User and Carer empowerment; • Workforce Planning/Development; and • Key challenges for the year ahead <p>Members acknowledged the tremendous work done by staff in working with the most vulnerable and disadvantaged people in the community. They also expressed their appreciation for the work done to welcome and help to settle refugees into North Ayrshire communities.</p> <p>The Board agreed to note and endorse the report as detailed at Appendix 1 to the report.</p>	

<p>6.</p>	<p>Director's Report</p> <p>Submitted report by Iona Colvin, Director NAHSCP on developments within the North Ayrshire Health and Social Care Partnership.</p> <p>The report highlighted works underway in the following areas:-</p> <ul style="list-style-type: none"> • Appointment of Lead Nurse, NAHSCP; • Forensic Mental Health Unit, Ayrshire Central Hospital, Irvine; • Family Nurse Partnership Graduation Event; • Café Solace; • Care Opinion; • Partnership Staff Awards Ceremony; • "Let's Build a Carer Community in North Ayrshire; • Local Connections, Better Outcomes; • North Ayrshire GP Event; and • National Care Leavers Week. <p>Appendix 1 to the report provided an update in relation to the feedback from the North Ayrshire Health and Social Care Provider Forum held on 5 October 2016.</p> <p>The Board was advised that the Carers Advisory Group are currently working on a Carers Support Package.</p> <p>Noted.</p>	
<p>7.</p>	<p>Winter Plan 2016/17</p> <p>Submitted report by David Rowland, Head of Service (Health and Community Care) on NAHSCP's contribution to NHS Ayrshire and Arran's Winter Plan.</p> <p>The Plan, which requires to be submitted to the Scottish Government, details how the local system will respond to anticipated increases in demand for services over the winter period and set out proposals to:-</p> <ul style="list-style-type: none"> • Sustain capacity from winter 2015/16; • Develop capacity within existing resources; • Create additional capacity with additional resources; • Anticipate outcomes; and • Measure Impact. <p>Members asked questions and were provided with further information in relation to:-</p>	

	<ul style="list-style-type: none"> The development of Advanced Nurse Practitioner capacity in North Ayrshire to support telehealth monitoring and lay the foundations for Hospital at Home; <p>The Board agreed to (a) approve the contribution to NHS Ayrshire and Arran's Winter Plan; (b) endorse and support (i) the continued delivery of those service models established in 2015/16; (ii) the development of those service models that are proposed for delivery within existing resources; and (iii) subject to additional funds being made available, the creation of additional capacity with the Care at Home service; and (c) receive an interim report in January 2017 to update Members on the extent to which the anticipated benefits are being delivered through Winter 2016/17.</p>	D. Rowlands
8.	<p>Financial Performance Report</p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on the overview of the 2016/17 financial position of the North Ayrshire Health and Social Care Partnership as at 30 September 2016. Appendix A to the report provided details of the Period 6 Objective Summary. The Period 6 Subjective Summary was provided at Appendix B to the report. Appendix C outlined the Change Programme Financial Summary. The mitigating action required to bring the budget on-line was provided at Appendix D. Appendix E detailed the 2016/17 Savings Tracker. Movements since the approved budget were provided at Appendix F. Appendix G gave information of the proposed Mitigation Plan for Care at Home Budgetary Pressures in 2016/17.</p> <p>The Principal Manager (Finance) provided an update in relation to Home Office funding that has now been confirmed for one residential school placement (£0.170m).</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> The projected overspend in Care at home costs includes a pressure resulting from the transfer of cases from independent sector providers to the in-house service in December 2015; An overspend in Adult Inpatient Wards within Woodland View and Ailsa as a result of a number of factors; The workforce tool which has assessed current numbers to determine the appropriate workforce model for delivery of wider mental health services within Woodland View; Services that had insufficient or no funding allocated to them and unprecedented increases in demand for services for older people that has attributed to the budgetary pressures despite additional funding being provided, 	

