



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**12 February 2020**

**VOLUME OF MINUTES**

**From 14 June 2019 – 28 January 2020**

<b>Date</b>	<b>Committee</b>	<b>Pages</b>
14 June 2019	Ayrshire Shared Services Joint Cttee	<b>3-7</b>
8 November 2019	Ayrshire Shared Services Joint Cttee	<b>8-11</b>
21 November 2019	Integration Joint Board	<b>12-16</b>
8 January 2020	Licensing Committee	<b>17-20</b>
21 January 2020	Cabinet	<b>21-26</b>
22 January 2020	Planning Committee	<b>27-28</b>
22 January 2020	Local Review Body	<b>29-36</b>
28 January 2020	Audit and Scrutiny Committee	<b>37-41</b>



Ayrshire Shared Services Joint Committee  
14 June 2019 at 10.00 a.m.

**Present**

Councillor Alex Gallagher (North Ayrshire Council); Councillor Alec Clark, Councillor Bob Pollock and Councillor Philip Saxton (South Ayrshire Council); and Councillor Tom Cook, Councillor John McGhee and Councillor Jim Roberts (East Ayrshire Council).

**In Attendance**

S.Turner, Head of Roads; K. Braidwood, Operations Manager; A. Porter, Apprentice; and K. Smith, Apprentice (Ayrshire Roads Alliance); P. Whip, Group Finance Manager (East Ayrshire Council); K. Carr, Executive Manager – Place Directorate, (South Ayrshire Council); C. Boyd, Service Lead – Risk and Safety, and J. McGeorge, Coordinator (Ayrshire Civil Contingencies) and E. Gray, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Alex Gallagher (Agenda Items 1 – 3) and Councillor Alec Clark (Agenda Items 1 and 4-10).

**Apologies**

Councillor Marie Burns and Joe Cullinane (North Ayrshire Council), Councillor Ian Cochrane (South Ayrshire Council) and Councillor Douglas Reid (East Ayrshire Council).

**1. Chair's Remarks**

The Chair congratulated Kirsty Smith and Aiden Porter who were announced as the winner and runner-up respectively of the 2019 APSE Apprentice of the Year Award in Highways and Lighting. The Committee echoed the Chair's sentiments and wished Kirsty and Aiden continued success in their careers.

**2. Declarations of Interest**

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

**3. Minutes**

The accuracy of the Minutes of the meeting of the Ayrshire Shared Services Joint Committee held on (i) 7 December 2018 and (ii) 25 April 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Ayrshire Civil Contingencies Team**

Submitted report by the Head of Regulatory Services, South Ayrshire Council, on progress made against the 2019/2020 Ayrshire Civil Contingencies Team Work Plan. The work plan was set out at Appendix 1 and the Ayrshire Resilience Partnership Annual Report 2018/19 set out at Appendix 2 to the report.

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

- the cracks which have been identified in the graphite bricks which surround the core at Hunterston B Power Station and whether any further work has been carried out around this risk;
- the expansion of the Wm Grant and Sons site in Girvan, whether the plan needed update to reflect this and the fact that the plan covers the the site in its entirety including any expansions;
- the two plans in respect of Prestwick Airport detailed in the Work Plan, the risks which are covered by each and the notification process for neighbouring properties and businesses should an incident occur; and
- the production of a Multi-Agency Incident Response Guide (MAIRG) for the building formerly known as The Station Hotel, Ayr which has been identified as a priority area of work for 2019/20 and the types of incidents which this would cover including fire and weather damage.

The Ayrshire Shared Services Joint Committee agreed to (a) approve the progress made against the current work plan for 2019/2020 set out at Appendix 1 to the report; (b) note the Ayrshire Local Resilience Partnership Annual Report 2018/2019 set out at Appendix 2 to the report; and (c) send a request to the Counter Terrorism Division of Police Scotland seeking details on the process for notifying properties surrounding Prestwick Airport should an incident occur.

#### **5. Rotation of Chair**

Councillor Alex Gallagher withdrew from the Chair at this point, to allow Councillor Alec Clark to chair the meeting for the remaining items of Ayrshire Roads Alliance business.

Councillor Alex Gallagher left the meeting at this point.

#### **6. Ayrshire Roads Alliance Roadworks Programme 2019/20**

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on the progress made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2019-2020. The programmes for 2019-2020 were set out at Appendix 1 and Appendix 2 to the report.

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

- the replacement of all current street lamp units with LED and that this process does not include replacement of the lighting columns;
- the B778 Fenwick to Stewarton route study which was identified in the Traffic, Transportation and Road Safety Programmes 2019/20 and noted that an application for grant funding has been made to the Scottish Timber Transport Group to assist with development; and
- the actions identified in the Traffic, Transportation and Road Safety Programmes 2019/20 were not assigned a status. It was noted that this was only recently approved, and this will be amended for future reports.

The Ayrshire Shared Services Joint Committee agreed to (a) note the Ayrshire Roads Alliance works progress for 2019/20; and (b) otherwise note the content of the report.

## **7. Ayrshire Roads Alliance Risk Register**

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

Members asked questions and were provided with further information on the risks relating to staff turnover and requested assurances that resilience measures were in place to minimise the impact of retirements and resignations.

The Ayrshire Shared Services Joint Committee agreed to (a) note the risk register presented in the report; (ii) continue to receive updates on progress; and (b) otherwise, note the content of the report.

## **8. Ayrshire Roads Alliance Update on the Performance Scorecard**

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

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

- the change in target response time for category 3 and 4 defects and the impact this will have when comparing results from previous years; and
- the use of mobile scaffolding for streetlamp repairs on remote footpaths and the possibility of using a different type of lighting column in these areas which would negate the demand for this.

The Ayrshire Shared Services Joint Committee agreed to (a) note the performance scorecard presented in the report; (b) continue to receive the performance scorecard updates; and (c) otherwise note the content of the report.

## **9. Ayrshire Roads Alliance Roads Process Improvement Plan**

Submitted report by the Head of Roads, Ayrshire Roads Alliance, on progress made to date against the Roads Process Improvement Plan. Examples of Process Maps were set out at Appendices 1 and 2 to the report.

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

- the use of technology including artificial intelligence devices such as the Amazon Echo which members of the public can use to track gritters, the 5G mobile network and hand-held tablets in service vehicles and how these can be used to implement improvements;
- issues relating to public grit bins including notification that when they are empty, the theft of salt and periodic inspections by staff; and
- the process of applying for a disabled parking bay outside a residential property and the changes to the process which will reduce waiting times.

The Ayrshire Shared Services Joint Committee agreed to (a) note the process improvements presented in the report; and (b) otherwise note the content of the report.

## **10. Ayrshire Roads Alliance Scottish Water Maintenance Agreements**

Submitted report by the Head of Roads, Ayrshire Roads Alliance on the Scottish Government's desire to ensure the maintenance of surface water drainage systems is carried out by Public Bodies. A letter endorsing the proposals was set out Appendix 1, the Memorandum of Agreement set out at Appendix 2 and the individual agreement format set out at Appendix 3 to the report.

