



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**13 November 2019**

**VOLUME OF MINUTES**

**From 29 August 2019 – 30 October 2019**

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## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 29 August 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, John McGhee, Douglas Reid and Jim Roberts (all East Ayrshire Council).

Attending: Kevin Carr, Executive Manager – Place Directorate (South Ayrshire Council); Stewart Turner, Head of Roads; Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); Eilidh Mackay, Chief Auditor (East Ayrshire Council); and Eillen Wyllie, Committee Services Officer (South Ayrshire Council).

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

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

### **2. Internal Audit Annual Update Report.**

There was submitted a report ([issued](#)) of 19 August 2019 by the Chief Auditor – East Ayrshire Council providing an annual update to the Joint Committee reflecting outcomes from the previous year and items included in the current year plan.

The Chief Auditor referred to the report and outlined the control environment for ARA Internal Audit Work in both Councils.

A Member commented on a Summary Follow-up in relation to ARA Road Bonds which had been incorporated within the Internal Audit report presented to a recent meeting of the Audit and Governance Panel of South Ayrshire Council. This Follow-up referred to four additional cases which were on the Bond Register and the member enquired if members of the Ayrshire Shared Services Joint Committee should be made aware of such issues. The Head of Roads commented that, following South Ayrshire's Audit and Governance Panel meeting, he had been notified by the Chief Internal Auditor on this matter and, following investigation, he would circulate a response to Members of this Committee.

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

**Decided:** to note

- (1) the outcome of the 2018/19 Internal Audit work as presented in paragraphs 13 to 15 and in Appendices 1 and 2 of the report;
- (2) the ARA items included in the 2019/20 plan and the available contingencies, as presented in paragraph 16 and Appendices 3 and 4 of the report; and
- (3) that the Chief Auditor would submit a similar update report to the Joint Committee on an annual basis.

### 3. Roadworks Programme 2019/20.

There was submitted a report ([issued](#)) of 18 August 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 informed members that the Sustrans bids had been successful.

A specific question was raised by Members of the Joint Committee in relation to the current position with the railway station at Barassie and the Head of Roads and the Operations Manager suggested that an update be provided to interested members immediately following this meeting.

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

- feedback on the implementation of the 20mph zones and enforcement issues. It was noted that the implementation of 20mph schemes in South Ayrshire rural villages was ongoing. In relation to enforcement, it was noted that any solutions would be hard engineered;
- the LED replacement programme which was on course to be completed by 2021;
- flooding and subsequent damage to roads and accessing the UK Government's Bellwin Scheme for emergency financial assistance for significant situations;
- the projects involving bids which had been made to Sustrans. It was noted that works would commence soon since funding had recently been approved;
- work at Girvan Harbour and the Operations Manager commented on the tendering process and that it was hoped that this work would be undertaken this financial year; and
- the environmental improvement programme and whether issues relating to parking bays at Prestwick and Troon could be incorporated within this programme. The Operations Manager advised that this was an East Ayrshire Council programme, however, the Operations Manager would investigate and calculate a figure for submission for the next round of funding to South Ayrshire Council.

In relation to a query about flooding at a culvert in the Shortlees area of Kilmarnock, the Operations Manager advised of a forthcoming meeting with Scottish Water to investigate the issues prior to undertaking carriageway resurfacing. He would be in a position to update the Member thereafter.

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 12 August 2019 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress made to date against the Performance Scorecard.

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

- parking appeals and it was noted that low numbers were involved. The appeals process was outlined; and
- unlawful parking in disabled bays and what could be done to prevent this and the Head of Roads commented that he would investigate ideas further in this regard.

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. Winter Service Review.**

There was submitted a report ([issued](#)) of 18 August 2019 by the Head of Roads, Ayrshire Roads Alliance advising of the progress being made with the winter review and confirming that the proposed routes would remain unaltered for the winter of 2019/20.

A discussion took place and officers commented in relation to:- the use of and types of de-icing materials for overnight treatments; rest period costs; the number of operatives; the use of contractors and the vehicle contract; the use of 'Alexa'; and the process for tackling water discharge onto roads and contacting landowners in this regard.

The Operations Manager commented on a forthcoming review of the grit bin policy.

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

**Decided:**

- (1) to note the Ayrshire Roads Alliance progress of the winter review; and
- (2) to note the continuation of the winter service as per 2018/19.

**6. Revenue Financial Monitoring.**

There was submitted a report ([issued](#)) of August 2019 by the Depute Chief Executive and Chief Financial Officer Economy and Skills outlining the revenue budget monitoring position for the year to 21 July 2019 for the Ayrshire Roads Alliance.

A question was asked in relation to additional computing costs amounting to £47,000 as detailed in Appendix 2 of the report and the Head of Roads confirmed that this was a one-off cost to support flexible ways of working instead of fixed standalone PCs.

A discussion took place in relation to timber transport bids and it was noted that the Operations Manager was successful in obtaining funds each year from this funding body.

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

**Decided:**

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

**7. Proposed Response to the Rural Economy and Connectivity Committee on the Pre-Budget/Financial Scrutiny on Roads Maintenance in Scotland.**

There was submitted a report ([issued](#)) of 9 August 2019 by the Head of Roads, Ayrshire Roads Alliance advising of the proposed response to the Rural Economy and Connectivity Committee on the pre-budget / financial scrutiny on roads maintenance in Scotland.

The Head of Roads referred to the response attached as an appendix to the report and sought feedback from Members on the answers to the four questions which had been asked.

Thereon, Members provided feedback as follows:-

Question 2 – comments were made in relation to funding issues and proactive and reactive maintenance. It was pointed out that there was more to the maintenance of a road than its surface i.e. associated costs with litter picking and grass cutting for example. The Head of Roads commented on environmental legislation which stated that the responsibility for these tasks lay with local authorities even when Transerv were responsible for the road. It was noted that it was worth highlighting this point within the response as it should be addressed.

Question 4 – no comment had been included within the response on the split between Transport Scotland and local authorities as this aspect was addressed in another review, however, it was noted that a comment would now be added to this response to that effect.

A discussion took place in relation to whether white lining could be used on dark roads with no lighting and the Head of Roads advised that he would investigate this idea further for specific locations as it would be too costly to white line all roads.

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

**Decided:**

- (1) to instruct the Head of Roads to continue engagement on this matter; and
- (2) to instruct the Head of Roads to make a formal response, as detailed in Appendix 1 of the report and including additional points made at this meeting, to the Rural Economy and Connectivity Committee by 6 September 2019.

**8. Non-Residential Road Bonds.**

There was submitted a report ([issued](#)) of 16 August 2019 by the Head of Roads, Ayrshire Roads Alliance updating the Joint Committee on road bonds and other financial guarantees held by the Ayrshire Roads Alliance other than road bonds provided by in relation to roads construction consents.

A question was asked in relation to the Greenburn Open Cast and the Head of Roads advised of a forthcoming meeting with Kier Mining and East Ayrshire Council in this regard. He would advise the Member of the outcome thereafter.

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

**Decided:** to note the position with respect to road bonds provided under Section 96 of the Roads (Scotland) Act 1984.

**9. National Training Collaboration.**

There was submitted a report ([issued](#)) of 18 August 2019 by the Head of Roads, Ayrshire Roads Alliance advising of the National Training Collaboration for Roads Authorities in Scotland which was being developed in partnership between the Improvement Service on behalf of all Scottish Roads Authorities and the Ayrshire Roads Alliance who would take the role of Managing Authority for this work.

Following implementation of this approach, a request for feedback at the end of the year was made. In respect of the existing software licence, a question was raised by a Member of the Joint Committee. It was noted that the module was incorporated within the existing licence.

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

**Decided:** to note that the Ayrshire Roads Alliance would be the Managing Authority for this work with a proposed commencement date of the partnership being 1 April 2020.

**Councillors Cook, Reid and Roberts left the meeting during consideration of the above item.**

**10. National Transport Strategy.**

There was submitted a report ([issued](#)) of 5 August 2019 by the Head of Roads, Ayrshire Roads Alliance advising the Joint Committee of the recently published National Transport Strategy.

A discussion took place in relation to:- the need to improve public transport in rural areas; co-ordination of bus and train times; the current appraisal work on the A77 South of Ayr to support improvements such as safe overtaking places; infrastructure to promote electric vehicles and charging bays; the ability to expand cycle lanes; the impact of the Ayrshire Growth Deal; bus service provision and Council run bus services; and various roundabout improvements. The Head of Roads advised of a forthcoming meeting to discuss the response to the Strategy which would cover such issues.

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

**Decided:** to instruct the Head of Roads

- (1) to continue engagement with Transport Scotland on this matter; and
- (2) to make a formal response on the National Transport Strategy prior to the deadline of 23 October 2019.

**11. Risk Report and Register.**

There was submitted a report ([issued](#)) of 8 August 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.

The meeting ended at 11.55 a.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 29 August 2019  
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

**Present**

Councillor Robert Foster, North Ayrshire Council (Chair)  
Bob Martin, NHS Ayrshire and Arran (Vice-Chair)  
Councillor Anthea Dickson, North Ayrshire Council  
Jean Ford, NHS Ayrshire and Arran  
John Rainey, NHS Ayrshire and Arran  
Councillor John Sweeney, North Ayrshire Council

Stephen Brown, Director of Health and Social Care Partners  
Caroline Whyte, Chief Finance and Transformation Officer  
David MacRitchie, Chief Social Work Officer  
Alistair Reid, Lead Allied Health Professional Adviser  
Dr. Louise Wilson, GP Representative  
David Donaghey, Staff Representative (NHS Ayrshire and Arran)  
Louise McDaid, Staff Representative (North Ayrshire Council)  
Marie McWaters, Carers Representative  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Nigel Wanless, Independent Sector Representative  
Janet McKay, Chair, Garnock Valley HSCP Locality Forum

**In Attendance**

Thelma Bowers, Head of Mental Health  
Eleanor Currie, Principal Manager (Finance)  
Michelle Sutherland, Partnership Facilitator  
Neil McLaughlin, Team Manager (Performance)  
Karen Andrews, Team Manager (Governance)  
Karlyn Watt, Deloitte  
Angela Little, Committee Services Officer

**Apologies for Absence**

Councillor Timothy Billings, North Ayrshire Council  
Dr Paul Kerr, Clinical Director  
David Thomson, Associate Nurse Director/IJB Lead Nurse  
Vicki Yuill, Third Sector Representative

## **1. Chair's Remarks**

### **1.2 Welcome and Thanks**

The Chair referred to the retirement of Councillor Larsen from the Board. He thanked her for her work with the IJB and welcomed Councillor Dickson as the new Council representative. He also welcomed Janet McKay to her first Board meeting as the Chair of the Garnock Valley HSCP Locality Forum.