	<ul style="list-style-type: none"> • A Budget Seminar will be held for IJB Members in the new year; • Discussions that will continue to take place with IJB funders and the Scottish Government; and • The timescales for budget allocations from the Scottish Government and the setting of budgets by the Council and NHS Ayrshire and Arran. <p>The Board noted that the second sentence at 3.2(c) of the report should be have been removed.</p> <p>The Board agreed to (a) note the content of the report and the projected overspend of £5.054m for 2016/17; (b) approve the mitigating action identified at this stage and note that discussions are underway with all partners; (c) note that a further report will be presented to a future IJB on the Mental Health Lead Partnership recovery plan; (d) approve the virements request in section 14.1 of the report; (e) approve an approach for care at home which would see implementation of a new approach to allocating capacity which would allocate service based on existing funding capacity and prioritisation of needs of those waiting; and (f) note the trial changes to existing service provision for care at home.</p>	E. Currie
9.	<p>Arran War Memorial Hospital</p> <p>Submitted report by Pete Gilfedder, Interim Lead Nurse/Mental Health Advisor on the unannounced inspection visit by the Healthcare Environment Inspectorate (HEI) on 26 – 27 July 2016 to the Arran War Memorial Hospital. Overall the report was positive and set out two requirements in respect of the provision of alcohol-based hand rub and the management of blood and body fluid spillages in the hospital waiting area. An Action Plan was developed to ensure compliance with the HEI's inspection.</p> <p>Noted.</p>	
10.	<p>Improving Access to CAMHS and Psychological Therapies</p> <p>Submitted report by Thelma Bowers, Head of Mental Health which provided an overview of the proposals for the use of Government funding to improve access to CAMHS and Psychological Therapies. The report also outlined proposals for Government Workforce Capacity Funding by NHS Education for Scotland (NES) which included:-</p> <ul style="list-style-type: none"> • An allocation to NHS Boards to build and increase workforce capacity to deliver services (24.7m); 	

	<ul style="list-style-type: none"> Support for the development of the mental health workforce to enhance supply and training of workforce to deliver evidence-based therapies delivered by NHS Education for Scotland (£24.6m); and The delivery of a Mental Health Access Improvement Support Programme delivered by Healthcare Improvement Scotland (£4.8m). <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> A number of workforce reviews that will be undertaken to determine how the current workforce is being utilised and how to release capacity into the system. The inclusion of administrative support and Clinical Psychologist posts and salary grades within the review; Plans to address gaps in the allocation of building workforce capacity funding; and A progress report that will be brought back to a future meeting. <p>The Board agreed to (a) note the content of the report; and (b) approve the proposals and plans for Government funding.</p>	T. Bowers
11.	<p>Appointment to Performance and Audit Committee</p> <p>Submitted report by Iona Colvin, Director (NAHSCP) on the membership of the IJB Performance and Audit Committee, the appointment of Councillor McNamara as the Chair of the Integration Joint Board and the vacancy created by the resignation of Councillor McNamara from the IJB Performance and Audit Committee.</p> <p>The Board agreed to appoint Councillor Anthea Dickson to the IJB Performance and Audit Committee.</p>	A. Little
13.	<p>Integration Joint Board Meeting dates 2017</p> <p>Submitted report by Karen Andrews, Team Manager (Governance) on proposed dates for meetings of the Integration Joint Board in 2017.</p> <p>The report provided information on a range of influencing factors that required to be taken into consideration, such as the budget reporting timescales and the Local Government Election on 4 May 2017.</p> <p>The Board agreed to approve the dates as detailed in the report.</p>	K. Andrews

14.	<p>Procurement – EU Tender Plan and Contracting for Services</p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on the EU Procurement Tender Plan and the proposed tendering of health and social care contracts by North Ayrshire Council.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • Feedback that is awaited from other authorities in relation to proportion of services under financial cons; • The appendices to the report that provided details of the spend in 2015 and has been published on the Council's website; • The extension of services into Vennel Gardens and Montgomery Court; • The creation of an Executive Group for the Providers Forum that will provide a mechanism for discussion around contracts. <p>The Board agreed to (a) request the Council to tender for the services listed in the EU Tender Plan, as outlined in Appendix 1 to the report; (b) request the Council to contract for care services on an interim basis, as outlined in Appendix 2 to the report; (c) request the Council to go to tender for non care services, as outlined in Appendix 3 to the report; and (d) approve the appointment of two temporary Procurement Officers funded from within existing resources.</p>	E. Currie
15.	<p>Social Security in Scotland</p> <p>Submitted report by David Hornell, Team Manager (Money Matters) on the Council's response to the consultation on Social Security in Scotland and the implications for the Health and Social Care Partnership.</p> <p>The consultation is looking at what the Scottish Social Security agency will deliver in the future and is in three parts:-</p> <p>Part 1 – a principled approach and embedding five key principles; Part 2 – developed benefits; and Part 3 – operational policy.</p> <p>The report outlined the issues that may affect Health and Social Care Partnership, such as how benefits will be delivered in the future; Disability Benefits; and Carers Allowance.</p> <p>M. McWaters, Carers Representative provided an update following attendance at the recent Carers Parliament and advised there should not be DWP clawback on any top up.</p>	

	The Board agreed (a) to note the North Ayrshire Council response to the consultation on Social Security in Scotland; (b) that further information and detail is required to assess the impact on citizens of North Ayrshire, including carers and those who require services commissioned by the IJB; and (c) to receive a further report following the conclusion of the consultation exercise.	
	The meeting ended at 12.10 p.m.	

Police and Fire and Rescue Committee
21 November 2016

IRVINE, 21 November 2016 - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

Present

Catherine McMillan, Marie Burns and Grace McLean.