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

- it was only developments which are currently being approved that would be included in the proposed changes;
- concerns that some developments would have larger green spaces which would result in higher maintenance costs and the fact that Local Authorities would only be responsible for maintaining areas around swales, ponds, gullies and tails;
- the fact that without approving the proposal, Scottish Water would not assume responsibility for maintaining carrier pipework, manholes, chambers, outlets and flow control devices which would result in higher costs when maintenance is required;
- whether Local Authorities would be liable for any incident around the areas they are responsible for maintaining; and
- the possibility of transferring the cost of maintenance to developers through a Section 75 condition.

The Ayrshire Shared Services Joint Committee agreed to (a) approve the Memorandum of Agreement; (b) request that a report be provided to a future meeting detailing the possibility of using a Section 75 condition to pass the cost of maintenance to developers; and (c) otherwise note the content of this report.

## **11. Ayrshire Roads Alliance Coal Tar Presence within the Carriageway and Footway Network**

Submitted report by the Head of Roads, Ayrshire Roads Alliance on the presence of coal tar within some of the carriageway and footway network. The report set out how carriageways should be tested for coal tar and treatment methods where a presence is identified.

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

- treatment options including overlaying, removal and resurfacing and in-situ stabilisation;
- issues created by overlaying including requirements to raise kerbs and pathways and the impact of this including financial costs and access to properties;
- two specific roads in East Ayrshire which have been found to contain coal tar and progress towards actioning these. One of these roads have now been treated with the other left in situ while options are considered;
- the risks associated with coal tar exposure, the fact that it is not harmful when undisturbed and whether relocation of residents during the treatment of roads has been considered;
- issues around disposing of material containing coal tar and the fact that nowhere in Scotland currently accepts receipt of coal tar for disposal.

The Ayrshire Shared Services Joint Committee agreed to note the content of the report.

## **12. Ayrshire Roads Alliance Revenue Financial Monitoring Report**

Submitted report by the Depute Chief Executive and Chief Financial Officer, (East Ayrshire Council), on the revenue budgeting monitoring position for the year to 31 March 2019. The Strategic and Local Service Delivery split was set out at Appendix 1 and the Financial Monitoring Report set out at Appendix 2 to the report.

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

- budgets which were underspent during 2019/20, whether these could be carried forward, issues relating to underspends and assurances that future budgets would be fully utilised; and
- the recruitment process for permanent and temporary staff and the importance of retaining staff to reduce overtime costs.

The Ayrshire Shared Services Joint Committee agreed to (a) note (i) the financial management position of the Ayrshire Roads Alliance and (ii) the analysis of budget movements between 2018-19 and 2019-20; (b) request that a further financial update be provided at the next meeting of the Joint Committee; and (c) otherwise note the content of the report.

The Meeting ended at 11.30 a.m.

## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 8 November 2019 at 10.00 a.m.

Present: Councillors Ian Cochrane (Chair), Bob Pollock, Alec Clark and Philip Saxton (all South Ayrshire Council); and Councillors Tom Cook, Douglas Reid and Jim Roberts (all East Ayrshire Council).

Apology: Councillor John McGhee (East Ayrshire Council).

Attending: Donald Gillies – Director - Place (South Ayrshire Council); Stewart Turner, Head of Roads; Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Eillen Wyllie, Committee Services Officer (South Ayrshire Council).

### **Opening remarks.**

The Head of Roads advised of the forthcoming APSE Awards taking place at Blackpool during December. He stated that Ayrshire Roads Alliance had been nominated for three awards (two for South Ayrshire Council and one for East Ayrshire Council) with the validation process taking place next week. He commented on the teamwork involved in improving performance to get to this selection stage. The Committee agreed that this was great news and wished the Service well at the forthcoming event.

### **1. Declarations of Interest.**

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

### **2. Minutes of previous meeting.**

The Minutes of 29 August 2019 ([issued](#)) were submitted and approved.

### **Matters arising:-**

#### **(1) Proposed Response to the Rural Economy and Connectivity Committee on the Pre-budget / Financial Scrutiny on Roads Maintenance.**

The Head of Roads provided feedback from the meeting of the above Committee on 2 October 2019. He said that local authorities might see the availability of more funds and hopefully these would not be ring-fenced. It was noted that a Councillor at that Committee meeting had made such a point.

A discussion took place in relation to the disadvantages of ring-fencing funds.

**Decided:** that the Chair, on behalf of the Committee, would write to the Rural Economy and Connectivity Committee expressing that this Committee also considered that any additional funds should not be ring-fenced.



## **(2) National Transport Strategy.**

The Head of Roads advised that the draft responses to the National Transport Strategy had been formally approved at recent meetings of both East Ayrshire and South Ayrshire Councils and, thereafter, the consultation responses had been submitted to the Scottish Government prior to 23 October 2019 deadline.

**Decided:** to note that, following the consultation deadline and consideration of the feedback, a Delivery Plan would be circulated by the Scottish Government in due course.

## **3. Roadworks Programme 2019/20.**

There was submitted a report ([issued](#)) of 23 October 2019 by the Head of Roads, Ayrshire Roads Alliance advising of the progress being made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2019-20.

The Operations Manager highlighted the improvement figures for East Ayrshire and South Ayrshire Council's respective SRMCS survey results.

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

In relation to the following questions asked by Members, it was noted that:-

- the lighting team were investigating concerns across both Council areas in respect of the LED programme and safety concerns with dark areas within some localities. Site inspections were to be undertaken;
- the tender relating to the works for the sheet piling at Girvan Harbour was now going out to tender on the open market rather than through the Framework; and
- costings and the specific location associated with the Loans / Barassie path would be established and the relevant Ward Councillors advised.

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

**Decided:** to note the Ayrshire Roads Alliance work progress for 2019/20.

## **4. Update on Performance Scorecard.**

There was submitted a report ([issued](#)) of 23 October 2019 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress made to date against the Performance Scorecard.

In relation to the improved performance on average days lost per employee, a question was asked if there were areas of good practice that could be rolled out to other council sections to improve attendance rates. The Head of Roads advised of the protocol and policies in place to monitor absence and support employees to return to work.

Various questions were asked by Members and answers provided by Officers in relation to:-

- parking charges and what type of appeals were submitted and how many appeals were successful. The Head of Roads provided information on the types of appeals such as a blue badge holder forgetting to display their blue badge. He added that some appeals were successful;
- in relation to increases in those seriously injured and slightly injured resulting from road traffic accidents, the Head of Roads commented on the range of actions which could be taken in conjunction with discussion with Police Scotland following accidents. It was noted that types of actions could be through educational, enforcement, engagement and engineering means. It was also noted that speed was a factor on some occasions. In relation to particular stretches of road where there had been accidents, the Alliance would review the potential to remove roadside hazards and report back to the relevant Ward Councillors;
- whether traffic enforcement officers monitored the car park at Crosshouse Hospital and, if so, had any fines been issued. The Head of Roads advised that the capacity was there to undertake monitoring and he would investigate if any fines had been issued and feedback accordingly; and
- the availability of an online safe driving module and whether this would be useful to the Alliance. It was noted that the Head of Roads would review the content and, if suitable, this would be uploaded onto the ARA website and advertised via twitter.