### **1.2 Order of Business**

The Chair advised that Item 10 – IJB Appointments would be considered at Item 5 of the agenda.

## **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 20 June 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 all matters arising are on track for completion by the appropriate timescales.

## **4. Annual Performance Report**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the Health and Social Care Partnership Annual Performance Report 2018/19, attached at Appendix 1 to the report. A presentation on the Annual Performance Report was also provided and gave details of:-

- Performance in relation to national health and wellbeing outcomes;
- Performance in relation to the three Children's outcomes and the three Justice Services Outcomes;
- Reporting on localities;
- Transformation programme;
- Reporting on lead partnership responsibility
- Inspection of service; and
- Financial performance and best value.

The Director acknowledged the positive contribution of Care Homes and the Third Sector in respect of Outcomes 2 and 5 and advised that future performance reports will fully represent the contribution of all sectors.

The Board agreed to homologate the NAHSCP Annual Performance Report 2018/19, published on 31 July 2019.

## **5. Integration Joint Board Appointments**

Submitted report by Stephen Brown, Director (NAHSCP) on the change of Council representation on the IJB and the proposed appointment of Councillor Anthea Dickson to the Strategic Planning Group as Vice Chair.

The Board agreed to approve the appointment of Councillor Anthea Dickson as Vice Chair of the Strategic Planning Group.

## **5. Standing Orders**

Submitted report by Stephen Brown, Director (NAHSCP) on the proposed amendment to the Integration Joint Board's Standing Orders to include webcasting of IJB meetings. The amended Standing Orders were attached at Appendix 1 to the report.

The Board agreed to (a) approve the amendments to Standing Orders to include webcasting of IJB meetings; and (b) to publish the revised Standing Orders on the Council's website.

## **6. Meeting Dates 2020**

Submitted report by Karen Andrews, Team Manager (Governance) on the draft timetable for meetings of the Integration Joint Board and the Performance and Audit Committee for 2020. Appendix 1 to the report outlined the meeting schedule for 2020.

The Board agreed the dates for meetings of the Integration Joint Board and the IJB Performance and Audit Committee as detailed in the report and at Appendix 1 to the report.

## **7. Director's Report**

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

The report highlighted the following:-

- Scottish Health Awards 2019;
- Standards Commission for Scotland Update;
- Being Exhibition, Eglinton Country Park, Irvine;
- Thinking Different, Doing Better Staff Experience;
- Ministerial Visit on 24 July 2019;
- Champions for Change;
- Attendance Award Winner; and
- The Irvine Locality Forum Chair.

Members welcomed the engagement opportunity provided by the Thinking Different, Doing Better Staff Experience sessions and relayed positive feedback from staff who had attending sessions that had taken place.

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

## **8. Audited Annual Accounts**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the Audited Annual Accounts for 2018/19, attached at Appendix 1. Appendix 2 included the ISA260 letter from Deloitte LLP and the letter of representation to be signed by the Chief Finance Officer (NAHSCP). A summary of the findings of the audit were attached at Appendix 3 to the report.

A verbal update was provided by the external auditor, Karlyn Watt, Deloitte.

The IJB's accounts for the year to 31 March 2019 were submitted to Deloitte LPP in accordance with the agreed timetable. Deloitte have given an unqualified opinion that the 2018/19 financial statements give a true and fair view of the financial position and expenditure and income of the IJB for the year, concluding that the accounts have been properly prepared in accordance with relevant legislation, applicable accounting standards and other reporting requirements. No monetary adjustments have been identified and the IJB's position remains as reported to the IJB Performance and Audit Committee on 14 June 2019.

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

- Inconsistencies between the Draft Annual Accounts for the Council and the IJB Audited Accounts in relation to the year-end financial position of the IJB and the confusion this may cause. This was explained to be as a result of the application of the legislation that is prescriptive on what is included in the income and expenditure statements and the requirement to reduce the debt owed to the Council, the difference is in the management accounts and the treatment of the additional funding transferred across from the Council at the year-end, the IJB accounts include a narrative in the management commentary to explain the position; and
- The Council's Annual Accounts and external audit report are being finalised for the Audit and Scrutiny Committee in September, Deloitte as external audit for both parties will ensure the wording is clear and consistent.

The Board agreed to (a) note that Deloitte LLP have issued an unqualified independent auditor's report; and (b) approve the Audited Annual Accounts for 2018/19.

## **9. Budget Monitoring Report - Period 3**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the projected financial outturn for the financial year as at June 2019, including commitments against the available resource, explanations for the main budget variances, an update on progress in terms of savings delivery and action required to work towards financial balance.

Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B. Full details of savings were provided at Appendix C. Appendix D outlined the action plan to reduce the overspend in learning disability services and Appendix E detailed the 2019/20 Budget Reconciliation.

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

- Mitigations that are being put in place to address the main areas of pressure relating to learning disability care packages, care homes, care at home, looked after children and adult in-patients;
- Information on savings plans that have taken longer to achieve as a result of a slippage of timescales and delivery that will be included in the Budget Monitoring to be reported in September;
- An update on the Care Home Strategy that will be provided to the Strategic Planning Group;
- A review of Carers Act Funding to ensure the financial impact of Carer Support Plans is accommodated; and
- Scrutiny processes that are in place to consider staff vacancies and include assessing any potential impact on service provision as a result of non-filling of posts.

The Board agreed to (a) note (i) the early indication of a projected year-end overspend of £2.801m; (ii) the further planned actions to address the projected overspend and deliver financial balance; and (iii) the potential impact of the Lead Partnerships; and (b) approve the changes in funding as detailed in section 2.11 and Appendix E to the report.

## **11. IJB Performance and Audit Committee Minutes**

Submitted the Minutes of the IJB Performance and Audit Committee meeting held on 8 March 2019.

Noted.

## **12. Strategic Planning Group Minutes**

Submitted the Minutes of the Strategic Planning Group meeting held on 29 May 2019.

Noted.

The Meeting ended at 11.05 a.m.

**Local Development Plan Committee**  
**17 September 2019**

**IRVINE, 17 September 2019** – At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 9.00 a.m.

**Present**

Alex Gallagher, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Ian Clarkson, Joe Cullinane, Scott Davidson, Todd Ferguson, Robert Foster, Tony Gurney, Alan Hill, Shaun Macaulay, Jean McClung, Ronnie McNicol, Louise McPhater, Davina McTiernan, Tom Marshall, Ian Murdoch, Donald Reid and John Sweeney.

**In Attendance**

C. McAuley, Head of Service (Economic Development and Regeneration), J. Miller, Senior Manager (Planning) and N. McIlvanney, Strategic Planning Manager (Place); A. Craig, Senior Manager (Legal Services), M. Anderson, Committee and Member Services Manager, H. Clancy and D. McCaw, Committee Services Officers (Democratic Services).

**Chair**

Councillor Gallagher in the Chair.

**Apologies for Absence**

Anthea Dickson and Donald L. Reid.

**1. Chair's Remarks**

The Chair advised on the background to the development of the modified Proposed Local Development Plan presented to the Committee for final approval and which will support the key components of the Council's Ayrshire Growth Deal aspirations, the Local Housing Strategy and the ambitious Strategic Housing Investment Programme.

**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 Committee held on 17 April 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Adoption of Proposed Local Development Plan**

Submitted report by the Executive Director (Place) seeking approval to modify the Proposed Local Development Plan (LDP) to reflect the Scottish Ministers' examination and to complete all procedural matters in relation to the adoption of the Proposed LDP. The Proposed Local Development Plan was set out at Appendix 1 to the report.

Councillor Billings joined the meeting at this point.

The Senior Manager (Planning) provided a presentation on the key findings and priorities within the modified LDP, including a range of additional modifications which have been accepted and incorporated into the modified Proposed LDP.

Councillors Foster and McTiernan joined the meeting at this point .

The key findings of the examination report related to:-

- the Strategic Development Areas which form part of the spacial strategy for the LDP;
- the bespoke methodology approach to forming a housing strategy which was recognised as essential to enabling the LDP to provide opportunities for private sector investment in new housing in North Ayrshire;
- work in partnership with the Council's Local Housing Strategy and Strategic Housing Investment Programme;
- support for the allocation of residential land at Portencross Road (West Kilbride), Mayfield Farm (Saltcoats/Stevenston), Lochlibo Road (Irvine, Wood Farm (Kilwinning and Camphill Drive (Kilbirnie); and
- the recommended deletion of the allocation of additional residential land at Brisbane Glen (Largs), Chapelton (West Kilbride) and Burnhouse.

Once adopted, the revised plan will be formally constituted as the North Ayrshire Local Development Plan, superseding the 2014 LDP.

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

- the provision for 1500 new homes over the period 2018-2023;
- that issues raised in connection with development of land at Portencross Road, West Kilbride being considered as part of the planning process in relation to any application;
- the definition of 'other facilities for large and small scale power generation' in relation to Hunterston;
- the capacity for housing within the Ardrossan Harbour area and on assessments required in relation to development applications for previously contaminated land sites;
- site survey information sharing with Local Members in relation to works on previously contaminated land sites;
- possible contamination levels within sand dredged from the Hunterston decommissioning project; and
- contact with SEPA and other environmental agencies in consideration of any planning applications received for previously contaminated land sites.

The Chair of the Council's Planning Committee expressed his support for the process in development of the Plan which was easy to read and stressed the importance of the Town Centre development policy.

Councillor Cullinane, seconded by Councillor Bell moved adoption of the modified Proposed Local Development Plan as detailed within the Appendix to the report. There being no amendment, the motion was declared carried.

The Committee agreed, Councillors Barr and Ferguson dissenting with regard to the support for the allocation of residential land at Portencross Road, West Kilbride, to approve (a) modification of the Proposed LDP (April 2018) to reflect Scottish Ministers' recommended modifications as presented in the examination report; (b) the Modified Proposed LDP for submission to Scottish Ministers as the Council's intended Adopted Local Development Plan; and (c) the superseding of the LDP (2014) once procedural matters are completed to adopt the proposed LDP.

The Meeting ended at 9.40 a.m.

Licensing Committee  
18 September 2019

**IRVINE**, 18 September 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Todd Ferguson, Scott Gallacher, Davina McTiernan (Agenda Items 5.6 onwards); Donald L. Reid, Jean McClung and Angela Stephen.