In Attendance

A. Fraser, Head of Democratic Services and D. McCaw, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Chief Inspectors T. Ross and B. Shaw (Police Scotland); J. Scott, Local Senior Officer and Group Manager K. Hankinson (Scottish Fire and Rescue Service).

Chair

Councillor McMillan, Vice-Chair in the Chair.

Apologies for Absence

John Easdale, Peter McNamara and Irene Oldfather.

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 Committee held on 15 August 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Performance Reports

3.1 Scottish Fire and Rescue Service

Submitted report by the Scottish Fire and Rescue Service (SFRS) on progress against the North Ayrshire's Local Fire and Rescue Plan 2014-17 and which provided other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April 2016 to 30 September 2016 was set out at the Appendix to the report.

Section 2.1 of the report provided an analysis of operational activity for the period 1 April to 30 September 2016, which identified a 14% increase in activity levels across the local authority area compared with the corresponding activity period in the previous year. Performance during the year showed that one indicator is on target, 3 indicators are currently adrift of the three-year average targets and 2 indicators have not achieved their respective targets.

The report also provided updates in respect of the publication of the Scottish Fire and Rescue Strategic Plan 2016-19, the wholetime recruitment campaign and the incident statistics for 2015-16.

Members asked a question, and received further information, on measures to address the high number of unwanted fire alarm signals attributed to schools.

Local Senior Officer Scott further indicated that confirmation of the timescales for the introduction of the next Local Fire and Rescue Plan for North Ayrshire would be confirmed to a later Committee.

The Committee agreed to note (a) the content of the performance summary and associated report for the period 1 April 2016 to 30 September 2016; (b) the update in respect of the publication of the Scottish Fire and Rescue Strategic Plan 2016-19; (c) the update in respect of the SFRS wholetime recruitment campaign; and (d) the publication of the Scottish Fire and Rescue Services incident statistics for 2015-16.

3.2 Police Scotland

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April 2016 to 30 September 2016. Appendix 1 to the report provided detailed information on performance against the Plan's priorities and associated objectives, and gave information on complaints against the Police.

Members asked a question, and received further information, on the 4 traffic accidents which had taken place at Towerlands Road in Irvine, all within a 7-8 day period.

Chief Inspector Ross undertook to bring to the attention of the Divisional Road Safety Group the road traffic incidents at Towerlands Road, Irvine.

The Committee agreed to note the performance information set out in the report.

4. Police Scotland

4.1 North Ayrshire Local Police Plan (LLP)

Submitted report by Police Scotland on a process of review and consultation to inform the preparation of the next Local Policing Plan.

The Plan will cover the period 2017-2020 and will continue to be closely aligned with Community Planning priorities. The Community Planning Partnership (CPP) is in the process of developing its new Local Outcomes Improvement Plan and this will present an opportunity for close co-operation as the 2 Plans are developed. In addition, a variety of locally relevant data sources will be taken into consideration as detailed in Section 2.

The current Plan will remain valid until 31 March 2017 and the replacement Plan will be presented to the Committee for approval prior to commencement date.

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

- any specific policing issues arising from the Locality Planning meetings; and
- officer feedback on the locality approach which has been mostly positive.

The Committee agreed to endorse the approach to the preparation of the North Ayrshire Local Police Plan for 2017-2020 as detailed in the report.

4.2 Update on National/Local Policing Matters

Submitted report by Police Scotland on relevant local and national policing matters which fall outwith the local Policing Plan progress update as detailed in section 1 of the report.

Members asked a question, and received further information on whether strip searching of young people was something that was undertaken within North Ayrshire.

The Committee agreed to note the information contained within the report.

4.3 Multi Agency Risk and Concern Hub

Submitted report by Police Scotland on the commencement of a Multi-Agency Risk and Concerns Hub in Ayrshire Division on 1 September 2016.

Agreement was reached early this year to co-locate Police Scotland and North Ayrshire Health and Social Care practitioners in the Hub within Kilmarnock Police Station in order to create the Multi Agency Risk and Concerns Hub which has expanded on the successful practice of the existing MADART protocol for dealing with Domestic Abuse concerns. Intended outcomes are that children receive more appropriate and proportionate responses to police concerns and that the right children are referred at the right time in a joined up way to the Children's Reporter. The co-location of staff from different agencies allows for more effective screening and assessment of recorded concerns.

The Committee agreed to (a) note the information contained within the report; and (b) receive a further report on the operation of the Hub, including the Annual Report, at the conclusion of the first year of operation in September 2017.

5. Scottish Fire and Rescue Service

5.1 Positive Steps with Partners Project Update

Submitted report by the Scottish Fire and Rescue Service (SFRS) on the commencement of the 'Positive Steps with Partners' Project.