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

**Decided:**

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

**5. Risk Report and Register.**

There was submitted a report ([issued](#)) of 22 October 2019 by the Head of Roads, Ayrshire Roads Alliance advising the Joint Committee of the management of risk associated with the Ayrshire Roads Alliance.

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

**Decided:**

- (1) to note the risk register presented with the report; and
- (2) to continue to receive updates on progress.

**6. Closing remarks.**

Councillor Cook provided information from a recent meeting he attended involving COSLA and Police Conveners in relation to temporary traffic orders required for events including parades and marches. It was noted that Police Scotland had previously proposed that all such events would need to be served by temporary traffic orders. However, Police Scotland had agreed now that they would continue to manage such events without the need to serve such orders. It was noted that there would still be a need for the larger events to be served by temporary traffic orders. However, this was Police Scotland reverting to the previous position that existed and this position was fully supported by all Councils in Scotland.

The meeting ended at 11.00 a.m.



**North Ayrshire Health and Social Care Partnership**  
**Minute of Integration Joint Board meeting held on**  
**Thursday 21 November 2019 at 10.00 a.m.**

**Present**

Bob Martin, NHS Ayrshire and Arran (Vice-Chair)  
Councillor Timothy Billings, North Ayrshire Council  
Adrian Carragher, NHS Ayrshire and Arran  
Councillor Anthea Dickson, North Ayrshire Council  
Jean Ford, NHS Ayrshire and Arran

Stephen Brown, Director of Health and Social Care Partnership  
Caroline Cameron, Chief Finance and Transformation Officer  
Dr Paul Kerr, Clinical Director  
David MacRitchie, Chief Social Work Officer  
David Thomson, Associate Nurse Director/IJB Lead Nurse

David Donaghey, Staff Representative (NHS Ayrshire and Arran)  
Louise McDaid, Staff Representative (North Ayrshire Council)  
Nigel Wanless, Independent Sector Representative  
Vicki Yuill, Third Sector Representative  
Janet McKay, Chair, Garnock Valley HSCP Locality Forum

**In Attendance**

Thelma Bowers, Head of Mental Health  
Alison Sutherland, Head of Service (Children, Families and Criminal Justice)  
Michelle Sutherland, Partnership Facilitator  
Alison McAllister, Library and Information Service Manager  
Helen McArthur, Senior Manager (Community Care Services)  
Karen Andrews, Team Manager Governance  
Angela Little, Committee Services Officer

**Apologies for Absence**

Councillor Robert Foster, North Ayrshire Council (Chair)  
Councillor John Sweeney, North Ayrshire Council  
John Rainey, NHS Ayrshire and Arran  
Alistair Reid, Lead Allied Health Professional Adviser  
Dr. Louise Wilson, GP Representative  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Marie McWaters, Carers Representative  
Val Allen, Independent Sector Representative

## **1. Apologies**

Apologies were noted.

## **2. Declarations of Interest**

In terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies there were no formal declarations of interest.

## **3. Minutes/Action Note**

The accuracy of the Minute of the meeting held on 24 October 2019 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3.1 Matters Arising**

The Board noted that (a) an update on the Veterans First Point Service will be provided to the January meeting; (b) an update on the Community Alarm/Telecare Services Transition from Analogue to Digital will be provided to the September meeting; and (c) all other matters arising are on track for completion by the appropriate timescales.

## **4. Director's Report**

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

The report provided an update on the following areas:-

- The Health and Social Care Scotland 2<sup>nd</sup> Annual Conference on 4 December 2019;
- Home Fire Safety visits that can be made by Scottish Fire and Rescue Service;
- The appointment of a new Communication and Engagement Officer;
- Staff Partnership Awards;
- Dementia Workshop on 27 November 2019;
- Thinking Different, Doing Better update;
- National Care Leavers' Week – a celebration of the successes of our care leavers;
- HSCP engagement events.

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

- The Partnership Staff Awards that will be held on 27 February 2020 in the Volunteer Rooms, Irvine; and
- The weekly staff email that provided information on Home Fire Safety Visits that can be provided by Scottish Fire and Rescue; and
- Work that will be done to ensure the referral hyperlink for Home Fire Safety Visits is operational for NHS staff.

The Board was advised that there are still places available on the Dementia Workshop on 27 November 2019 at Fullarton Connexions, Irvine.

The Board agreed (a) to note the ongoing developments within the North Ayrshire Health and Social Care Partnership.

## **5. Chief Social Work Officer Annual Report**

Submitted report by David MacRitchie, Chief Social Work Officer on the Annual Report of the Chief Social Work Officer to the local authority covering the period April 2018 to March 2019. Appendix 1 to the report detailed the statutory, governance and leadership functions of the role and highlighted:-

- the most recent SIMD figures (2016) which show a worsening position in North Ayrshire in the domains of Income, Employment, Education and Housing;
- the conclusion of the Audit Scotland Report of 2016 on 'Social Work in Scotland' which states that current approaches to delivering Social Work Services will not be sustainable in the long term; and
- the new Health and Social Care Partnership structures including examples of innovative service delivery approaches.

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

- plans that are in place to release capacity within Mental Health Services to address the waiting list; and
- difficulties in recruiting staff to specific areas within the Health and Social Care Partnership.

The Board agreed to note and endorse the Chief Social Work Officer Annual Report as set out in Appendix 1 to the report.

## **6. Co-creating Libraries for Health and Well-Being**

Submitted report by Michelle Sutherland, Partnership Facilitator and Alison McAllister, Library and Information Service Manager on bringing together the public, libraries, NHS and school libraries, health and social care professionals and the third sector as equal partners in a new service model to embed self-management and shared decision making in health and care. The service model and project outcomes were outlined in Appendix 1 to the report. Appendix 2 provide information on the milestones for the project that will be monitored by the local Steering Group.

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

- the review of community facilities that will include libraries;
- the new service model that will apply to any location or setting;
- engagement with the public to ensure all facilities are included; and
- funding for the project by the Scottish Government via the Public Libraries Improvement Fund.

The Board agreed (a) to approve the implementation of the expansion of the librarian role into the emerging locality multi-disciplinary team project until December 2020; (b) that the model focusses on mental health supports for young people and social isolation for adults as its inequalities areas; and (c) the work develops plans for sustainability across all localities thereafter.

## **7. Health and Social Care Clinical and Care Governance Group Update**

Submitted report by David Thomson, Associate Nurse Director in relation to an update and overview of governance and assurance activity for the period February 2019 – August 2019, reviewed by the North Ayrshire Health and Social Care Partnerships' Clinical and Care Governance Group

The report provided an update on:-

- Learning Disabilities Service;
- Adult Support and Protection;
- Child Protection;
- Multi Agency Public Protection Arrangements;
- Adverse Events;
- Opiate Replacement Therapy;
- Injecting Equipment Provision, Needle Exchange and Harm Reduction;
- Health and Safety; and
- Professional Updates from Mental Health Head of Service, Clinical Director, Lead Nurse, Interim Head of Service (Children, Families and Justice Services) and Lead AHP.

