



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

9 May 2018

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**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday, 15 February 2018
at 10:00, Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12
8EE**

Present

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

Stephen Brown, Interim Director of Health and Social Care Partnership
Dr Paul Kerr, Clinical Director
Shahid Hanif, Interim Head of Finance
David MacRitchie, Chief Social Work Officer – North Ayrshire
Alistair Reid, Lead Allied Health Professional Adviser
David Thomson, Lead Nurse/Mental Health Advisor
David Donaghey, Staff Representative – NHS Ayrshire and Arran
Louise McDaid, Staff Representative – North Ayrshire Council
Fiona Thomson, Service User Representative
Nigel Wanless, Independent Sector Representative
Marie McWaters, Carers Representative
Robert Steel, Chair Kilwinning Locality Forum
Vicki Yuill, Third Sector Representatives

In Attendance

Andrew Fraser, Head of Democratic Services
Thelma Bowers, Head of Service (Mental Health)
Donna McKee, Head of Service (Children, Families and Criminal Justice)

Karen Andrews, Team Manager (Governance)
Angela Little, Committee Services Officer

Apologies for Absence

Dr Crawford McGuffie, Acute Services Representative

1 Apologies

Apologies were noted.

2 Declarations of Interest

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

3 Minutes / Action Note

The accuracy of the Minutes of the meeting held on 18 January 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following amendment:-

3.1 Matters Arising – Veterans First Point Service – Action – ~~V. Yuill~~ should read T. Bowers.

3.1 Matters Arising

Volunteering Strategy - the Third Sector and North Ayrshire are to develop the strategy and it is hoped to have this in place by April 2018.

Action - V. Yuill

Public Partnership Forum - Officers will meet with Fiona Thomson and bring forward a paper to a future meeting.

Action - F. Thomson

Technology Enabled Care and Innovation - remove from the Action Note, as a report will be presented to a future meeting of the Board.

Action – D. Rowland

Peer Support Services Specification for People with Mental Health Problems in North Ayrshire - the tender has gone out and the scoping exercise is ongoing.

Action - T. Bowers

Veterans First Point Service - the service is located in North Ayrshire and accessed by South and East. Discussions are ongoing regarding an equitable financial split of funding by the three Ayrshire authorities.

Action - T. Bowers

North Ayrshire Citizen's Advice Service - NACAS are winding down their outreach service and discussion are continuing.

4 Carers

The Board noted that Isabel Marr, Senior Manager (Long Term Conditions) will provide the presentation to a future meeting.

5 Director's Report

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

The report highlighted works underway in the following areas:-

- West of Scotland Regional Delivery Plan Event on 1 March 2018;
- Appointment of professional lead – Psychological Services;
- North Ayrshire HSCP Website;
- Adult Support and Protection Inspection;
- Staff Partnership Awards;
- North Ayrshire HSCP Strategic Plan;
- Budget Update;
- Business Support Review Event – 2 February 2018;
- Locality Teams- Children's Services; and
- Carers (Scotland) Act 2016.

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

- 72 nominations that have been received for the Staff Partnership Awards that will be held in Ardrossan Civic Centre, Ardrossan and not Saltcoats Town Hall as stated in the report;
- A workshop that will be held for all IJB members on the Regional Delivery Plan;
- A Budget Update that will take place following the Board meeting and will focus on (i) the overspend; (ii) the Council budget setting process and the IJB allocation that will be agreed at the Council meeting on 28 February 2018; (iii) the previous and current funding allocation from the NHS, cash releasing efficiency savings (CRES), North overspend and brokerage from the Scottish Government; and
- Information from the Budget Update that will be provided to those Members who are unable to attend the session.

Marie McWaters advised the Board that there is currently a debate by Scottish Government Members on funding in respect of the Carers (Scotland) Act 2016.

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

6 Community Payback Order Annual Report

Submitted report by David MacRitchie, Chief Social Work Officer on the Community Payback Order Annual Report 2016/17, which will be published by the Scottish Government at the end of February 2018. The report highlighted the range of work and projects undertaken through the 769 Community Payment Orders imposed in 2016/17.

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

- 100% ring-fenced funding for the project provided by the Scottish Government;
- Support that is provided to individuals to ensure they are able to fit in their CPO's around their work;
- A range of community projects undertaken by service users and consideration that will be given to identify this work
- The reduction in recorded crime in North Ayrshire as a result of the success of the CSO project.

The Board congratulated the staff involved in the successful project.

The Board agreed to note (a) the work undertaken in North Ayrshire by offenders placed on Community Payback Orders; and (b) that the Community Payback Order Annual Report 2016/17 will be published at the end of February 2018.

7 Health and Care Governance Update

Submitted report by David Thomson, Associate Director of Nursing which provided an update on the function of the Health and Social Clinical and Care Governance Group and outlined further proposals to improve the quality of reporting and promote consistent approaches across all relevant areas of practice. Appendix 1 to the report provided the framework for Clinical and Care Governance.

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

- Discussions that will take place in relation to the involvement of Pharmacy in the local Care Clinical and Care Governance Group;
- The Digital Health Strategy that will address the replacement of the Edison (the system used to record delayed discharges, locally and across Scotland);

- The development of a flash report type of communication for all staff groups to disseminate highlights and learning;
- Discussions that continue with the Chairs of the IJB Performance and Audit Committee and the Clinical and Care Governance Group on the parameters of the groups and methods of reporting to the IJB to limit overlap; and
- Third Sector Indemnity insurance that is in place and individuals who would be insured via their employer.