The joint initiative with the Ayrshire Community Trust (TACT) commenced on 1 June 2016 providing support to unemployed North Ayrshire residents with identified barriers to employment. The project offers participants the opportunity to develop practical work experience and gain accredited qualifications to promote a route back into employment. A total of 9 volunteers have successfully completed an eight week training programme and are now working alongside SFRS Community Action Team.

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

- mindfulness training and how it assists with confidence and interview training; and
- clarification on the SVQ level 4 in Customer Service gained as part of the training programme.

Group Manager Hankinson undertook to provide further information to Members on the SVQ Level 4 accreditation in Customer Service.

The Committee agreed to note the information contained within the report.

The Meeting ended at 3.05 p.m.

Cabinet
22 November 2016

IRVINE, 22 November 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.00 p.m.

Present

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

Also Present

Willie Gibson and Catherine McMillan.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director, D. Forbes, Senior Manager - Financial Management, D. Miller, Complaint and Feedback Manager and A. Munn, Team Manager, Policies and Procedures (Finance and Corporate Support); I. Colvin, Director (Health and Social Care Partnership); C. Hatton, Executive Director, Y. Baulk, Head of Service (Physical Environment), T. Reaney, Senior Manager (Streetscene) and C. Forsyth, Team Manager (Traffic and Transportation) (Place); C. MacAuley, Head of Service (Economic Growth) (Economy and Communities), J. Hutcheson, Communications Officer, L. Dunlop, Administrative Assistant and D. McCaw, Committee Services Officer (Chief Executive's).

Chair

Councillor Cullinane in the Chair.

Apologies for Absence

Peter McNamara

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 held on 8 November 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Management of Unacceptable Contact Policy

Submitted report by the Executive Director (Finance and Corporate Support) on the amendments to the Management of Unacceptable Contact Policy which was attached at Appendix 1 to the report.

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

- feedback from a review which is carried out every 2 years which has resulted in the minor amendments to the Policy;
- how often the Council has had to make use of the Policy;
- whether any use of the Policy relates to a specific area within the Council or whether it is Council-wide; and
- the use in relation to specific instances where the Policy has previously been applied.

The Cabinet agreed to approve the amendments to the Management of Unacceptable Contact Policy as detailed in the report.

4. Revenue Budget 2016/17: Financial Performance to 30 September 2016

Submitted report by the Executive Director (Finance and Corporate Support) which (a) set out the revenue budgetary control position for the Council at 30 September 2016; (b) provided a brief explanation of Services' major variances at Appendices 1 - 10; (c) detailed the proposed virements at Appendix 11; and (d) detailed the Housing Revenue account budgetary control position at 30 September 2016 at Appendix 12.

Councillor Cullinane proposed that the Council ensured that all North Ayrshire Council workers were in receipt of the Living Wage of £8.45 per hour effective from 1 November 2016 and that this be funded from in-year projected surplus at a total cost of £40,000. The proposal was unanimously supported by Cabinet Members.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the allocation of non recurring funding as summarised at section 2.4; (c) approve the carry forward of £0.84m identified at section 2.5(v); (d) note the current financial projection for the Health and Social Care Partnership; (e) approve the virements detailed in Appendix 11; and (f) ensure that all North Ayrshire Council workers were in receipt of the Living Wage of £8.45 per hour effective from 1 November 2016 and that this be funded from in-year projected surplus at a total cost of £40,000.

5. Capital Programme Performance to 30 September 2016

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on the progress in delivering the Capital Investment Programme as at 30 September 2016.

Members asked a question and were provided with further information in relation to the underspend within the HRA being considered as part of future planning.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the actual General Services and HRA expenditure and revised budgets to 30 September 2016; and (ii) the forecast of expenditure to 31 March 2017.

6. Treasury Management Mid-Year Report 2016/17

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management update for the period 1 April to 30 September 2016.

The Cabinet agreed to (a) endorse the contents of the Mid-Year Treasury Management Report for 2016/17 as detailed at Appendix 1 to the report; and (b) note the Prudential and Treasury Indicators contained therein.

7. Ethical Care Charter

Submit report by the Director (Health and Social Care Partnership) on the adoption of Unison's 'Ethical Care Charter' and the proposal to become an Ethical Care Council.

Members asked a question and were provided with further information in relation to timescales for implementation of the further stages of the Charter.

The Cabinet agreed to (a) approves the adoption of the Ethical Care Charter; and (b) the implementation of the proposal to become one of the few Councils in Scotland to achieve recognition as an Ethical Care Council.

8. Open Space Strategy 2016-2026

Submitted report by the Executive Director (Place) on the Open Space Strategy 2016-2026 which will enable the Council to provide high quality open space to the benefit of all communities.

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

- any feedback which had been received following the Ardeer Open Day;
- any opportunities which exist to utilise fallen trees on Council land; and
- the wind-up of 'Friends of the Plantation' in Ardrossan and any assistance that can be provided.