**Also Present**

Ian Clarkson (Agenda Item 5.6 onwards).

**In Attendance**

David Watts, Senior Architect (Physical Environment) (Agenda Item 7 only) and Mark Henry, Team Leader (Roads) (Place) (Agenda Item 7 only); D. Robertson, Enforcement Officer, W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant (Licensing) (Legal Services) and D. McCaw, Committee Services Officer (Chief Executive's Service)

**Also in Attendance**

Inspector Alison Wilson and Sergeant David Dougan (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Robert Barr and John Easdale.

**1. Chair Remarks**

The Chair advised that a Petition and representations in connection with the taxi stance in Irvine would be considered at Agenda Item 7 as a matter of urgency to allow the matter to be progressed without delay.

He further advised that the order of business would be varied to allow consideration of items 5.15 and 7 immediately following item 5.8 on the Agenda.

**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 held on 21 August 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 5-6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

#### **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 Taxi Driver's Licence: TDL/00792 (Renewal): George Williams**

The Committee at its meeting held on 21 August 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 and accompanied by Mr. Robert Colhoun. 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.

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

### **Decision**

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

### **5.2 Taxi Driver's Licence: TDL/02179 (New): Phyllis Middleton**

The Committee at its meeting held on 21 August 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.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

#### **Decision**

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

### **5.3 Taxi Driver's Licence: TDL/02183 (New): David Keggan**

The Committee at its meeting held on 21 August 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.

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

#### **Decision**

Councillor Reid, seconded by Councillor McNicol, moved that the Committee refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Paragraph 5 (3) (a) (ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.

As an amendment, Councillor Gallacher, 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.

On a division, there voted for the motion 3 and for the amendment 3 and on casting vote of the Chair, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Paragraph 5 (3) (a) (ii) of the said Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Drivers Licence.

#### **5.4 Taxi Operator's Licence: TL/204: Craig Murray**

The applicant, having been duly cited to attend, was present and accompanied by David Baird.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

#### **Decision**

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

#### **5.5 Taxi Driver's Licence: TDL/02188: Craig Murray**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions. The Committee considered representations from the Chief Constable.

#### **Decision**

The Committee unanimously agreed to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of 3 years.

The Chair then adjourned the meeting for a short comfort break. The meeting reconvened thereafter with the same Members present and Councillor McTiernan having joined the Committee for the remainder of the business.

Provost Clarkson joined the meeting at this point.

#### **5.6 Window Cleaner's Licence: WCL/076 (New): Connor Watson**

The Committee at its meeting held on 10 April 2019 agreed to continue consideration of this item to a future meeting, no later than 30 October 2019, to allow the applicant to provide further information to the Committee.

The applicant, having been duly cited to attend, was present and accompanied by his mother, Catherine Watson. 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 and his mother addressed the Committee on the issues raised and responded to questions.

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

#### **Decision**

Councillor Reid, seconded by Councillor McNicol, moved that the Committee refuse the application, in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Paragraph 5 (3) (a) and (d) of the said Schedule, that the applicant had not met the criteria to be the holder of a Window Cleaner's Licence. There being no amendment the motion was declared carried.

Police Scotland representatives left the meeting at this point.

#### **5.7 Taxi Driver's Licence: TDL/00695: Andrew Johnston**

The Committee at its meeting held on 21 August 2019, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was not present or represented.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Enforcement Officer addressed the Committee and responded to questions.

### **Decision**

The Committee agreed to continue consideration to the next meeting in order that the licence holder could be present.

### **5.8 Taxi Driver's Licence: TDL/01962: Stephen Reid**

The Committee at its meeting held on 21 August 2019, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The Enforcement Officer addressed the Committee and responded to questions. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

Councillor Ferguson, seconded by Councillor Reid moved that a final written warning be issued to the licence holder. There being no amendment, the motion was declared carried.

### **5.15 Urgent Item: TL/194: Michael Ferguson**

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

The Solicitor (Licensing) set out the background to an application for a substitute vehicle onto a Wheelchair Accessible Licence which was outwith the vehicle specification as it did not have a winch fitted.

The Committee unanimously agreed to treat the proposed vehicle as an exception to the Committee's Vehicle Specification Policy under Section 10(2) of the Civic Government (Scotland) Act 1982.

### **7. Urgent Item: Taxi Stance Provision in Irvine**

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

The Committee was advised that a Petition had been received regarding Taxi Stance provision in Irvine.

Mr. Kevin Blades, a Taxi Operator, and Mr. Steven Kelly, representing the Irvine Taxi Owners' Association, addressed the Committee in relation to the concerns raised by the taxi trade in Irvine. The representatives advised that they were looking to open dialogue with the Senior Architect and the Roads Department. The Committee noted the representations made.

The Chair explained to the operators that the road layout was primarily a matter for the Roads Department and that the involvement of the Licensing Committee was limited to Stances. The Provost advised the Trade that the hearing was simply to determine what Trade wanted, and was not to make a decision. The Chair agreed with the Provost's comments.

Mr. Kelly advised that the Trade's concern was the closure of the Bank Street rank, which he said lost the Trade money and inconvenienced the public as some people could not always see the temporary rank. He suggested:

1. that, instead of being in Bank Street, the Stance should start outside the "Carrick" public house, at the corner of High Street and Bank Street, and then run up High Street (with the first car being outside the "Carrick"); and
2. that, in the short term, the Stance could be in the East Road car park, where there were two blocks, one of 20 spaces and one of 10 spaces.

Members asked questions and received clarification in relation to:-

- the Trade proposing that there should be a short-term stance in the East Road car park with at least 20 bays, to be used 24 hours a day, with the public being redirected to the Aldi car park; and
- that the Trade would agree to use of the East Road Car Park after 6 p.m.

The Committee agreed that the comments made by the Trade representatives would be considered by the Senior Architect and the Roads Department.

The Trade representatives then left the meeting.

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

### **5.9 MDL/057 (Renewal): Jason McKinney**

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

### **5.10 PHCL/371 (Renewal): Craig Dobbins/Stephen Dobbins**

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

### **5.11 TDL/02176 (New): Christopher Payne**

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

### **5.12 TDL/02193 (New): James Graham**

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

### **5.13 TDL/02194 (New): Iain McIntyre**

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.

## **Appendix C: Preliminary consideration of Revocation or Suspension complaints (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11)**

### **5.14 BOL/019: TOA Taxis (North Ayrshire) Ltd / William Bruce**

The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing.

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

The Committee was advised that there were no Landlord Registration cases to be considered at this time.

The meeting ended at 1.05 p.m.

Audit and Scrutiny Committee  
24 September 2019

**IRVINE**, 24 September 2019 - At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Marie Burns, Joy Brahim and John Sweeney.

**In Attendance**

L. Friel, Executive Director, M. Boyd, Head of Service and D. Forbes, Senior Manager (Finance and Corporate Support); A. Craig, Senior Manager (Legal Services) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Kyle McAulay (Deloitte).

**Chair**

Councillor Burns in the Chair.

**Apologies**

Alan Hill, Tom Marshall and Donald Reid.

**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. Annual Report on the 2018/19 Audit**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the 2018/19 Annual Audit report and received a verbal update from the external auditor. The letter of representation to be signed by the Executive Director (Finance and Corporate Support) as the responsible officer for North Ayrshire Council was attached at Appendix 1 to the report. The External Auditor's Annual Report was appended at Appendix 2 and included the findings of the 2018/19 audit and agreed action plan.

Kyle McAulay of Deloitte provided a verbal report on the appendices to the report, including the key messages contained within the external auditor's unqualified report on the 2018/19 audit of North Ayrshire Council, the significant findings from the audit in accordance with ISA260, and the significant audit risks identified during the course of the audit.

Members were further advised by the External Auditor of typographical errors within the Annual Report which would be updated prior to the issue of the final version and that ISA 260 would be updated to reflect this.

The Chair indicated that this was a positive report and noted that the Council had been commended for areas of good practice. On behalf of the Committee, the Chair thanked the Financial Services team for their work in connection with the production of the Annual Accounts.

Members asked a question and were provided with further information in relation to FRS16.

The Committee agreed to (a) note (i) the findings of the 2018/19 audit of the financial statements as contained in the External Auditor's annual report at Appendix 2; (ii) the agreed action plan as outlined on page 28 of the annual report; and (b) approve the audited Annual Accounts for signature.

The meeting ended at 10.20 a.m.

Cabinet  
24 September 2019

**IRVINE, 24 September 2019** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

John Bell, Robert Foster and Alex Gallagher.

**In Attendance**

L. Friel, Executive Director, F. Walker, Head of Service (People and Transformation), D. Forbes, Senior Manager (Financial Management), and Anne Lyndon, Senior Manager (Procurement) (Finance and Corporate Support); R. McCutcheon, Executive Director, D Hammond, Head of Service (Interim) (Commercial), and M. Ritchie, Manager (Regeneration) (Place); A. Sutton, Executive Director (Interim) (Communities), and R. Arthur, Head of Service (Interim) (Connected Communities) (Communities); C. Whyte, Head of Service (HSCP Finance and Transformation) (Health and Social Care Partnership); and A. Craig, Senior Manager (Legal Services), B. Tudhope, Manager (Corporate Policy, Performance and Elections) M. Sugden, Communications Officer, E. Gray, A. Little, and D. McCaw, Committee Services Officers (Democratic Services).

**Chair**

John Bell in the Chair.

**Apologies**

Joe Cullinane, Louise McPhater and Jim Montgomerie.

**1. Chair's Remarks**

The Chair welcomed those present to the meeting and announced that the Cabinet meeting would be webcast,

**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.

**2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 27 August 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Regulation of Investigatory Powers (Scotland) Act 2000**

Submitted a report by the Head of Democratic Services on the Council's use of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA).

The Cabinet agreed to note (i) the measures in place to secure compliance with RIPSA; and (ii) the use the Council has made of the Act in the last year.

#### **4. Public Performance Reporting 2018/19**

Submitted a report by the Head of Democratic Services on 2018/19 public performance reporting and the draft Annual Public Performance Report 2018/19. The Council's performance indicators were set out at Appendices 1 and 2 and the draft Annual Public Performance Report 2018/19 set out at Appendix 3 to the report.

Members queried the way trends are presented in the Annual Public Performance Report and requested that this be amended in future to better plot the performance trends over recent years.