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

- Historic poor compliance with the completion and sign-off of Safety Action Notices being processed within 14 days and improved processes that have been put in place to ensure compliance with the Scottish Government timescales;
- Positive feedback on the arrangements put in place for GP practices in the Three Towns and West Kilbride;
- A re-run of the child count survey by the Dartington Research Unit that will be used to shape the new Children's Services Plan;
- A pro-active recruitment programme that continues to address vacancies in Child and Adolescent Mental Health Services; and
- An update on Child and Adolescent Mental Health that will be included in the report to the next meeting.

Noted.

## **8. Budget Monitoring: Period 6**

Submitted report by Caroline Cameron, Chief Finance and Transformation Officer on the projected year-end outturn for the 2019/20 financial year, including commitments against the available resource, explanations for the main budget variances, an

update on progress in terms of savings delivery and actions required to work towards financial balance.

Appendix A to the report provided the financial overview of the partnership position, with detailed analysis provided in Appendix B. An overview of the savings plan was provided at Appendix C. Appendix D outlined the previously approved financial recovery plan and further actions to bring overall service delivery back into line with the available resource. The movement in the overall budget position for the partnership was detailed at Appendix E.

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

- A year-on-year reduction that has been achieved in children's residential and community placements and a recovery plan to reduce the number of placements further;
- The roll out of the Wellness Model in the localities; and
- The projected overspend in social care services offset by a projected underspend in health services.

The Board agreed to note (a) the projected year-end overspend of £2.969m; (b) the changes in funding as detailed in Section 2.11 and Appendix E to the report; and (c) the potential impact of the Lead Partnerships.

## **9. Strategic Planning Group**

Submitted the Strategic Planning Group (SPG) Meeting Minutes from the meeting held on 2 October 2019.

The Chair encouraged attendance at future SPG meetings.

Noted.

The meeting ended at 11.25 a.m.



Licensing Committee  
8 January 2020

**IRVINE**, 8 January 2020 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Todd Ferguson, Robert Barr, John Easdale, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen (Agenda Items 5.1 onwards).

**In Attendance**

B. Ferry and K. Nolan (Policy Officers) (Place) (Agenda Item 6 only); D. Robertson, Civic Licensing Standards Officer, W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant (Licensing) and D. Dunlop, Senior Clerical Assistant (Legal Services) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Sergeant David Dougan and Dawn Hastings (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**1. Chair Remarks**

The Chair agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of the matter raised under Appendix C of Agenda Item 3 (Civic Government Scotland Act 1982 and other Licensing Statutes: Licensing Matters) immediately after case 3 Window Cleaner's Licence: WCL/004 (New): Eric Paterson, to allow Police Scotland to hear the information held by the Council.

**2. Declarations of Interest**

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

**3. Minutes**

The Minutes of the Ordinary Meeting held on 23 October 2019 and the Special Meeting held on 28 October 2019 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5-7 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."
15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

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

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

### **Appendix A: Hearings**

#### **5.1 Late Hours Catering Licence: LHCL/057 (New): Kala Singh**

Councillor Stephen joined the meeting at this point.

The applicant, having been duly cited to attend, was present and accompanied by Mr Mohammed Sharir to assist with translation. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

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

After the Chair advised the applicant of the decision, the applicant's translator asked how the applicant could appeal. The Solicitor (Licensing) advised him that any appeal would have to be lodged in the Sheriff Court within 28 days, could not be lodged with the Council and that the applicant should take independent advice before proceeding.

## **5.2 Taxi Driver's Licence: TDL/02197 (New): Gareth Wilkinson**

The Committee at its meeting held on 23 October 2019, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

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

### **Decision**

Councillor Reid, seconded by Councillor McClung, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment the motion was declared carried.

## **5.3 Window Cleaner's Licence: WCL/004 (New): Eric Paterson**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of a letter setting out their objection in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Easdale, seconded by Councillor McTiernan, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years. There being no amendment, the motion was declared carried.

## **Appendix B: Applications for Licences/Renewal of Licences**

### **5.4 STL/O/261 (Renewal): David Duncan McIntyre**

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.

## **5.5 TDL/00321 (Renewal): Thomas Smith**

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.

## **Appendix C: Preliminary Consideration of possible Revocation or Suspension**

### **5.6 Licenceholder**

The Committee received a briefing from the Solicitor (Licensing).

The Committee agreed that this matter be continued to the meeting to be held in February 2020 to allow the Solicitor (Licensing) to make further inquiries.

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

### **6.1 M.R.**

The Committee at its meeting held on 23 October 2019, agreed on the basis of the information presented, to continue consideration of this matter for further investigation and clarification by Officers.

The Solicitor (Licensing) addressed the Committee setting out the background to the case. The applicant, having been cited to attend, was present.

The Committee heard from officers of the Private Sector Housing section. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

The Committee unanimously agreed to (a) grant the application for Landlord Registration; and (b) remove any Rent Penalty Notice in force at the applicant's properties.

## **7. Urgent Item: Establishment of Member Officer Working Group**

The Committee considered the establishment of a Member Officer Working Group to continue consideration of the draft resolution in terms of the regulation of Public Entertainment Licences.

The Committee agreed (a) to the establishment of a Member Officer Working Group; (b) that the Group comprise Councillors Ronnie McNicol, Donald L. Reid, Davina McTiernan, John Easdale, Angela Stephen, Donald Reid, the Solicitor (Licensing) and the Senior Manager Protective Services; and (c) to note that the Solicitor (Licensing) will make arrangements for an initial meeting.

The meeting ended at 11.40 a.m.

Cabinet  
21 January 2020

**IRVINE, 21 January 2020** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher, Louise McPhater and Jim Montgomerie; and Jacqui MacKenzie (Teaching Representative) and Babs Mowat (Church Representative) (Agenda Items 1-5).

**Also Present**

Todd Ferguson, Jean McClung and Davina McTiernan.

**In Attendance**

L. Friel, Executive Director, D. Forbes, Senior Manager (Financial Management), J. Smillie, Senior Manager (HR&OD), A. Lyndon, Senior Manager (Procurement), S. Stewart, L&O Development Adviser, and J. Walls, Team Manager (H&S, Risk & Insurance) (Finance and Corporate Support); R. McCutcheon, Executive Director, D. Hammond, Head of Service (Interim) (Commercial), and J. Wraith, Team Manager (Housing Strategy & CS) (Place); A. Sutton, Executive Director (Interim), R. Arthur, Head of Service (Interim) (Connected Communities), and A. McClelland, Head of Service (Education) (Communities); C. Cameron, Head of Service (HSCP Finance & Transformation), (Health and Social Care Partnership); A. Craig, Senior Manager (Legal Services), A. Hale, Health Improvement & Equalities Officer, J. Hutcheson, Senior Communications Officer, J. Law, Media and Internal Communications Assistant, and E. Gray, A. Little and D. McCaw, Committee Services Officers (Democratic Services).

**Also In Attendance**

J. McGeorge, Ayrshire Civil Contingencies Team

**Chair**

Joe Cullinane in the Chair.

**Apologies**

John Bruce (Church Rep).