The Senior Manager (Streetscene) advised that he would (a) provide a report to all Members on the feedback received from the Ardeer Open Day; and (b) contact 'Friends of the Plantation' to assist with their wind-up.

The Cabinet agreed to approve the Open Space Strategy 2016-2026 as detailed at Appendix 1 to the report.

9. Glencairn House, New Build Sheltered Housing Development, Stevenston

Submitted report by the Executive Director (Place) on the revisions to the budget for the planned new Glencairn House sheltered housing development in Stevenston.

The Cabinet agreed to approve the revised budget for the project as detailed in the report.

10. West Kilbride Traffic Management

Submitted report by the Executive Director (Place) on the progression of a Traffic Regulation Order to introduce a new traffic management system in West Kilbride.

The Cabinet agreed to (a) note the findings in the report; and (b) approve (i) the proposal to promote a Traffic Regulation Order to introduce a new traffic management system in West Kilbride, and (ii) its implementation subject to no objections being received.

11. Strategic Housing Investment Plan 2017-2022

Submitted report by the Executive Director (Place) on the proposed Strategic Housing Investment Plan 2017 – 2022.

Members asked a question and were provided with a more detailed explanation of what is involved with the development of a 'sustainable' home.

The Cabinet agreed to (a) approve the Strategic Housing Investment Plan 2017-2022; and (b) gives delegated authority to the Executive Director (Place) and the Cabinet Member for Place to liaise directly with the Scottish Government in agreeing the North Ayrshire development programme and the rescheduling of projects as required.

12. West of Scotland Archaeological Service

Submitted report by the Executive Director (Economy and Communities) on the proposal that the Council formally withdraw from the West of Scotland Archaeology Service.

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

- whether there are suppliers within North Ayrshire offering this specialist service; and
- consultation with these local groups to see if they can assist with future delivery models.

The Cabinet agreed to delegate authority to the Executive Director (Economy and Communities) to (a) submit the Council's notice to withdraw from the West of Scotland Archaeology Service (WoSAS); and (b) withdraw that notice, if it is established from negotiations with WoSAS that continued membership of the service would be in the best interests of the Council.

13. Award of Contract - Construction of New Build Sheltered Housing Unit, New Street, Stevenston

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Construction of New Build Sheltered Housing Unit, New Street, Stevenston.

Members asked a question and were provided with further information in relation to a 7-year payback time in terms of investment in relation to solar panels within Council properties. Councillor Bell intimated that this had been raised at a recent Locality Planning meeting where tenants were in favour of this development.

The Cabinet agreed to approve the award of the contract to Ashleigh (Scotland) Limited.

14. Interim Contract Approval - Supply of a Managed Fleet Store Service

Submitted report by the Executive Director (Finance and Corporate Support) on the interim contract for the Supply of a Managed Fleet Stores Service.

The Cabinet noted the award of the interim contract for the supply of a managed fleet store service in line with the Council's Standing Orders Relating to Contracts.

15. Award of Contract - Flexible Intervention Service

Submitted report by the Director (Health and Social Care Partnership) on the tender exercise and award of contract for the Provision of a Flexible Intervention Service.

The Cabinet agreed to approve the award of the Contract to The Richmond Fellowship Scotland for a period of two years with the option to extend for up to a further one year.

The meeting ended at 3.20 p.m.

Licensing Committee
23 November 2016

Irvine, 23 November 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Robert Barr, John Bruce, Tom Marshall , Grace McLean, Catherine McMillan and Donald Reid.

In Attendance

W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant; D. Robertson, Enforcement Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector B. Skimming and D. Hastings (Police Scotland).

Chair

Councillor McNicol

Apologies for Absence

John Easdale, Alan Munro and Robert Steel.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, due to being related to the applicant, declared an interest in Agenda Item 3, Appendix B, Case 9 (Civic Government (Scotland) Act: Licensing Matters) and took no part in the decision.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 2 November 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

Part A: Hearings

Public Charitable Collections

Royal British Legion (Largs Branch)

The applicant, having been duly cited to attend was present. The applicant has applied for a Charitable Collection between 6.00 p.m. and 10.00 p.m. on 1 December 2016, which is outwith the Council policy.

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

Decision

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

Scottish Maritime Museum Trust

The applicant, having been duly cited to attend was represented. The applicant has applied for a Charitable Collection between 4.00 p.m. and 10.00 p.m. on 30 November to 3 December 2016, which is outwith the Council policy.

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

Decision

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

West Kilbride Festival Committee

The applicant, having been duly cited to attend was in attendance. The applicant had applied for a Charitable Collection on 2 December 2016, which is outwith the Council policy. The Committee were advised of the applicant's position.