The Cabinet agreed to (a) note the status of the Council's performance indicators as set out at Appendices 1 and 2 to the report; (b) approve the draft Annual Public Performance Report 2018/19 as set out at Appendix 3 to the report; and (c) note that this report would also be referred to the Audit and Scrutiny Committee for further consideration.

#### **5. Revenue Budget 2019/20: Financial Performance to 31 July 2019**

Submitted a report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 31 July 2019. Budgetary control and financial performance information for Democratic Services, Communities, Finance and Corporate Support and Place was set out at Appendices 1 - 4a of the report; information on other corporate items and miscellaneous items was set out at Appendices 5 and 6; information on the Housing Revenue Account was set out at Appendices 7 and 7a; Virement/Budget Adjustment Requests were set out at Appendix 8; and the HSCP financial monitoring report was set out at Appendix 9.

Members asked questions and were provided with further information in relation to the financial performance of the Health and Social Care Partnership, the reason for the current overspend and the plans in place to reduce it.

That Cabinet agreed to (a) note (i) the information and financial projections outlined in the report; and (ii) the current financial projection for the Health and Social Care Partnership at 2.7; and (b) approve the virements detailed in Appendix 8 to the report.

#### **6. Capital Programme Performance to 31 July 2019**

Submitted a report by the Executive Director (Finance and Corporate Support) on the Capital Investment Programme as at 31 July 2019. The North Ayrshire Council Capital Statement 2019/20 was set out at Appendix 1 and the Housing Revenue Account Capital Statement was set out at Appendix 2 to the report.

Members asked questions and were provided with further information in relation to the development of the Community Care facility at Trindlemoss, Irvine

That Cabinet agreed to (a) approve the revisions to budgets outlined in the report; (b) note (i) the General Services and HRA revised budgets at 31 July 2019; and (ii) the forecast expenditure to 31 March 2020; and (c) request that an update on Trindlemoss be provided at a future meeting.

## **7. VE Day 75 Commemorations**

Submitted a report by the Executive Director (Finance and Corporate Support) on the UK and Scottish Government's decision to change the date of the May public holiday to mark the 75th anniversary of VE day.

The Cabinet agreed to approve the proposal that Friday 8 May (VE Day) be recognised as a public holiday, and that the May Day (Monday 4 May) be provided as an additional annual leave day for 2020 only.

## **8. Road Asset Safety Inspections**

Submitted report by the Executive Director (Place) on the proposed new Road Asset Safety Inspection Policy. The proposed Road Asset Safety Inspection Policy was set out at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to the proposal to increase the response time target for Category 3 defects from 30 days to 60 days and the expected impact this would have on roads in North Ayrshire.

The Cabinet agreed to approve the new Road Asset Safety Inspection Policy as set out at Appendix 1 to the report.

## **9. Community Asset Transfer – Millport Town Hall**

Submitted a report by the Executive Director (Communities) on the transfer of ownership of Millport Town Hall and its grounds to the Scottish Charitable Incorporated Organisation Millport Town Hall.

The Cabinet (a) agreed in principle to the asset transfer of Millport Town Hall and its grounds from the Millport Common Good to the Scottish Charitable Incorporated Organisation, "Millport Town Hall"; and (b) authorised officers to conclude the authority, associated legal and community asset transfer process, subject to (i) the granting of court authority, successful alienation from the Millport Common Good; and (ii) the successful assembly of the full proposed funding package.

## **10. Award of Dalrymple Court Re-development (Construction of 24 Sheltered Housing Units & 9 Bungalows)**

Submitted a report by the Executive Director (Finance and Corporate Support) on the tendering exercise for the Dalrymple Court Re-development (Construction of 24 Sheltered Housing Units (SHU) & 9 Bungalows).

The Cabinet agreed to approve the award of the Contract to McTaggart Construction Ltd.

## **11. 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.

## **12. Lease of Gateway Building, i3, Irvine Enterprise Area**

Submitted report by the Executive Director (Place) on the lease of Gateway Building, i3, Irvine Enterprise Area.

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

The Meeting ended at 3.05 p.m.



## **North Ayrshire Health and Social Care Partnership**

### **Minute of Integration Joint Board meeting held on Thursday 26 September 2019 at 10 a.m.**

#### **Present**

Councillor Robert Foster, North Ayrshire Council (Chair)  
Bob Martin, NHS Ayrshire and Arran (Vice-Chair)  
Councillor Timothy Billings, North Ayrshire Council  
Councillor Anthea Dickson, North Ayrshire Council  
John Rainey, NHS Ayrshire and Arran  
Adrian Carragher, NHS Ayrshire and Arran

Stephen Brown, Director of Health and Social Care Partnership  
Caroline Whyte, Chief Finance and Transformation Officer  
David Donaghey, Staff Representative (NHS Ayrshire and Arran)  
Louise McDaid, Staff Representative (North Ayrshire Council)  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Fiona Thomson, Service User Representative  
Nigel Wanless, Independent Sector Representative  
Val Allen, Independent Sector Representative  
Vicki Yuill, Third Sector Representative

#### **In Attendance**

Thelma Bowers, Head of Mental Health  
Alison Sutherland, Head of Service (Children, Families and Criminal Justice)  
Janet Davies, IJB Professional Lead for Psychology  
Helen McArthur, Principal Manager (Health and Community Care Services)  
Karen Andrews, Team Manager (Governance)  
Angela Little, Committee Services Officer

#### **Apologies for Absence**

Councillor John Sweeney, North Ayrshire Council  
Dr Paul Kerr, Clinical Director  
Alistair Reid, Lead Allied Health Professional Adviser  
Dr. Louise Wilson, GP Representative  
Dr Callum Morrison, Acute Services Representative  
Jean Ford, NHS Ayrshire and Arran  
David MacRitchie, Chief Social Work Officer  
Marie McWaters, Carers Representative  
Janet McKay, Chair, Garnock Valley HSCP Locality Forum

## **1. Welcome**

The Chair welcomed Alison Sutherland, Head of Service (Children, Families and Criminal Justice) and Val Allen, Independent Sector Representative to the Integration Joint Board.

## **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 29 August 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 all matters arising are on track for completion by the appropriate timescales.

## **4. Psychological Services: Waiting Times**

Submitted report by Janet Davis, IJB Professional Lead for Psychology on the improvement plans, trajectories and progress against the Scottish Government Waiting Time Standard for Psychological Services, as detailed at Appendix 1 to the report. Appendix 2 provided a wider data set that reflected progress in activity, longest waits and the number of people waiting more than 18 weeks for access to psychological therapies.

The presentation provided information on:-

- The waiting times standard and the background to the psychological therapy waiting times standard;
- Update on progress, including compliance levels across services and benchmarking against other Health Boards;
- Highlights in respect of recruitment, pan-Ayrshire multi-disciplinary Psychological Interventions Governance and Training Group, Service developments and developments in data systems; and
- Risks which include specialist Psychological resource, full impact of additional permanently funded posts limited by vacancies, maternity leave, difficulty recruiting to fixed terms cover and sustainability of the SG/NES funding stream if the SG do not commit to permanently;
- Capacity in the wider workforce such as limitations in release of staff for training, protected time for delivery of psychological work post-training and erosion of impact of training;
- Data systems – limited provision of accessible and accurate demand capacity data to inform on waiting time queues and workforce planning for all levels of psychological work.

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

- Recognition by the Scottish Government that the data systems do not allow for the collection of the appropriate data to provide accessible and accurate demand capacity data to inform on waiting time queues and workforce planning;
- Work by the NHS and the Council to address the issues within the data systems that can be changed at a local level and the investment of additional resources to deal with waiting times;
- No issues in filling permanent posts in Ayrshire and Arran, despite difficulties in recruiting nationally and to fixed term posts;
- The similar waiting times being experienced by other Health Boards, who therefore have no capacity to assist neighbouring Health Boards;
- The development of a Waiting Time Initiative, as a short-term solution, to examine the whole Partnership resource and target the longest wait across the Partnership
- CAMHS as the first point of contact and the distress intervention model that is available in some areas;
- The Locality Partnerships that have identified mental health as one of their priorities;
- Good work that is being done by the Third and voluntary sectors; and
- That stress levels of staff are not currently being monitored.

Fiona Thomson left the meeting during this item.

The Board agreed (a) that the Director (NAHSCP) contact the Fiona Thomson to discuss her views and concerns relating to Psychological Services; and (b) to note the very informative and interesting presentation.

## **5. Director's Report**

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

The report highlighted the following work that has been undertaken:-

- Consultation on the Independent Review of Learning Disability and Autism in the Mental Health Act;
- The Scottish Government's Programme for Government which sets out a number of commitments aimed at improving the lives of care experienced people;
- The Service User Involvement Initiative that will be launched by Community Justice Ayrshire;
- The ground-breaking ceremony that took place on 16 September 2019 for an Additional Support Needs School and Respite and Residential facility for children and young people;

- Partnership working between services who deliver group care settings for older people and the creation of an Intergenerational Working Case Study booklet that provides examples of intergenerational working across North Ayrshire;
- Digital Resource for Carers; and
- Community Eating Disorder Service.

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

## **6. Community Alarm/Telecare Services Transition from Analogue to Digital**

Submitted report by Helen McArthur, Principal Manager on the transition from analogue to digital service internet protocol (IP). Telecommunication providers will terminate the current analogue system and replace it with a digital internet protocol (IP) from 2025. Users will require to have digital phone lines in order to access the community alarm and telecare technology that assists them to remain independent in their own homes.

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

- Future funding plans that will require to be put in place to meet the costs of replacing the analogue system with a digital internet protocol; and
- Unknown factors in terms of the total costs to users and the Council, whether the telecoms companies should contribute to the costs of replacing existing equipment and if there will be operational or financial benefits of the new system.

The Board agreed to (a) receive an update report to a future meeting; and (b) note the report.

## **7. Carers Respite Break Statement**

The Director of the North Ayrshire Health and Social Care Partnership advised that some further work was required on the Carers Respite Break Statement and the report would be considered at the next meeting of the IJB.

Noted.

## **9. Budget Monitoring Report – July 2019**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the projected year-end outturn for the financial year as at July 2019, 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. Details of the savings plan were provided at Appendix C. Appendix D outlined the financial recovery plan to bring overall service delivery back into line with the available resource and Appendix E highlighted the movement in the overall budget position for the partnership and budget reductions requiring approval.

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

- Purchased hours for care at home that are stopped when a service user is in hospital and in-house hours that are re-directed and used elsewhere; and
- Additional hours required to cover a service handed back to the Council by a provider experiencing staff shortages.