**1. Chair's Remarks**

The Chair welcomed those present to the meeting and announced that the Cabinet meeting would be webcast and that all decisions are subject to the Call In Procedure detailed at Standing Order 24.

## **2. Declarations of Interest**

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

## **3. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 26 November 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

## **4. Teaching Representation on Cabinet (Education)**

Submitted a report by the Head of Service (Democratic Services) on the appointment of Jacqui MacKenzie to fill the vacancy as the representative of the professional teaching associations on Cabinet (Education).

The Cabinet (a) agreed to appoint Jacqui MacKenzie as the representative of the professional teaching associations on Cabinet when it meets to consider Education Authority business; and (b) record its appreciation of the contribution made by the former teaching representative, the late Gordon Smith.

## **5. Pupil Equity Funding in North Ayrshire – Progress Report**

Submitted a report by the Executive Director (Communities) on the use of Pupil Equity Funding (PEF) in North Ayrshire and the impact this is having on children's outcomes. Full details of the amounts allocated to North Ayrshire schools were set out at Appendix 1 to the report.

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

- the formula used to calculate the level of funding available to each school which uses the number of pupils receiving free school meals and the fact that this method is outdated;
- the effectiveness of PEF funding in terms of providing new services to pupils rather than offsetting national budget cuts;
- difficulties around crediting improvements in the poverty-related attainment gap to specific initiatives as the successes are linked to a number of different projects working in conjunction with each other; and
- whether the money allocated to PEF funding could be spent more effectively if it was held centrally in the Council's education budget.

The Cabinet agreed to note the progress made to date.

## **6. Attainment Outcomes for Care Experienced Young People**

The Cabinet considered a report by the Executive Director (Communities) and received a presentation by the Executive Director (Education) on the progress being made by care experienced learners, specifically in literacy and numeracy, and the achievements of school leavers in terms of SQA examinations. Data on the number of care experienced young people was set out at Appendix 1 to the report, attainment in literacy and numeracy in broad general education for care experienced learners at Appendix 2, attainment in literacy and numeracy and overall attainment in all qualifications at senior phase level for care experienced school leavers at Appendix 3, and post-school participation of care experienced school leavers at Appendix 4.

The Cabinet agreed to (a) note (i) the content to the report; (ii) the progress being made by care experienced learners, specifically in literacy and numeracy; and (iii) the achievements of school leavers in terms of SQA examinations; and (b) receive an annual progress report on the performance of care experienced learners as part of a suite of annual attainment reports.

## **7. Radiation Emergency Preparedness, and determination of the Detailed Emergency Planning Zone (DEPZ) for Hunterston A and B Nuclear Power Stations**

Submitted a report by the Head of Service (Democratic Services) on the Detailed Emergency Planning Zone (DEPZ) for Hunterston A and B Nuclear Power Stations and governance arrangements for new Council duties imposed under the Radiation Emergency Preparedness and Public Information Regulations 2019. A map outlining the proposed and existing DEPZ boundaries was set out at Appendix 1 to the report.

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

- the proposed new boundary and the fact that all properties which are currently contained in the DEPZ would continue to be subject to the protective measures such as the provision of stable iodine tablets;
- legislative changes resulting in responsibility for setting the DPEZ transferring to the Council from the Office for Nuclear Regulation;
- the Cabinet's scope for deviation from EDF's recommendation in terms of setting the DPEZ; and
- differences between the DPEZ and the Outline Planning Zone (OPZ) in terms of the response to a nuclear emergency.

The Cabinet agreed to continue consideration of this item to the next meeting to allow for further discussions to take place between Elected Members and the Office for Nuclear Regulation.

## **8. Council Plan Progress Update: Q2 2019/20**

Submitted a report by the Chief Executive on the progress of performance against the Council Plan 2019-24 as at Quarter Two 2019-20. The Council Plan 2019-24 Progress Update (Mid-Year 2019-20) was set out at Appendix 1 to the report, performance indicators for the Council Plan Performance Framework at Appendix 2, and the actions aligned to the Council Plan 2019 - 24 at Appendix 3.

The Cabinet agreed to (a) approve the performance of the Council Plan as at 30 September 2019; and (b) submit the report and appendices to Audit and Scrutiny Committee for consideration at the next available date.

## **9. Revenue Budget 2019/20: Financial Performance to 30 November 2019**

Submit a report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 30 November 2019. Budget reports for each directorate and the Housing Revenue Account were set out at Appendices 1-7 of the report, Virement/Budget Adjustment Requests at Appendix 8 and the HSCP Period 8 Report at Appendix 9.

Members asked questions and were provided with further information in relation to the progress of the HSCP recovery plan.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) note the current financial projection for the Health and Social Care Partnership at; and (c) approve the virements detailed in Appendix 8.

## **10. Capital Programme Performance to 30 November 2019**

Submit a report by the Executive Director (Finance and Corporate Support) on the Capital Investment Programme as at 30 November 2019. The detailed Capital Investment Programme was set out at Appendix 1 to the report and the HRA Capital Statement at Appendix 2.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the General Services and HRA revised budgets at 30 November 2019; and (ii) the forecast expenditure to 31 March 2020.

## **11. Our Voice Employee Survey**

Submit a report by the Executive Director (Finance and Corporate Support) on the results of the recent employee survey.

The Cabinet agreed to note the key findings and next steps of the 2019 Our Voice survey.



## **12. Tackling Funeral Poverty - North Ayrshire Respectful Funeral Service**

Submitted a report by the Executive Director (Place) on proposals for the procurement of partner funeral directors who will offer to provide a new affordable Respectful Funeral Service package for bereaved families to tackle funeral poverty in North Ayrshire.

The Cabinet agreed to approve the proposal to identify appropriate funeral directors with whom an agreement will be developed to facilitate the provision of a new Respectful Funeral Service package for bereaved families to tackle funeral poverty in North Ayrshire.

## **13. Climate Change**

Submitted a report by the Executive Director (Place) on progress on tackling climate change in North Ayrshire.

Further to the recommendation detailed in the report, the Leader moved that the Cabinet should propose the creation of a £5m climate change fund for consideration by full Council as part of the 2020/2021 budget setting process. The fund would be used by the Council to develop and implement low carbon and renewable energy projects.

The Cabinet unanimously agreed to (a) the proposed target year of 2030 to achieve net-zero emissions across North Ayrshire; (b) propose the creation of a £5m climate change fund, which will be used by the Council to develop and implement low carbon and renewable energy projects, for consideration by full Council as part of the 2020/2021 budget setting process; and (c) note (i) the progress made in implementing the Environmental Sustainability & Climate Change Strategy 2017-2020; (ii) the ongoing "Climate Change: Just Cool It" consultation; and (iii) the proposal to review the consultation findings to inform the Environmental Sustainability & Climate Change Strategy 2020-2023 which is currently being developed for future Cabinet consideration mid-2020.

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

Submitted a report by the Executive Director (Communities) on applications by Locality Partnerships to allocate CIF funding to proposed projects. The detailed proposal was set out at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the capacity of the proposed Men's Shed.