Decision

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

Taxi Driver's Licences

TDL/00188 (New) John Monaghan

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

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

Decision

Councillor McNicol, seconded by Councillor Bruce, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

TDL/02006 (New) Anthony Healy

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

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application, as previously intimated in writing to the applicant. The Police requested that they be allowed to supply further information and gave the Committee an indication of its nature. The Committee considered that request and were satisfied that justice could not be done without having regard to that further information. Therefore the Police supplied details of that further information.

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

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

Decision

Councillor Barr, seconded by Councillor McLean, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

TDL/01418 (Renewal) Mary Myra Craig

The licenceholder, having been duly cited to attend, was not present.

The Committee was advised that DVLA's computer system had not been fully operative and therefore confirmation of the licenceholder's up-to-date driving licence had not been possible. DVLA had now confirmed that the licenceholder had a valid driving licence.

Decision

Councillor McNicol, seconded by Councillor Bruce, moved that the application be granted. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the 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.

Part B: Applications for Licences/Renewal of Licences

STL/E/274 (New) Sharon Serapiglia

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.

STL/O/445 (New) Alexander Muir

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.

TDL/00190 (New) Raymond Henry Potts

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.

TDL/00192 (New) Thomas Paul Foy

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.

TDL/01168 (Renewal) Paul William McPherson

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.

TDL/01702 (New) Barry Seymour

The Committee unanimously agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

TDL/01876 (Renewal) Alessandro Gavazzeni

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.

TDL/01885 (New) Peter Brown

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.

TDL/01921 (New) Kenneth Kilmurry

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.

TDL/02007 (New) Robert James Dickie

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.

TL/047 (Partnership Amendment) Cyril Brown and Ian McKerracher

The Committee unanimously granted consent to the proposed material change in terms of Paragraph 9 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

PART C:

Issues in respect of Existing Licences

TL/037 - Philip Gaw

The Committee was advised of a complaint from a member of the public regarding an allegation relating to a shared taxi between Kilwinning railway Station and two other addresses in Kilwinning. The Enforcement Officer provided additional information in relation to the allegation.

The Committee decided, on the basis of the information presented, not to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

STL/O/414 Neil McIntyre

The Committee was advised of a complaint from two members of the public regarding an allegation of vehicle obstruction and damage to a vehicle. The Enforcement Officer provided additional information in relation to the allegation.

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.

4. Caravan Sites and Control of Development Act 1960

Submitted report by the Chief Executive on a request for the variation of Condition 24 for Kames Caravan Site (Licence 08) which required two parking spaces to be provided adjacent to the entrance and within the site.

The Committee agreed to vary Condition 24 for Kames Caravan (Licence 08) to allow each of the five caravans an allocated parking bay next to their caravan.

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

The Solicitor (Licensing) advised the Committee that this report had been withdrawn in the absence of any Landlord Registration matters to be considered.

Noted.

6. Urgent Item

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

6.1 Stevenston Christmas Lights

The Committee was advised of an application from Stevenston Christmas Lights for a Charitable Collection between 5.30 p.m. and 7.00 p.m. on 9 December 2016, which is outwith the Council policy.

Decision

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

The meeting ended at 11.00 a.m.

Appeals Committee
25 November 2016

IRVINE, 25 November 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Councillors Alan Munro, Marie Burns and Donald Reid

In Attendance

A. Craig, Team Manager (Litigation)(Democratic Services); and A. Young, HR Operations Manager, Jenny Scales (shadowing) (Human Resources and Organisational Development) (Finance and Corporate Support).

Also In Attendance

Russell McCutcheon, Head of Service (Commercial)(Place); and Fiona Carlyle, HR Adviser (Finance and Corporate Support); the appellant and Paul Arkison, GMB.

Chair

Councillor Munro 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 Committee held on 28 October 2016 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 Place.

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

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

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

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

The Meeting ended at 12 noon.

Planning Committee
7 December 2016

Irvine, 7 December 2016 - At a meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Bar, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

Also Present

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

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 meetings of the Committee held on 16 November 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

16/00793/PP: Site To North Of Knowes Farm, Beith

Smith Skip Limited have applied to vary Condition 2 of planning permission dated 20 August 2001 (ref: 99/00036/PP) to enable waste disposal operations to continue until 20th August 2026 at the site to the north of Knowes Farm, Beith. Condition 2 initially limited the operations to within 10 years of commencement of the permission. The operations commenced August 2006 and therefore Condition 2 required operations to cease by 20 August 2016. The original conditions were attached as Appendix 1 to the report. Ninety-one objections and two representations were received. The objections/representations and the applicant's response, where appropriate, were summarised in the report.

Elected Members visited the site on 1 December 2016.

The Committee was advised of a correction to the report on Page 17 (Sections 3.7 and 3.8) which should read 20th August 2026.