The Board agreed to (a) note the projected year-end overspend of £1.997m; (b) approve the financial recovery plan, as detailed in Appendix D to the report; (c) approve the changes in funding as detailed in Section 2.11 and Appendix E of the report; and (d) note the potential impact of the Lead Partnerships.

## **11. Strategic Planning Group Minutes**

Submitted the Minutes of the Strategic Planning Group meeting held on 29 May 2019.

The Board was advised of a bespoke Mental Health Programme set up by a pupil at Largs Academy, who has secured funding to create a tailored programme to provide training for school staff and parent workshops.

Noted.

## **12. IJB Performance and Audit Committee Minutes**

Submitted the Minutes of the IJB Performance and Audit Committee meeting held on 27 June 2019, that were in draft form and would be approved at the next meeting.

The Board was advised that the Internal Audit of the Lead Partnership Arrangements had found high priority actions around consistency. The Internal Audit Plan for 2019/20 had been agreed and would include an audit of performance management arrangements within the IJB.

Noted.

The Meeting ended at 11.20 a.m.

**Planning Committee**  
**2 October 2019**

**Irvine, 2 October 2019** - 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, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

I. Davies, Senior Development Management Officer, and N. McIlvanney, Strategic Development Manager (Place); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Shaun Macaulay.

**1. Declarations of Interest**

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

**2. Minutes**

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

**3. 19/00600/PP: Glaxosmithkline, Shewalton Road, Riverside Business Park, Irvine**

GlaxoSmithKline Plc. have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the to vary Condition 1 (Mitigation Strategy) of planning permission 19/00164/PP.

Condition 1 of 19/00164/PP states:

*"No turbine blade shall be fixed to either turbine until:*

- (i) The developer has agreed radar mitigation schemes with Glasgow Prestwick Airport and the National Air Traffic Services, and those schemes have been approved in writing by North Ayrshire Council as Planning Authority; and*
- (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.*

*Thereafter, the development shall operate fully in accordance with the approved schemes and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme."*

The applicant requested the amendment of the wording of this condition and that definitions, detailed in the report, be added for a number of terms used in the decision notice.

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

1. (i) No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as North Ayrshire Council receives confirmation from the Airport Operator that all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented.  
  
(ii) No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.
2. At wind speeds not exceeding 12ms<sup>-1</sup>, as measured or calculated at a height of 10m above ground level at the wind turbine, the noise immission level at any noise sensitive premises, including those dwellings listed in Table 5 of the applicant's Noise Report 'Proposed extension to wind energy development - GSK Irvine, Noise Impact Assessment, KSG Acoustics, Prepared for Stephenson Halliday, 27 February 2019', shall comply with the following:
  - (i) During night hours, defined in The Assessment and Rating of Noise from Wind Farms, 1996 ETSU-R-97 as 23:00 to 07:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 43dB LA90,10min or the ETSU-R-97 derived night hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The night hours noise limits shall be taken from Table 5 of the applicant's noise report.
  - (ii) During Daytime Hours, defined as 07:00 to 23:00 on all days, the cumulative noise immission level of the two wind turbines associated with this permission and the two existing wind turbines (built under permissions 09/00878/PP and 12/00629/PP) shall not exceed 35dB LA90,10min or the ETSU-R-97 derived quiet waking hours noise limit based on the measured LA90,10min noise level plus 5dB(A), whichever is the greater. The quiet waking hours noise limits shall be taken from Table 5 of the applicant's noise report.
3. When assessed at any noise sensitive premises the operation of the wind turbine shall not result in any audible tones as defined in The Assessment and Rating of Noise from Wind Farms, 1996 (ETSU-R-97).

4. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.
5. That the applicant shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. A method statement for the watching brief will be submitted by the applicant, and agreed by the West of Scotland Archaeology Service, and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
6. That the applicant shall construct and operate the development in accordance with the Protected Species Survey Report (ref. SHA05.19.1833) and, where necessary, shall implement recommended mitigation measures contained in the Protected Species Survey Report to the satisfaction of North Ayrshire Council as Planning Authority.
7. By the end of a period of 25 years from the completion of the development, all of the above ground elements of the development hereby approved shall be removed within 24 weeks. Thereafter, the site shall be restored in accordance with an appropriate scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority.
8. If any turbine ceases to be operational for a continuous period of 6 months all of its above ground elements shall be removed within 24 weeks and the ground reinstated to the satisfaction of North Ayrshire Council as Planning Authority.
9. No development shall commence on the site until a Construction Method Statement, including details of all on-site construction works, detailed timescales for the various stages of site clearance, construction and commencement of operation and environmental mitigation measures has been submitted to, and agreed in writing by North Ayrshire Council as Planning Authority. The development shall then progress in accordance with the approved Construction Method Statement.
10. That prior to the commencement of the development hereby approved, the applicant shall complete all relevant Abnormal load movement application and notification forms and submit all relevant forms to North Ayrshire Structures Team. Unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, all HGV traffic associated with the construction of the wind turbines shall enter and leave the site from the A78 trunk road via the Newhouse Interchange, the B7080 (moss Drive) and Oldhall Roundabout.

11. No turbine blade shall be fixed to either turbine until:
  - (i) The developer has agreed a radar mitigation scheme with the National Air Traffic Services and this scheme has been approved in writing by North Ayrshire Council as Planning Authority; and
  - (ii) The approved mitigation measures have been implemented to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the development shall operate fully in accordance with the approved scheme and shall not operate should the radar mitigation measures not be achieved because the developer or the operator does not comply with the Scheme.

#### **4. 19/00322/PPPM: Site to East Of Golf Course Road, Skelmorlie**

Fairhold Limited have applied for planning permission in principle for a residential development at a site to the East of Golf Course Road, Skelmorlie. 48 objections were received and summarised in the report.

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

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution, shall be obtained before the development is commenced.
2. That further application(s) for approval under the terms of Condition 1 shall include a report of an appropriate site investigation and subsequent suitable quantitative risk assessment, taking cognisance of the Recommendations for Ground Investigation contained within Section 9 of the Phase 1 Desk Study (Contamination), submitted in support of the application, Report Reference No 8170OR01, by FWS and dated February 2019. 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 the satisfaction of North Ayrshire Council as Planning Authority.
3. That further application(s) for approval under the terms of Condition 1 shall include an air quality screening study demonstrating the cumulative effect of traffic, from the proposed development and any nearby existing developments, on local air quality to the satisfaction of North Ayrshire Council, as Planning Authority.
4. That further application(s) for approval under the terms of Condition 1 shall include details of access, road layout and parking provision. For the avoidance of doubt no more than 10 residential properties shall be accessed from Golf Course Road. An emergency vehicular access from the site to Golf Course Road shall be required if the total number of residential properties using Innes Park Road exceeds 200 dwellings. Internal layouts shall be designed in accordance with Designing Streets principles. Proposals should include extensions to the

existing layby parking on Innes Park Road and pedestrian and cycle links to Golf Course Road.

5. That further application(s) for approval under the terms of Condition 1 shall include an updated Flood Risk Assessment (FRA), to the satisfaction of SEPA when detailed planning permission is sought. Such an FRA will establish the developable extent of the site with a layout in accordance with Scottish Planning Policy and the principle of flood avoidance.
6. That further application(s) for approval under the terms of Condition 1 shall include details of drainage which have been designed for exceedance i.e. 200 year critical storm event + climate change. Details of overland flow-paths, 'additional' attenuation measures, overflow devices etc must be provided. A Drainage Impact Assessment must be provided including a land drainage strategy and details of implementation and maintenance. Any discharge of surface water to the water environment must accord with the principles of the SUDS Manual (C753), published by CIRIA November 2015 and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011.
7. That further application(s) for approval under the terms of Condition 1 shall include a tree survey identifying any trees within the site to be retained and protection measures to be put in place during any construction. A plan of landscaping including details of replacement tree planting shall also be provided.
8. That further application(s) for approval under the terms of Condition 1 shall include a dated Phase 1 Habitat Survey.
9. That further application(s) for approval under the terms of Condition 1 shall include a scheme for the remediation and treatment of Japanese Knotweed within the site.

#### **5. Adoption of the Montgomerie Park Simplified Planning Zone (SPZ)**

Submitted a report by the Executive Director (Place) on the adoption of the proposed Montgomerie Park Simplified Planning Zone. The SPZ Scheme - Information Document was set out at Appendix 1 to the report, the SPZ Scheme - Consent at Appendix 2, and the Summary of Representations at Appendix 3.

The scheme would set out a framework for development within the zone containing pre-commencement conditions. If developers comply with these conditions they would not need to apply for planning permission and would be required to comply with the notification processes prior to work commencing.

The scheme was prepared in conjunction with the Scottish Government as part of the Simplified Planning Zone pilots which will inform the introduction of Masterplan Consent Areas (which will replace SPZs) through the new Planning Act.

A consultation exercise ran from 14 August until 25 September 2019. A number of objections were received from members of the public on the proposed Montgomerie Park SPZ Scheme. No statutory consultees raised any objection.

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

- the use of SPZ Schemes by other Planning Authorities and the types of development they have been used to promote;
- the scale of the proposed SPZ and whether there would be scope for expansion or use in other areas following the pilot;
- the consultation exercise which took place and the how many members of the public took part;
- the proposed conditions which require to be met in order for development to be consented; and
- whether shops or any other type of commercial development could be included within the SPZ.

The Planning Committee unanimously agreed to adopt the Montgomerie Park SPZ with no modifications, subject to referral and clearance from Scottish Ministers.

#### **6. Grouping of Trees adjacent to the A841 between Rosa and Cnocan Bridge, near Brodick, Arran**

Submitted a report by the Executive Director (Place) seeking confirmation with modification of the temporary Tree Protection Order concerning a group of trees along the A841 at Brodick, Isle of Arran.

At the meeting on 22 May 2019 the Planning Committee agreed to serve a Tree Preservation Order (TPO) along the A814 from North of Brodick Primary School to Cnocan Bridge on the Isle of Arran. The Committee was advised at the time that a probationary period of no more than six months would be in place. During this probationary period a consultation exercise took place which attracted two letters of representation.

An independent survey of the trees also took place in August 2019 and the following changes to the TPO were recommended:

- That the trees between Brodick Primary School and Rosa Bridge be removed from the TPO;
- That the words “Brodick Primary School” are removed from the title of the TPO and replaced with “Rosa Bridge”;
- That the Schedule to the TPO be amended to remove the trees from an “area” designation and instead include them within a “woodland” designation as shown within a continuous red line on the map (map shown in Appendix 1 to the report);
- That an “individually specified protection” be included for Tree 13 (Beech) and its location highlighted in green on the said map; and
- That a “group” protection be included for the four mature common lime trees located outside “Arran Aromatics” and their location highlighted with a broken black line on the said map.