The Cabinet agreed to approve the CIF application in relation to the Irvine Harbourside Men's Shed in the amount of £10,000, subject to satisfactory reports from Legal and Finance Services.

## **15. Small-Grant Awarding Participatory Budgeting**

Submitted a report by the Executive Director (Communities) on proposals to implement small-grant awarding participatory budgeting approaches by Locality Partnerships. Details of the Locality Partnerships' involvement in distributing small grants through participatory budgeting was set out at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the control which will be afforded to Locality Partnerships to set up the voting process at events in their area and whether the proposal would increase the number of organisations who can benefit from the Council's grant funding pots.

The Cabinet (a) agreed in principle proposals for small-grant awarding participatory budgeting approaches by Locality Partnerships; (b) authorised officers to conclude the development of the proposed process for funding disbursement with Locality Partnerships, to be implemented from 2020/21; and (c) agreed to receive a progress report at the end of 2020/21.

## **16. Award of Upgrade of External Building Fabric at Lambie Court and O'Conner Court, Saltcoats**

Submitted a report by the Executive Director (Finance and Corporate Support) on the result of the tendering exercise for the Upgrade of External Fabric at Lambie Court and O'Conner Court, Saltcoats.

The Cabinet agreed to approve the award of the contract to MP Rendering Ltd as detailed in the report.

## **17. Exclusion of the Public**

Cabinet resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 9 of Part 1 of Schedule 7A of the Act.

The Chair noted that confirmation had been received that the Webcast of the meeting had been terminated at this point.

## **18. HR and Payroll Contract**

Submitted a report by the Executive Director (Finance and Corporate Support) on the current position with the HR and Payroll Contract.

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

The Meeting ended at 4.30 p.m.

## **Planning Committee**

### **22 January 2020**

**Irvine, 22 January 2020** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

#### **Present**

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

#### **Also Present**

John Easdale, Jean McClung and Todd Ferguson.

#### **In Attendance**

J. Miller, Senior Manager (Planning), A. Craig, Senior Manager (Legal Services); and H. Clancy, Committee Services Officer (Chief Executive's Service).

#### **Chair**

Councillor Marshall 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.

Members of the Planning Committee advised that they were in receipt of both correspondence and telephone calls from the applicant for Agenda Items 4 and 5, but had not engaged in any way which would necessitate a declaration of interest in the matter.

### **2. Minutes**

The Minutes of the meeting of the Planning Committee held on 4 December 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Introductory Remarks**

The Legal Adviser to the Planning Committee set out the call in process for agenda items 4 and 5 and advised the pre meeting requirements had been met and the matters were now before the Planning Committee.

### **4. Call In Request: Crompton Way, North Newmoor, Irvine**

Submitted a report by the Chief Executive of 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 an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors Easdale, Burns and Donald L Reid that an application for the erection of a foodstore should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers. The stated reason for the call in request was detailed in the call in request dated 24 October 2019 circulated to Members prior to the meeting and summarised as follows:-

- Creation of up to 40 local employment opportunities;
- No other suitable or available sites to accommodate this development;
- Retail Impact Assessment has shown there will be minimal impact on the designated town centre;
- Strong community support;
- Reuse of vacant and derelict site; and
- Demand for retail foodstore.

Councillor Easdale was in attendance and addressed the committee in support of the call in request. Councillor Easdale referred to the strong community support for this proposal, Lidl's informative consultation pack and the process for notifying Elected Members about planning applications which had been submitted.

Councillor Foster seconded by Councillor McNicol, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

There being no amendment the motion was declared carried.

## **5. Call In Request: Sorbie Farm, Ardrossan**

Submitted a report by the Chief Executive of 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 an officer under the Council's Scheme of Delegation to Officers.

A request has been made by Councillors McClung, Gurney and Montgomerie that a section 42 application to vary condition 2 of planning permission 18/01061/PP to enable an increase of the consented wind turbine tip height from 104.3m to 125m, should be determined by the Planning Committee and not by an officer under the Council's Scheme of Delegation to Officers.

The stated reason for the call in request was detailed in the call in request dated November 2019 circulated to Members prior to the meeting and summarised as follows: -

- The application will contribute to 12MW capacity of clean renewable electricity which will go towards achieving the Scottish Government's aim for generation of renewable energy;
- North Ayrshire Council has declared a climate emergency;
- Mitigation of the landscape and visual impacts of the proposal has been undertaken by the applicant;
- The carbon balance of the proposal has been improved by the applicant;

- The applicant is unable to procure a wind turbine that would fit within the consented 104.3m envelope;
- Economic Benefits to North Ayrshire; and
- The terms of policy 29 of the Local Development Plan.

Councillor McClung was in attendance and addressed the committee in support of the call in request. Councillor McClung referred to a recent press release by North Ayrshire Council that aims to achieve net-zero carbon emissions within a decade. Councillor McClung also referred to the applicant's steps to further mitigate the landscape and visual impacts of the proposal and the significant economic benefit to the people of North Ayrshire. Councillor McClung also advised the money generated by Sorbie Dairy Farm will also allow the applicant to invest in local jobs and grow their business.

Councillor Foster seconded by Councillor Billings, moved not to call in the application and that it should be determined by an officer under the Council's Scheme of Delegation to Officers.

As an amendment, Councillor Barr, seconded by Councillor Macaulay, moved that the application be called in and determined by the Planning Committee.

On a division, there voted for the amendment five and for the motion five, and on the casting vote of the Chair, the motion was declared carried.

#### **6.1 19/00539/PPM: 16-20 Murdoch Place Oldhall West Industrial Estate Irvine Ayrshire KA11 5DG**

Doveyard Ltd have applied for Planning Permission for the development of an Energy Recovery Facility (ERF) to include (1) the erection of materials recycling/fuel preparation building; (2) the erection of an energy recovery building for the production of electricity and heat with associated (60m high) exhaust flue; and (3) the provision of associated site facilities to include silos, access roads, parking, attenuation pond, landscaping and security fencing. No representations were received.

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

1. That the development hereby approved shall be implemented in accordance with the details and recommendations contained in the supporting documentation submitted with the planning application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development, hereby approved, the applicant shall carry out a programme of site investigations at the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and to inform any subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.

Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes (inclusive of colour scheme), boundary treatments and ground surface treatments to be used in the development. For the avoidance of doubt, there shall be no natural lighting panels on the external walls of the turbine hall. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
5. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Acoustics' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of any landscaping of the site, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme of tree planting, which shall include details of species, planting densities, soil treatment and aftercare. For the avoidance of doubt, the area for tree planting shall be limited to the southeast corner of the site only. In addition, the species to be selected for the scheme shall be similar to the trees within the adjacent woodland at Oldhall Ponds. Trees which produce berries or fruits attractive to birds shall be excluded from the scheme. Thereafter, the tree planting scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the flue stack shall be fitted within an omni-directional red warning light which requires to be commissioned immediately upon erection of the stack. The warning light shall be operated continuously during hours of darkness and permanently retained in working condition thereafter unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
8. That, following the removal of all recyclable materials within the Materials Recovery Facility hereby approved, the feedstock for the Energy Recovery Facility hereby approved shall be limited to non-hazardous materials derived from municipal, commercial and industrial sources. The plant shall be designed to operate up to a maximum tonnage of 180,000 tonnes of refuse derived fuel per annum. For the avoidance of doubt, there shall be no food waste, medical waste or hazardous waste accepted at the site.
9. That the development shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority in accordance with the details set out in the 'Design Principles Briefing Note - Efficiency' as prepared by SOL Environment Ltd dated 12th November 2019, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

#### **7.1 19/00864/PPM: Loanhead Quarry Beith Ayrshire KA15 2JN**

W H Malcolm Ltd have applied for planning permission for the operation of a materials recycling and wash plant at Loanhead Quarry, Beith. 7 objections were received and summarised in the report.