Mr Ross (objector) and resident of Beith, addressed the Committee in support of his objections. There have been 13 previous applications but it is not clear at which point the contour levels of the site were agreed. He acknowledged that the site has been established, but referred to Section 3.5 of the report which stated that it is not considered that a location within a settlement for such a use would be desirable. In terms of the capacity of the site, the levels should have been achieved within 10 years and there has been plenty of time to achieve this. The materials brought to the site are almost exclusively from outwith North Ayrshire and other sites are available within a 25 miles radius. The proposed Code of Practice for vehicle movements is welcomed, however there are no details of how this would be policed. There is little evidence of efforts to examine other options in order to reduce the impact on the operation of the site on local residents. He considered that the Officer's report should be referred back for a more balanced proposal.

Janet Barr (objector) and resident of Kings Road, Beith, said her main concerns were health and safety and advised of the dust and mess generated by the lorries accessing the site via Kings Road, with dust penetrating into the homes along the route. Despite the lorries being covered, stones and boulders are cast from the vehicles onto the road and properties. The drivers need to respect the speed limits, particularly in poor weather conditions. The vehicles are noisy and are too big to use Kings Road and consideration should be given to the residential nature of road, including the close proximity of lorries to parked cars and the movement of pedestrians.

Councillor Jean Highgate (objector), resident and local Councillor of Beith, advised that a letter from W H Malcolm dismissed concerns regarding noise, dust and vibrations. Whilst changes in legislation have resulted in the site not meeting the infill deadline, the infill levels are being given more consideration than the local residents. The length of the proposed permit should be reduced.

Mr Doak, AED Planning and Development, on behalf of the applicants, Smith Skip Ltd, then addressed the Committee in response to the issues raised. W H Malcolm was appointed as the main contractor for the site in 2013 and have invested in the site and made operational changes for environmental improvement. The waste market has been affected by changing legislation which has resulted in fluctuations in the quantity and density of waste. The site therefore requires 9 further years of infilling and one additional year for restoration. SEPA has acknowledged that previous infill rates cannot be guaranteed for future years. No objections have been received from statutory consultees and the operator has not received any complaints from local residents prior to the submission of the application. The proposal also accords with the Local Development Plan. The applicant has proposed that a Code of Practice for Haulage be introduced, which would outline the practices expected from hauliers and could include the exclusion of drivers from the site who persistently breach the Code. The establishment of a Liaison Committee has also been proposed. The Liaison Committee would provide a forum for local concerns to be raised and for the sharing of information.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- a number of complaints to SEPA in 2012 and 2014 relating to odour caused by operational issues;
- vehicles using Kings Road to access the new school site in Largs;
- the covering of vehicles to prevent debris falling onto public roads;
- infrastructure investment, a restriction on waste types and changes to management control that took place in 2013 to reduce the odour impact from the site;
- the use of articulated lorries and tippers by five haulier companies to access the site, via Kings Road, at an average of one per hour over a 10 hour day;
- 4 axle vehicles which use the A760 route to the site;
- the introduction of a road sweeper to clean the road as required;
- the policing of the Code of Practice by the main contractor, W H Malcolm;
- the Code of Practice that could examine areas such as a restriction on vehicle using Kings Road during the times when children will be walking to school and the maximum number of articulated lorries using Kings Road per day;
- an examination of SEPA conditions in relation to the measurement of emissions on route to the site;
- that the site could not be restored within the 3 year timescale proposed by the objectors to the application;

The Senior Planning Services Manager then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- proposed conditions that could be put in place to restrict the types of waste deposited on the site, in particular to exclude residential domestic waste and to require the establishment of a Liaison Committee.
- Liaison Committees which are useful in communicating with local residents to resolve local concerns;
- the burn-off of methane within the site;
- and the provision of wheel washing facilities on site;
- Sunday deliveries to the site which are required to allow flexibility;
- safety concerns for pedestrians using Kings Road, including school children walking to the new campus; and

The Committee agreed to grant the application, subject to (a) the terms of Condition 22 being reported back to Committee for determination, and (b) the following conditions:-

1. That the landfill operations at the application site shall at all times be carried out in accordance with the working method statement, drawings and supporting information hereby approved, and there shall be no change in the operation or working method without the written approval of North Ayrshire Council, as Planning Authority.