Members asked questions and were provided with further information in relation to consultation which has taken place with the landowners since the TPO was served in May 2019.

The Committee unanimously agreed to (a) approve the recommended amendments to the TPO; and (b) confirm the North Ayrshire Council A841 Brodick Primary School to Cnocan Bridge, Brodick, Isle of Arran Tree Preservation Order under Section 160 of the Town and Country Planning (Scotland) Act 1997 in the interests of public amenity.

The Meeting ended at 2.45 p.m.

**Local Review Body  
2 October 2019**

**Irvine, 2 October 2019** - At a Meeting of the Local Review Body of North Ayrshire Council at 2.55 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Shaun Macaulay.

**1. Declarations of Interest**

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

**2. Minutes**

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

**3. Notice of Review: 19/00147/PPP – Site to West of 35 Irvine Road, Largs**

Submit report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a condition applied to a planning permission in principle granted by officers under delegated powers for the erection of dwellinghouse at a site to the west of 35 Irvine Road, Largs.

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 Legal Adviser to the Local Review Body advised of the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

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

Members asked questions and were provided with further information on:

- similar access roads to other properties from A78 in Largs and the impact these have on traffic flow;
- the suggested wording for Condition 1 which was proposed in the Notice of Review and whether planning conditions could set out recommendations; and
- other options which would allow the applicant to increase the width of the access road and the land ownership issues which prevent this.

Councillor Marshall, seconded by Councillor Foster, moved that the Local Review Body uphold the review request and amend Condition 1 to remove the reference to the required width of the access road.

There being no amendment the motion was declared carried.

Accordingly, having considered all the information, the Local Review Body agreed to uphold the appeal and grant planning permission subject to the following condition:

1. That the approval of North Ayrshire Council as Planning Authority with regard to:
  - i) The siting, design and external appearance of the proposed dwellinghouse;
  - ii) Details of all boundary enclosures;
  - iii) Details of all hard and soft landscaping;
  - iv) Details of the means of access, proposed driveway and parking provision;

shall be obtained before the development is commenced. For the avoidance of doubt, the indicative drawings submitted in support of this application, are not approved.

#### **4. Notice of Review: 19/00306/PP – Sorbie Farm, Ardrossan**

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of a Section 42 application refused by officers under delegated powers 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 at Sorbie Farm, Ardrossan, Ayrshire.

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 there was enough information provided to determine the review request.

Members asked questions and were provided with further information on:

- the impact on visual amenity which the increased turbine height would have for local residents;
- the additional energy which would be generated by the taller turbines and whether, following the Council's decision to declare a climate emergency, this outweighed the negative visual impact;
- the danger of setting a precedent by allowing this type of turbine to be sited within 2km of a residential area; and
- the increased noise generated by the taller turbines, whether this could be limited through the use of a planning condition and who would be responsible for monitoring noise levels should a condition be imposed.

Councillor McNicol, seconded by Councillor McMaster, moved that the Local Review Body uphold the review request and grant planning permission subject to a condition relating to the monitoring of noise generated by the turbine.

As an amendment, Councillor Clarkson, seconded by Councillor Larsen, moved that the Local Review Body uphold the officer's decision and refuse planning permission for the reasons set out in the decision notice.

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

Accordingly, the Local Review Body agreed to uphold the decision taken by the Planning Officer to refuse the Section 42 application on the following grounds:

1. The proposal would be contrary to the provisions of Local Development Plan Policy PI 9 criterion (a) and (d) and the General Policy on the adopted North Ayrshire Council Local Development Plan in the following ways: It is considered that the degree of change from 104.3m blade tip to 125m blade tip would be substantial and adverse in terms of landscape and visual impacts, especially given the locational context of the site within 2km to the north of the settlement of Ardrossan and in close proximity to the North Ayrshire Lowlands Landscape Character Type, being a landscape of smaller scale. Such a substantial increase in scale would contrast markedly with the turbine design approved in the previous consents, would overwhelm those parts of the North Ayrshire Lowlands Landscape Character Type close to the site and would have an adverse effect on the rural setting of Ardrossan. This contrast would also be unfavourable against the design of the nearby Ardrossan Windfarm, resulting in conflict with the recommendations contained in the Council's Landscape Wind Capacity Study of 2018, all of which would adversely affect landscape character and visual amenity in the locality.

The Meeting ended at 3.45 p.m.

Licensing Committee  
23 October 2019

**IRVINE**, 23 October 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Todd Ferguson, Robert Barr, John Easdale, Scott Gallacher, Ronnie McNicol, Davina McTiernan (Agenda Item 5.1 to end of meeting), Donald L. Reid and Angela Stephen.

**Also in Attendance**

Ian Clarkson (Agenda Item 5.6 only).

**In Attendance**

P. Brennan (Senior Environmental Health Officer) (item 5.6 only), E. Anderson (Private Sector Team Manager), B. Ferry and K. Nolan (Policy Officers) (Place) (Agenda Item 6.1 only); A. Craig, Senior Manager (Agenda Items 5.6 and 5.8 only), D. Robertson, Civic Licensing Standards Officer, W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant (Licensing) (Legal Services), D. Dunlop, Senior Clerical Assistant and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector David Cameron, Inspector Raymond Kerr and Sergeant David Dougan (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Jean McClung.

**1. Chair Remarks**

In terms of Standing Order 9.5, the Chair agreed that the Committee consider 4 urgent matters in order to allow these to be progressed without delay.

The Chair further agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of case 9 Taxi Driver's Licence: TDL/02176 (New): Christopher Payne immediately after case 4 BOL/010: TOA Taxis (North Ayrshire) Ltd. followed by the Urgent Item: Public Entertainment Licence: Fairground at Irvine Moor to allow Police Scotland to leave the meeting at that point.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Todd Ferguson declared a personal interest in Agenda Item 5.8: Private Hire Car Licence: PHCL/371 (New): Craig and Stephen Dobbin, and took no part in the discussion thereon.

### **3. Minutes**

The Minutes of the Meeting held on 18 September 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 5-6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

### **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 Metal Dealer's Licence: MDL/057 (Renewal): Jason McKinney**

Councillor McTiernan joined the meeting at this point.

The Committee at its meeting held on 18 September 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 not present. Representatives from Police Scotland were 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 and responded to questions.

### **Decision**

Councillor Barr, seconded by Councillor Gallagher, 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.

### **5.2 Taxi Driver's Licence: TDL/02174 (New): John Brien**

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

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

### **Decision**

Councillor Barr, seconded by Councillor Easdale, 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.

### **5.3 Taxi Driver's Licence: TDL/02193 (New): James Graham**

The Committee at its meeting held on 18 September 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 representations 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 Gallagher, 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 one year. There being no amendment the motion was declared carried.

Anne Toal left the meeting for Agenda Items 5.4 and 5.9 and took no part in the discussion thereon. Police Scotland also left the meeting at this point.

### **5.4 Booking Office Licence: BOL/010: TOA Taxis (North Ayrshire) Ltd.**

The Committee at its meeting held on 18 September 2019, agreed on the basis of the information presented, to proceed to a hearing.

The licence-holder had been duly cited to attend. Two Directors of TOA Taxis (North Ayrshire) Ltd. were in attendance, namely Amanda Conley and James McKerrell.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence-holder. The Enforcement Officer addressed the Committee on issues raised and provided an update. Thereafter the TOA representatives addressed the Committee on the issues raised and responded to questions.

## **Decision**

Councillor Ferguson, seconded by Councillor Reid, moved that the Committee take no further action at this time. There being no amendment the motion was declared carried.

Councillor Gallacher left the meeting at this point.

### **5.5 Taxi Driver's Licence: TDL/02176 (New): Christopher Payne**

The Committee at its meeting held on 18 September 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.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

## **Decision**

Councillor Reid, seconded by Councillor Stephen, 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.

Anne Toal joined the meeting at this point.

The Chair adjourned for a 5 minute comfort break and reconvened with the same Members and Officers in attendance including Councillor Gallacher and Police Scotland.

#### **5.6 Urgent Item: Public Entertainment Licence: Fairground at Irvine Moor**

The applicant, having been duly cited to attend, was present and accompanied by his father.

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

The Senior Environmental Health Officer provided information to the Committee. Police Scotland then addressed the Committee in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Provost Clarkson addressed the Committee in relation to his concerns regarding the event.

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

The Chair then adjourned the meeting in order that legal clarification could be provided to Members. The Meeting reconvened with the same Members and Officers in attendance.

#### **Decision**

Councillor Ferguson, seconded by Councillor McTiernan, moved that consideration of the application be continued to a Special Meeting to be held on Monday 28 October 2019 at 1.00 p.m. in the Council Chambers where the applicants should provide a full operational plan and Police Scotland provide a risk assessment in order that the concerns of the Committee in relation to public safety, public order and the suitability of premises might be addressed. There being no amendment the motion was declared carried.

Police Scotland and Aileen Craig left the meeting at this point.

#### **5.7 Public Entertainment Licence PEL/625 (Temp): Juliana Gray**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Police Scotland had indicated they had received the event management plan and had no objection to the event.

## **Decision**

Councillor McTiernan, seconded by Councillor Easdale, moved that the Committee grant the application subject to the Council's standard conditions in terms of Paragraph 7 of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment the motion was declared carried.

Councillor Ferguson withdrew from the meeting for consideration of the following item of business and took no part in the discussion thereon.

Aileen Craig rejoined the meeting at this point.

### **5.8 Private Hire Car Licence: PHCL/371 (New): Craig and Stephen Dobbin**

The Committee at its meeting held on 18 September 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.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicants. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

## **Decision**

The Committee agreed to delegate authority to the Solicitor (Licensing) to grant the application, subject to the vehicle being tested, and also in terms of the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment the motion was declared carried.

Councillor Ferguson rejoined the meeting at this point and Aileen Craig left the meeting.

### **5.9 Taxi Driver's Licence: TDL/00695: Andrew Johnston**

The Committee at its meeting held on 18 September 2019, agreed on the basis of the information presented, to proceed to a hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited to attend, was present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence-holder. The Enforcement Officer then addressed the Committee in respect of the application. Thereafter the licence-holder addressed the Committee on the issues raised, admitted the statement made by the Enforcement Officer, and responded to questions.