Councillor Barr seconded by Councillor McNicol, moved that a site visit should be undertaken before the planning application is determined.

As an amendment, Councillor Macaulay, seconded by Councillor Foster, moved that a site visit should not be undertaken, and the application be determined.

On a division there voted for the amendment five and for the motion four, the amendment was declared carried.

Councillor Reid seconded by Councillor Macaulay, moved to approve planning permission subject to conditions.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved to refuse planning permission on the grounds that the committee did not have sufficient information.

On a division there voted for the amendment three and for the motion seven, and the motion was declared carried.

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

1. That the use hereby permitted shall cease on 4th May 2058, or an earlier date to be agreed in writing with North Ayrshire Council, as Planning Authority. All plant and machinery shall be removed from the site and the land restored within twelve months of the expiration of the permission or twelve months of the earlier date agreed by North Ayrshire Council, as Planning Authority.
2. That, within 3 months of the date of the permission, a scheme of restoration for the area of the permitted use shall be submitted to North Ayrshire Council, as Planning Authority, for written approval.
3. The types of material to be processed will be restricted to those permitted by SEPA in any permit for the site, or any future regulatory permit by the authorised environmental protection body. Any changes to the types of material permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.
4. That the public road adjacent to the site shall be kept clear of mud or other deposited material arising from the site at all times, to the satisfaction of North Ayrshire Council, as Planning and Roads Authority.
5. That adequate vehicle washing facilities shall be maintained to ensure that vehicles leaving the site shall not deposit deleterious material on public roads
6. That all loaded vehicles carrying aggregate materials 75mm and under in open containers shall be sheeted or otherwise covered.
7. That the hours of operation shall be restricted to 0700-1900 Monday to Friday and 0700-1300 Saturday, except for essential maintenance work, and no work shall be undertaken on Sundays or Public Holidays.
8. That the noise from the use shall not exceed 55dBL<sub>aeq</sub>, 1h(60mins) during the agreed working hours measured at least 3.5m in front of the most exposed façade of any existing noise sensitive property.
9. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times and shall be fitted with and use effective silencers.
10. That the development shall monitor noise from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission 15/00264/DCMS
11. At all times during the carrying out of operations authorised or required under this permission, water bowsers and sprayers, mobile or fixed, shall be used at all times as it is necessary to minimise the emission of dust from the site.



12. That the development shall monitor dust from the site and to record the finding in accordance with the approved monitoring scheme associated with planning permission
  13. The developer shall undertake all works to ensure that there are safeguards against pollution of groundwater or any watercourse from all construction and ongoing activities.
  14. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them.
  15. That during the life of the operations the applicant shall retain the services of the South Strathclyde Raptor Study Group whose recommendations shall be followed unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.
  16. The appropriate measures shall be adopted to ensure that no employee from the site visits the nests of either Peregrines, or Ravens or Barn Owls at any time.
- 8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX**

Submitted report by Executive Director (Place) to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in the height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

The Senior Manager (Planning) provided the Committee with information on the site and advised the total height of the fence was 1.9m, the works were undertaken in 2018 and Planning permission had not been granted for the works, which were therefore unauthorised. The owner of the land has been advised that the works are unauthorised and has been requested to reduce the height of the fence. A response has not been received from the owner.

The Committee unanimously agreed to grant authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the reduction in height of fence at 20 Dubbs Road, Stevenston, Ayrshire, KA20 3AX.

Councillor Foster left the meeting.

## **9. The Planning (Scotland) Act 2019 Commencement Regulations**

Submitted report by the Executive Director (Place) on the implementation of the Planning (Scotland) Act 2019.

Noted.

## **10. Scottish Government Consultation on Planning Performance and Fees**

Submitted report by the Executive Director (Place) on the Scottish Government's consultation on the proposed introduction of Planning Performance and amendments to Planning fees.

The Committee unanimously agreed to approve the content of the report which will form the basis of the response to the Consultation.

The Meeting ended at 3.40 p.m.

**Local Review Body  
22 January 2020**

**Irvine, 22 January 2020** - At a Meeting of the Local Review Body of North Ayrshire Council at 3.45 p.m.

**Present**

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

**In Attendance**

I. Davies, Planning Adviser to the LRB, A. Hume, Planning Adviser to the LRB (Place); A. Craig, Legal Adviser to the LRB (Legal Services) and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies**

Robert Foster

**1. Introductory Remarks**

The Legal Advisor to the Local Review Body referred to the appeal statement for Notice of Review: 19/00704/PPP – Site to the North West of 15 Thirdpart Holdings, West Kilbride, having been omitted in error from the agenda. With agreement from the applicant's agent to proceed, having been circulated to Members prior to the meeting. The Legal Advisor then confirmed with Elected Members that they had had an opportunity to digest the information provided.

**2. Declarations of Interest**

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

**3. Minutes**

The Minutes of the meeting of the Local Review Body held on (i) 02 October 2019 and (ii) 30 October 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Notice of Review: 19/00704/PPP – Site to the North West of 15 Thirdpart Holdings, West Kilbride**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a detached dwelling house and stable at the Site to the North West of 15 Thirdpart Holdings, West Kilbride.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan, Planning decision notice, further representations by interested parties and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Marshall seconded by Councillor McNicol, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

There being no amendment the motion was declared carried.

#### **5. Notice of Review: 18/01044/PP – Middleton Farm, Perceton Gate, Irvine**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a 1.75 storey dwellinghouse and double garage.

The Notice of Review documentation, Planning Officer's Report of Handling, Location Plan and Planning decision notice were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

Councillor Billings seconded by Councillor Macauley, moved that the Local Review Body uphold the officer's decision and refuse planning permission.

There being no amendment the motion was declared carried.

The Meeting ended at 4.25 p.m.

Audit and Scrutiny Committee  
28 January 2020

**IRVINE**, 28 January 2020 - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**Also Present**

Ronnie McNicol.

**In Attendance**

C. Hatton, Chief Executive; L. Friel, Executive Director, David Forbes, Senior Manager, P. Doak, Senior Manager (Internal Audit, Risk and Fraud) and C. Morris, Internal Auditor (Finance and Corporate Support); R. McCutcheon, Executive Director, A. Laurenson, Senior Manager, Economic Development and Regeneration; and J. Wraith, Team Manager, Physical Environment (Place); A. Sutton, Executive Director (Interim) (Communities); S. Brown, Executive Director (Health and Social Care Partnership); and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Pat Kenny and Jordan Cook (Deloitte).