2. That by the 20th August 2026 the operations hereby approved shall cease and the site shall be restored to the satisfaction of North Ayrshire Council, as Planning Authority.
3. That in the event of operations ceasing on the site prior to the date specified in Condition 2, within six months of the cessation of operations all buildings ancillary to the landfill operations shall be removed and the entire site restored to the satisfaction of North Ayrshire Council, as Planning Authority. Operations will be held to have ceased in the event of no in-fill operations being carried out for 6 months. For the avoidance of doubt, any voids not completed shall be covered over with top soil and grass seeded.
4. Deliveries to the site shall be made only within the hours of 07.00 to 18.00 Monday to Friday and 07.00 and 14.00 Saturday. The operation of the site shall take place only within the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 Sundays, except in the case of emergencies to be agreed as soon as practicable with North Ayrshire Council, as Planning Authority.
5. That within 3 months of the date of the decision, detailed site drawings of the phasing operations for in-fill in the remaining cell areas shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter operations shall be carried out in accordance with the approved details.
6. That within 3 months of the date of the decision the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, details of a financial bond secured with SEPA to ensure the restoration of the site to agricultural use in the event that the applicant is unable to implement the restoration works approved under Condition 3 above.
7. That within 3 months of the date of the decision, confirmation of the location and size of the topsoil stockpile shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
8. That all topsoil and soil forming material to be removed shall be stored within the land shown on the approved drawings as being in the applicant's ownership and shall not be taken off site without the written consent of North Ayrshire Council, as Planning Authority.
9. That the topsoil and soil forming material stockpiles shall be kept free of weeds and shall be seeded to the satisfaction of North Ayrshire Council, as Planning Authority.
10. That within 3 months of the date of the decision, details of measures to prevent and control the emission of dust from the site shall be submitted to, and approved in writing by, North Ayrshire Council, as Planning Authority.

11. That in the event of dust produced by the tipping operations hereby approved or by vehicles passing to and from the site constituting nuisance, measures will be taken by the operator to control the dust emissions to the satisfaction of North Ayrshire Council, as Planning Authority.
12. That all leachate shall be constrained within the site and treated in accordance with the requirements of the Scottish Environmental Protection Agency to the satisfaction of North Ayrshire Council as Planning Authority.
13. That within 3 months of the date of the decision, an assessment of the volume and toxicity of the leachate generated by the current operations at the existing landfill, including an assessment of the risk this may present to natural systems, including a worst case scenario should the containment system fail, shall be submitted to North Ayrshire Council, as Planning Authority for their written approval, which report shall demonstrate that the water treatment proposals are adequate to eliminate any pollution risk.
14. That the operator shall take all necessary measures to control vermin at the site of the operations hereby approved to the satisfaction of North Ayrshire Council, as Planning Authority.
15. That there shall be no burning of material on the site at any time.
16. That within 3 months of a date of the decision, an updated landscape impact assessment supported by a costed programme of mitigation and screening shall be submitted to North Ayrshire Council, as Planning Authority, for their written approval.
17. That any further planting comprised in the approved details submitted under Condition 16 above shall be carried out in the first planting season following the commencement of the development and any trees which, within the lifetime of the operations, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
18. That the operator shall seek to ensure that no loose material is carried out onto the C25 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
19. That within 3 months of the date of the decision, confirmation of the separation of the surrounding surface drainage from that draining the operational area, which includes a method of interception and diversion of the existing surface water drainage, shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.

20. That within 3 months of the date of the decision, an updated scheme for the restoration of the site which fully details the backfilling and topsoil replacement operations, the construction of drains, ponds, footways and details of all plant species including their planting density, shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority. This restoration scheme shall be accompanied by a detailed aftercare management plan which shall set out a five year programme of works to ensure the successful implementation of the restoration scheme.
21. That the restoration scheme and aftercare programme submitted under Condition 20 shall be implemented to the satisfaction of North Ayrshire Council, as Planning Authority, in accordance with the approved documents.
22. That within 3 months of the date of the decision, a draft Code of Practice for vehicle movements will be submitted for approval of North Ayrshire Council, as Planning Authority. The draft Code of Practice will include issues listed on page 4 of the letter dated 14th November 2016, submitted by the AED Planning and Development on behalf of the applicant as part of this application. The development will thereafter be carried out in accordance with any Code of Practice agreed by the Council.
23. The types of waste permitted to be deposited on site will be restricted to those permitted by SEPA in the Pollution Prevention Control permit for the site, or any future regulatory permit by the authorised environmental protection body, excluding residual domestic waste. Any changes to the types of waste permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.

4. Call In Request: Isle of Arran: Brodick: Site to the south of Shore Road: Erection of a Detached Dwellinghouse

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Bruce, Gurney and Barr that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"Sufficient public interest has been generated at this stage over the re-design of the build".

Councillor Bruce was in attendance and addressed the Committee in support of the call in request. Councillor Bruce referred to representations he had received from Arran residents. Given the level of public interest and in light of recent raised awareness of planning decisions, the application would merit consideration and determination at a public meeting of the Planning Committee, rather than by officers under delegated powers.

Councillor Barr, seconded by Councillor McNicol, moved, in terms of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 and in accordance with the approved call in procedure, that the Committee agree, that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

As an amendment, Councillor Ferguson, seconded by Councillor Steel, moved that the Committee agree not to call in the application and that instead it be determined by officers under delegated powers.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried

Accordingly, the Committee agreed not to call in the application and that instead it be determined by officers under delegated powers.

The meeting ended at 4.05 p.m.