The Enforcement Officer and the licence-holder 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 Committee issue a final written warning and make clear to the applicant that the Committee will consider revoking or suspending the licence should there be any further breach of any conditions of the licence. There being no amendment, the motion was declared carried.

#### **5.10 Taxi Driver's Licence: TDL/02194 (New): Iain McIntyre**

The Committee at its meeting held on 18 September 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.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

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

Councillors Barr, Reid and Gallacher left the meeting at this point.

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

#### **5.11 SHDL/119 (Renewal): EM Commercials Ltd.**

Councillors Reid and Gallacher rejoined the meeting at this point.

The Committee agreed to grant the application, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for the period of three years, and instructed the Solicitor (Licensing) to write to the licence-holder in specified terms.

#### **5.12 TL/099 (Renewal): Sarah Connolly**

The Committee noted that this item had been withdrawn.

#### **5.13 TDL/00061 (Renewal): Peter McGuinness**

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

#### **5.14 TDL/02080 (New): Khalid Mahmood**

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

#### **5.15 TDL/02195 (New): Jarred Raybould**

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

#### **5.16 TDL/02197 (New): Gareth Wilkinson**

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.

#### **5.17 TDL/02204 (New): Hayleigh Evans**

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

#### **5.18 Urgent Item: Morrisons Supermarket, Stevenston: Request for Exemption**

The Solicitor (Licensing) set out the background to a request from Morrisons Supermarket, Stevenston for a temporary exemption for the petrol station from the requirement to have a Late Hours Catering Licence for the hours detailed below:-

23.00 on Saturday 21 December 2019 until 00.30 on Sunday 22 December 2019  
23.00 on Sunday 22 December 2019 until 00.30 on Monday 23 December 2019  
23.00 on Monday 23 December 2019 until 00.30 on Tuesday 24 December 2019

Police Scotland had intimated that they had no objection to the exemption.

The Committee unanimously agreed to grant the temporary exemption under Section 42(5) of the Civic Government (Scotland) Act 1982 in connection with the specified times.

#### **5.19 Urgent Item: Taximeters and Personal Digital Assistants**

The Solicitor (Licensing) set out the background to an enquiry received from a Taxi Driver in connection with the use of meter software on a Personal Digital Assistant as a substitute for the traditional taximeter.

The Committee agreed to keep the matter under review and take no action at the present time.

## **5.20 Urgent Item: Public Charitable Collection: Kilwinning Community Events**

The Committee agreed to grant the application in terms of Section 119(5) of the Civic Government (Scotland) Act, 1982, subject to the Council's standard conditions.

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

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

The Solicitor Licensing addressed the Committee setting out the background to the case.

The applicant, having been cited to attend, was present and accompanied by a Letting Agent.

The Policy Officer (Private Sector Housing) addressed the Committee on the terms of a report in connection with the condition of tenanted properties owned by the applicant. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

Councillor Reid, seconded by Councillor Easdale, proposed that the matter be continued to the meeting of the Licensing Committee on 8 January 2020 for further investigation and clarification by the Council Officers. There being no amendment, the motion was declared carried.

The meeting ended at 1.55 p.m.

Licensing Committee  
28 October 2019

**IRVINE**, 28 October 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 1.00 p.m.

**Present**

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

**Also Present**

Donald Reid

**In Attendance**

S. McKenzie, Senior Manager, and P. Brennan, Senior Environmental Health Officer (Place); A. Craig, Senior Manager W. O'Brien, Solicitor (Licensing) and A. Toal, Administrative Assistant (Licensing) (Legal Services), M. Sugden, Communications Officer and A. Little, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector David Cameron and Inspector Raymond Kerr (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**1. Declarations of Interest**

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

**2. Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Item 3 (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."

### **3. Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters: Public Entertainment Licence: Fairground at Irvine Moor on Friday 1 November 2019**

The Committee at its meeting held on 23 October 2019, agreed the application be continued to a Special Meeting where the applicant should provide a full operational plan and Police Scotland provide a risk assessment in order that the concerns of the Committee in relation to the suitability of premises might be addressed.

The applicant, having been duly cited to attend, was present and accompanied by his father.

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

The Senior Manager and Senior Environmental Health Officer provided information to the Committee. Police Scotland then addressed the Committee in respect of the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

All parties, and Councillor Donald Reid, then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

#### **Decision**

On resuming, Councillor D L Reid, seconded by Councillor Easdale, moved that the application be refused for the reason stated in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c), which obliges a Licensing Authority to refuse an application to grant a licence if, in their opinion, the premises are not suitable or convenient for the conduct of the activity having regard to a number of considerations.

The considerations which applied were

- the nature and extent of the proposed activity;
- the kind of persons likely to be in the Premises;
- the possibility of undue public nuisance;
- public order; and
- public safety.

There being no amendment the motion was declared carried.

The meeting ended at 2.15 p.m.

Cabinet  
29 October 2019

**IRVINE, 29 October 2019** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher and Jim Montgomerie; and Babs Mowat and Iain Haining (Church Representatives) (Agenda Items 1-5).

**In Attendance**

C. Hatton, Chief Executive; R. McCutcheon, Executive Director, Y. Baulk, Head of Service (Physical Environment), D Hammond, Head of Service (Interim) (Commercial), and R. McGilvery, Senior Manager (Housing Operations) (Place); M. Boyd, Head of Service (Finance) and A. Lyndon, Senior Manager (Procurement) (Finance and Corporate Support); A. McClelland, Head of Service (Education) and R. Arthur, Head of Service (Interim) (Connected Communities) (Communities); T. Bowers, Head of Service (Mental Health) (Health and Social Care Partnership); and M. Sugden, Communications Officer (Communications) and H. Clancy and A. Little, Committee Services Officers (Democratic Services).

**Chair**

Joe Cullinane in the Chair.

**Apologies**

Louise McPhater.

**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. Valedictory**

The Chair made valedictory remarks on the late Cabinet (Education) Teaching Representative Gordon Smith, following his recent passing, and acknowledged the contribution he made to education in North Ayrshire.

**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 24 September 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Scottish Attainment Challenge in North Ayrshire – Progress Report**

Submitted a report and received presentation by the Head of Service (Education) on the impact of the Scottish Attainment Challenge on improved outcomes for learners in North Ayrshire. A data impact summary was set out at Appendix 1 to the report and a summary of key planned activity for 2019-20 set out at Appendix 2 to the report.

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

- improved outcomes for children and young people who are care experienced; and
- the contribution of attainment funding to the overall performance.

The Head of Service (Education) undertook to provide an update on improved outcomes for children and young people who are care experienced.

The Cabinet agreed to (a) note the progress made to date; and (b) receive a further progress report in one year.

#### **5. South West Educational Improvement Collaborative (SWEIC) Annual Plan 2019**

Submitted a report by the Executive Director (Communities) on the priorities and content of the South West Educational Improvement Collaborative (SWEIC) Annual Plan 2019. The SWEIC Annual Plan 2019 was set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the program of peer challenge between the collaboratives.

The Cabinet agreed to (a) approve the SWEIC Annual Plan 2019; and (b) note the progress made to date.

#### **6. Religious Representation on Cabinet (Education)**

Submitted a report by the Head of Service (Democratic Services) on the resignation of the current Church of Scotland religious representative on Cabinet and the appointment of a replacement.

The Cabinet agreed to (a) note the resignation of Elizabeth Higton from Cabinet and (b) appoint Andrew Bruce as the representative of the Church of Scotland on Cabinet when it meets to consider Education business.

#### **7. Asset Management Plans**

Submitted a report by the Executive Director (Place) on the updated Property Asset Management Plan, Housing Asset Management Plan, Open Space Asset Management Plan, Fleet Asset Management Plan and Roads Asset Management Plan. The Asset Management Plans were set out at Appendices 1-5 to the report.

The Cabinet agreed to approve (a) Property Asset Management Plan; (b) Housing Asset Management Plan; (c) Open Space Asset Management Plan; (d) Fleet Asset Management Plan; and (e) Roads Asset Management Plan.

## **8. Strategic Housing Investment Plan 2020-2025**

Submitted a report by the Executive Director (Place) on the proposed Strategic Housing Investment Plan 2020-2025 with the Plan set out at Appendix 1 to the report.

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

- continued partnership working with local housing associations; and
- a Council development of 34 units on Arran and future development opportunities.

The Cabinet agreed to (a) approve the Strategic Housing Investment Plan 2020-2025 for submission to the Scottish Government; (b) give delegated authority to the Executive Director (Place) and Cabinet Member for Place to liaise directly with the Scottish Government to agree the North Ayrshire development programme and the rescheduling of projects if and as required; and (c) note that all future developments within the SHIP will obtain a Certificate of Lawful Use Development from the Council's Planning Service to provide assurance of conformance with the Local Development Plan.

## **9. Allocation of North Ayrshire Council Supported Accommodation**

Submitted a report by the Executive Director (Place) on the North Ayrshire Council Supported Accommodation developments and the criteria and process that will be used to allocate the accommodation. The eligibility criteria was set out at Appendix 1 to the report.

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

- Trindlemoss service users moving to the unit in January 2020; and
- the adult commissioning framework currently put in place to review all assessments for care and support.

The Cabinet agreed to (a) approve the criteria and process that will be used to allocate North Ayrshire Council Supported Accommodation; and (b) note the content of the report.

## **10. Roads Winter Service and Weather Emergencies Plan 2019/20**

Submitted a report by the Executive Director (Place) on the Roads Winter Service and Weather Emergencies Plan 2019/20. The Winter Preparation Action Plan was set out at Appendix 1 to the report and the Roads Winter Service and Weather Emergencies Plan 2019/20 set out at Appendix 2 to the report.

Members asked a question and were provided with further information in relation to the flexibility to add further resources at short notice.

The Cabinet agreed to (a) approve the Roads Winter Service and Weather Emergencies Plan 2019/20; and (b) note the preparations and developments contained in the Winter Preparation Action Plan.

### **11. Community Investment Fund (CIF) Update**

Submitted a report by the Executive Director (Communities) on the progress in relation to the Community Investment Fund. A summary of CIF applications that have been approved by Locality Partnerships and Cabinet to date were set out at Appendix 1 to the report.

The Cabinet agreed to (a) note the progress to date in relation to the Community Investment Fund themes and expenditure; and (b) remit officers to identify alternative sources of funding for small-grant awarding Participatory Budgeting approaches for Locality Partnerships for consideration at a future Cabinet.