**Chair**

Councillor Burns in the Chair.

**1. Chairs Remarks**

The Chair advised that the External Auditors were in attendance at the meeting to present their report on the External Audit Plan 2019/20 and, in addition, would observe proceedings as part of their evidence for the Best Value Audit.

**2. Declarations of Interest**

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

**3. Minutes**

The Minutes of the Ordinary Meeting of the Audit and Scrutiny Committee held on 12 November 2019 and the Special Meeting held on 27 November 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to amended wording to the penultimate paragraph of the Minute of 27 November 2019 to read "The Committee commented on the significant progress by other Council services in achieving their planned savings. Any overspend by the Health and Social Care Partnership creates a financial risk to the Council, as one of the key funding partners".

#### **4. North Ayrshire Integrated Joint Board (IJB) Budget Monitoring Period 8**

Submitted report by the Chief Finance and Transformation Officer, and presented by the Executive Director, on the financial position of the North Ayrshire IJB and on progress with plans to reduce the projected overspend for 2019-20. The budget monitoring report and Appendices, which were presented to the IJB on 19 December 2019, were attached as an Appendix to the report.

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

- the HSCP working towards financial balance in 2019/20 with a focus on ensuring that the final outturn position is no more than £1.5m, to ensure the deficit of the IJB does not increase;
- the 19/20 savings plans being complete for full delivery by 1 April 2020;
- information is included in the Recovery Plan on the review of services to people with learning difficulties, and balancing independence and safety;
- difficulties in making significant inroads to overnight support and ensuring a safe, effective and cost-efficient service delivery model;
- the filling of vacant managerial posts being determined through the HSCP Vacancy Scrutiny Panel;
- the movement in the savings trackers relating to timescales and delay in delivery;
- the continuing work with the Council to reduce the financial risk to the Council; and
- information on care at home numbers, care home placements, self-directed support and other key areas alongside examples of best practice nationally to be included within future reports.

The Committee agreed to note (a) the financial position with regard to the Health and Social Care Partnership; and (b) the actions being taken by the partnership to reduce the projected overspend.

#### **5. Town Centre Regeneration**

Submitted report by the Executive Director (Place) providing an update on footfall data in town centres and on planned activity to promote their regeneration. Appendix 1 detailed information on footfall counter locations and footfall data trends while Appendix 2 detailed retail vacancy rates within units.

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

- the role of Locality Partnerships in supporting the North Ayrshire Regeneration Framework;
- the possible transition from retail use to residential in some town centres and considerations as part of this process;
- consultation with Members, Officers and Community Groups as part of the Stevenston regeneration process;
- tackling of issues in connection with vacant and derelict land sites;

- ongoing parking issues in West Kilbride which will be considered as part of the overall North Ayrshire parking strategy;
- work in connection with decriminalised parking enforcement which is progressing;
- an update on Vacant and Derelict Land Funding (VDLF) in connection with the old gas works site in Dalry;
- that VDLF funding can be carried to the next financial year; and
- support which can be provided to private town centre businesses in Irvine, Saltcoats and Largs.

The Committee agreed to note (i) recent trends in footfall in the main town centres of Irvine, Saltcoats and Largs; (ii) activity to promote investment and regeneration in town centres, including the expenditure of town centre funding in 2019/20; (iii) future plans to increase the impact of investment from other budgets on town centres, including from the Social Housing Investment Programme; and (iv) plans for a new regeneration framework in early 2020 which will provide a strategic approach to the regeneration of North Ayrshire's town centres.

## **6. Climate Change**

Submitted report by the Executive Director (Place) providing an update on progress in tackling climate change and detailing achievements made through the Environmental Sustainability and Climate Change Strategy.

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

- funding of £50,000 awarded through the Scottish Government's Local Heat and Energy Efficiency Strategy (LHEES);
- procurement of a Consultant to work with Officers on providing a heat strategy across North Ayrshire;
- the installation of solar pv panels on Council houses and the possibility of a joint venture to develop roll-out proposals to private owners;
- the work of the PMI team on the use of solar panels on Council buildings;
- monitoring and usage of the current electric vehicle charging points based at Cunninghame House and possible funding to allow installation of workplace electric vehicle chargers to free these points up to public use;
- zero waste targets, especially in connection with emails and hard copy expectations; and
- the rate of progress with the sustainability and climate change strategy given the climate change emergency.

The Committee agreed to note the actions undertaken across services to mitigate the impacts of climate change.

## **7. External Audit Plan 2019/20**

Submitted report by the Executive Director (Finance and Corporate Support) on the External Audit Plan for 2019/20, which summarised Deloitte LLP's assessment of the key risks and challenges facing the Council and the audit work proposed in the

2019/20 financial year. The full Audit Plan report was detailed at Appendix 1 to the report.

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

- the recognition of grant income which has been identified as a key risk;
- disclosures in connection with the IFRS16 Standard will be included within in-year reporting as part of the accounting policies;
- an update to be provided to a future meeting on the transformation programme;
- the net pension liability increase as a result of changes in assumptions together with the impact of McCloud and GMP indexation;
- any potential waste management monitoring overlap with SEPA and provision for Audit Scotland to provide further clarification around this if required; and
- the annual publication of 'The State of the State' being included to raise Committee awareness.

The Committee agreed to note the External Audit Plan for 2019/20.

## **8. Internal Audit Reports Issued**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed during October and December 2019. The findings from eight separate audit assignments were detailed at Appendix 1 to the report, together with their respective executive summary and action plans.

Councillor Brahim left the meeting prior to discussion of the Procurement Card audit and rejoined the meeting prior to questions in this regard.

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

- assurances in terms of how kelio system controls issues are being addressed, especially in relation to deactivation from the system;
- procedures for recording of visitors entry and exit at Cunninghame House;
- procurement card transaction limits, allocation of cards and authorisation controls for line managers;
- no current access to the Carefirst system for Education staff and on how this will be improved; and
- minimising risk around duplicate payments.

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

## **9. Council Plan Progress Update: Q2 2019/20**

Submitted a report by the Chief Executive on the progress of performance against the Council Plan 2019-24 as at Quarter 2 2019-20. Appendix 1 to the report detailed the Council Plan 2019-24 Progress Update (Mid-Year 2019-20). Appendices 2 and 3 provided information on performance indicators for the Council Plan Performance Framework and the actions aligned to the Council Plan 2019 - 24 respectively.



The Chair commented on the new format of the report which was more focussed on key priorities and easier to read and follow.

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

- ongoing work for projects within the Ayrshire Growth Deal and reporting timelines;
- timescales regarding skills development progress;
- continuing work to integrate and support refugees and a report to be submitted to a future Cabinet meeting making recommendations on the next stages;
- progress with the development of a Community Charter which will be reported to future meetings of the Locality Partnerships; and
- final targets in connection with recycling and the fact that the Council is on-track to meet the 60% target set by the Scottish Government.

The Committee agreed to note the performance of the Council Plan as at 30 September 2019.

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

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

#### **11. Corporate Fraud Reports Issued**

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

Noted.

The meeting ended at 12.00 noon.