### **12. 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. Funding applications from Irvine Newtown Men's Shed, the Three Towns Locality Partnership, the Garnock Valley Community Councils and the Garnock Valley Facilities and Amenities Working Group were set out at Appendices 1-4 to the report.

The Cabinet considered all applications before them against the CIF criteria and agreed to (a) approve the CIF applications in relation to (i) Accessibility improvements at Irvine Newtown Men's Shed; and (ii) Garnock Valley 2020 Vision; and (b) defer the CIF applications in relation to (i) Garnock Valley Participatory Budgeting – Community Councils; and (ii) Participatory Budgeting, The Three Towns Locality Partnership pending the introduction of proposals to Cabinet for small-grant awarding Participatory Budgeting.

### **13. Community Asset Transfer of Ground adjacent to Irvine Sports Club**

Submitted a report by the Executive Director (Communities) on the transfer of ownership of ground adjacent to that occupied by Irvine Sports Club to the Scottish Charitable Incorporated Organisation, "Irvine Sports Club". A location plan was set out at Appendix 1 to the report.

The Cabinet agreed (a) in principle to the asset transfer of ground at Marress Road, Irvine currently occupied by Irvine Community Sports Club, from the Irvine Common Good to the Scottish Charitable Incorporated Organisation, "Irvine Community Sports Club", subject to the Club transferring ground to the Council forming part of the adjacent access track; and (b) note that officers will enter into negotiations with the Club to agree the terms of transfer, including price, and will issue a decision notice to the Club setting out the terms and conditions of transfer.

#### **14. Award of Framework Agreement – Supply of Smoke, Heat and Carbon Monoxide Detection Materials**

Submitted a report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Supply of Smoke, Heat and Carbon Monoxide Detection Materials Framework Agreement.

The Cabinet agreed to approve the award of the Framework Agreement (Lot 1 and 2) to Rexel UK Ltd.

#### **15. Urgent Items**

##### **15.1 National Islands Plan: North Ayrshire Council consultation response**

Submitted a report by the Executive Director (Communities) on North Ayrshire Council's response to the Scottish Parliament's Rural Economy and Connectivity Committee's (RECC) Call for Views on the Scottish Government's consultation on the draft National Islands Plan. The draft National Islands Plan was set out at Appendix 1 to the report, Strategic Objectives were set out at Appendix 2 to the report and North Ayrshire Council's response set out at Appendix 3 to the report.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess to allow Members to consider the report.

The meeting reconvened with the same Members and officers present and in attendance.

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

- housing and planning issues faced by Island communities; and
- Health and Social Care Partnership's priority in their ability to recruit in Island communities.

The Cabinet agreed to approve North Ayrshire Council's response to the RECC Call for Views on the Scottish Government's consultation on the draft National Islands Plan with the addition of Health and Social Care Partnership's priority on their ability to recruit in Island communities.

The Meeting ended at 4.15 p.m.

**Local Review Body  
30 October 2019**

**Irvine, 30 October 2019** - At a Meeting of the Local Review Body of North Ayrshire Council at 10.30 a.m.

**Present**

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

**In Attendance**

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

**Also In Attendance**

A. Wilson, G. McGuinness, N. Maccallum and S. Wilson (Radio City Association); G. Walker and C. Harry (Scottish Natural Heritage); S. Simpson, J. Low and N. Willis (Save Your Regional Park Campaign).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Ian Clarkson

**1. Declarations of Interest**

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

**2. Minutes**

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

**3. Hearing Session**

**3.1 Notice of Review: 18/01123/PP – Site to North of Standingstone Hill, Kilbirnie**

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 2.5MW wind turbine measuring 110m to blade tip and 65m to hub, to include associated earthworks and infrastructure at the site to the north of Standingstone Hill, Kilbirnie.

At its meeting on 4 September 2019, the Local Review Body agreed (a) to continue consideration of the Notice of Review to a future meeting for a hearing to be conducted in terms of the Hearing Session Rules set out in Schedule 1 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, to consider the application for review and hear from the parties on specified matters; (b) that the following parties are invited to attend and address the hearing, after submission of a hearing statement, on the following specified matters (i) material considerations - the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service (ii) location of application site in regional park and wild land assessment - the applicant/applicant's representative, any interested parties who made representations, and officers of the Council's Planning Service (iii) air traffic control matters – the applicant/applicant's representative, Glasgow Airport, and officers of the Council's Planning Service; (c) to undertake a site visit before the review hearing is considered; and (d) undertake all necessary notifications and any further procedure in terms of the said Rules.

In accordance with the hearing procedure and rules, the applicant, an officer of the Council's Planning Service, representatives from Scottish Natural Heritage, representatives from Glasgow Airport and representatives from Save Your Regional Park Campaign were invited to attend the Hearing Session and to submit a Hearing Statement and supporting documentation in advance of the session.

The Legal Adviser set out the background to the Hearing and advised those present of the procedures for conducting the Hearing.

The Planning Adviser advised the Local Review Body of the background to the application. The Planning Adviser also read out the Hearing Statement from Glasgow Airport who were unable to attend the hearing.

Representatives from Radio City Association, Scottish Natural Heritage, Save Your Regional Park Campaign and the Council's Planning Service then addressed the Local Review Body.

Members asked questions and were provided with further information on:

- suitability of the proposed site and if other sites were considered;
- Glasgow Airport objection and the conditions they requested be imposed;
- classification of the Wild Land Area and the impact on the classification if planning permission was granted;
- plans for current track at the site location if planning permission was granted;
- objector's knowledge of the site location and the wildlife;
- creation of jobs;
- Forestry Commission planting project at Halkhill and Blairpark Forest; and
- the role of the Scottish Natural Heritage National Interest Panel when a proposal is considered to raise issues of national interest.

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

Councillor Barr seconded by Councillor McMaster, moved that the Local Review Body uphold the appeal and grant planning permission.

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

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

Accordingly, the Local Review Body agreed to uphold the appeal and grant planning permission on the basis that the material considerations outweigh planning policy, subject to the following conditions:

#### Phasing plan

1. Prior to the commencement of the development a phasing plan, including the start and end dates for construction, the maximum height of construction equipment and the exact latitude and longitude of the turbine, shall be submitted to the Council, as Planning Authority, for written approval, in consultation with the Ministry of Defence. The development will not commence until such details are approved and thereafter be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate timescale for the development and at the specific request of the Ministry of Defence.

#### Details relating to proposed track

2. Notwithstanding the details on any approved drawings, prior to the commencement of any development the applicant shall submit to the Council, as Planning Authority, for written approval, details of the proposed access track and hardstanding. Details shall include:

- i) method of construction and where an existing track is to be used, details of any widening or other improvement works proposed;
- ii) details of where any materials for improvement/construction works will be taken from;
- iii) details of remediation measures to the track, hardstanding and any 'borrow pits' for material following erection of the turbine, including a timescale for any remediation measures.

The development shall not commence until such details are approved and thereafter be carried out in accordance with the approved details.

Reason: In recognition of the difference between the submitted proposed track route and the unauthorised existing track to the north of the former Pundeavon Reservoir. To ensure appropriate mitigation measures to lessen any visual impact from the track and hardstanding following completion of the development.

### Archaeological watching brief;

3. The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved in writing by the Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

Reason: In recognition of the archaeological interest of the area and potential interest within the development site.

### Glasgow Airport Safeguarding

4. That prior to the commencement of development, a Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by the Council, as Planning Authority, in consultation with Glasgow Airport Limited.

Reason: In the interests of aviation safety

5. The turbines must be erected in accordance with the approved Radar Mitigation Scheme

Reason: In the interests of aviation safety

6. The development must be operated at all times fully in accordance with the approved Radar Mitigation Scheme.

Reason: In the interests of aviation safety

### Ecological

7. An Ecological Clerk of Works (ECoW) shall be appointed and funded by the developer and the details of this appointment shall be submitted to and approved in writing by the Council, as Planning Authority, prior to commencement of the development. The ECoW will be present to supervise the installation of suitable surface water management drainage designs and silt prevention mitigation measures. The ECoW will also monitor the effectiveness of measures installed including the mitigation measures as may be approved under Condition 2. The ECoW will have the authority to stop works as necessary.

Reason: To ensure oversight of any drainage and visual mitigation works in recognition of the special circumstances of the site and the details set out in the Preliminary Ecological Appraisal Report, by Arcus dated December 2018 and submitted as part of this application.

8. Prior to commencement, a further survey, to be dated not earlier than 6 months prior to the proposed commencement date, shall be undertaken of the site and watercourses within 250m to assess the presence of otters and/or water voles. The survey shall be undertaken by a suitably qualified professional and in accordance with SNH guidance. Where the survey identifies the presence of protected species, mitigation measures to ensure no unacceptable adverse impact on the species or their habitats shall be provided. The findings of the survey shall be submitted to the Council, as Planning Authority, and approved in writing prior to commencement of the development. The development will thereafter be carried out in accordance with any details approved. If the works do not commence within 6 months of the date of any agreed survey, a further survey shall be carried out and submitted to the Council, as Planning Authority, for approval as above.

Reason: To ensure up-to-date information in respect of protected species and their habitats potentially within proximity of the site and in recognition of the details set out in the Preliminary Ecological Appraisal Report, by Arcus dated December 2018 and submitted as part of this application

### Restoration

9. That, if the turbine ceases to be operational for a continuous period of 6 months, all its above ground elements, foundations down to one metre below ground level and any hardstanding shall be removed and the ground re-instated, within a period of not more than 6 months after the expiry of the 6 month period referred to above.

Reason: To ensure that the turbine is removed promptly should it become redundant and to protect the visual amenity of the area.

### Noise

10. The proposed wind turbine noise emission level, when assessed at nearby noise sensitive premises, shall not exceed 35dB(A)LA90,10min at all wind speeds up to and including 10 ms<sup>-1</sup> when measured at 10m above ground level. In the case where the wind speed is measured at a height other than 10m, the wind speed data shall be standardised to 10m. The operation of the wind turbine shall not result in any audible tones at any noise sensitive premises.

Reason: To mitigate any noise disturbance from the turbine at noise sensitive properties

11. At the reasonable request of the Planning Authority/Environmental Health Service or following a valid complaint to the Planning Authority/Environmental Health Service relating to noise emission arising from the operation of the wind turbine, the operator shall measure the level of noise emission from the wind turbine at the property to which the complaint relates in line with a methodology agreed by the Planning Authority/Environmental Health Service.

Reason: To ensure any potential noise disturbance can be properly monitored

The Meeting ended at 12.15 p.m.