The Board agreed to (a) the proposed revised Health and Social Clinical and Care Governance reporting mechanisms; and (b) receive regular updates to future meetings.

8 Appointment of Chief Finance and Transformation Officer

Submitted report by Andrew Fraser, Head of Democratic Services on the proposal to appoint a full-time Chief Finance and Transformation Officer to have responsibility for strategic and operational finance and transformation and hold the role of Section 95 Officer in terms of the Local government (Scotland) Act 1973. Appendix 1 to the report summarised key financial information for the HSCP since 2014/15.

The Board was advised that the Council have agreed to fund half of the dedicated full-time Chief Finance and Transformation Officer and to continue to fund the interim Chief Finance and Transformation Officer and that the NHS have advised that their financial contribution can be used to fund half of the dedicated full-time post.

The Board agreed to (a) put in place a dedicated full-time Chief Finance and Transformation Officer for the Integration Joint Board; (b) the post having responsibility for strategic financial planning and management of all services delegated to the IJB (with accountability to the Council, Health Board and IJB), strategic transformation and to lead in terms of Section 95 of the Local government (Scotland) Act 1973; (c) that pending the appointment of a permanent Chief Finance Officer that the current interim Head of Finance for the HSCP Council services be appointed as interim Chief Finance and Transformation Officer of the Integration Joint Board and to recommend to North Ayrshire Council and NHS Ayrshire and Arran that the additional costs of the post are met jointly by them; and (d) that the post be reviewed after three years.

9 General Medical Contract

Submitted report by Dr Paul Kerr, Clinical Director on the key points of the new General Practitioner contract, IJB/North Ayrshire Health and Social Care Partnership responsibilities relating to the new GP contract and overview proposed pan-Ayrshire (multiple IJB collaboration) approach.

The board was advised of an amendment to the report at 2.3, Para 5 – the ~~Secretary~~ of the GP Sub Committee should read **Chair** of the GP Sub Committee.

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

- The primary care funding of £3.4m for 2018/19, £4.3m for 2019/20 and £8.4m for 2020/21 that is not new funding;
- Milestones and outcomes that will be put in place to measure the success of the contract and ensure the high quality of services to all local areas;
- The requirement for joined up IT systems; and
- The work of Locality Forums to promote the new contract.

Noted.

10 Strategic Planning Group Minutes

Submitted the minutes of the Strategic Planning Group held on 2 October 2017.

Councillor Foster, Chair of the Strategic Planning Group advised of sessions that were held to discuss the content of the draft Strategic Plan and the locality sections of the plan.

Noted.

11 Integration Joint Board Performance and Audit Committee Minutes

Submitted the minutes of the IJB Performance and Audit Committee held on 29 November 2017.

Councillor Billings, Chair of the IJB performance and Audit Committee, advised that consideration is being given to the role of PAC and how it links in with all relevant bodies.

The Board agreed (a) that a meeting of the Locality Chairs would take place shortly; and (b) that Councillor Foster would provide an update to the Board once this meeting had taken place.

Meeting ended at 12 noon.

AYRSHIRE SHARED SERVICES JOINT COMMITTEE

MINUTES OF MEETING HELD ON FRIDAY 16 FEBRUARY 2018 AT 1001 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors John McGhee, Tom Cook and Jim Roberts (all East Ayrshire Council); and Councillors Ian Cochrane and Bob Pollock (both South Ayrshire Council).

ATTENDING: Paul Whip, Group Finance Manager (East Ayrshire Council); Stewart Turner, Head of Roads; and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Lynn Young, Democratic Services Officer (East Ayrshire Council).

APOLOGIES: Councillor Douglas Reid (East Ayrshire Council); and Councillors Alec Clark and Philip Saxton (both South Ayrshire Council).

CHAIR: Councillor Jim Roberts, East Ayrshire Council.

APPOINTMENT OF CHAIR

1. In the absence of the Chair and in terms of Standing Order 6, Councillor Jim Roberts, East Ayrshire Council, was appointed as Chair of the meeting.

AYRSHIRE ROADS ALLIANCE

UPDATE ON PERFORMANCE SCORECARD

2. There was submitted a report dated 6 February 2018 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised on the progress made to date against the Performance Scorecard.

Arising from discussion, and in response to particular matters raised, Members received further information as undernoted:-

- East Ayrshire Council Cabinet on 22 February 2018 would consider an increase in the repair budget for the Ayrshire Roads Alliance from £2m to £6m, with discussions ongoing with regards to the budget settlement for roads from South Ayrshire Council;
- a significant increase in reported defects, 2,500 over a three week period, with members of the public continuing to be encouraged to report defects and the use by the Ayrshire Roads Alliance of both internal and external potholing squads;
- materials used to repair road defects and planned patching of larger defects and areas of the network where there are numerous defects;
- a report on the overall condition of the road network in both East Ayrshire Council and South Ayrshire Council would be submitted to East Ayrshire Council Cabinet and South Ayrshire Council Leadership Panel in due course. It was noted that whilst there was a significant increase in the number of reported defects, and an increase in the number of potholes this year as a result of the prolonged winter weather, the Scottish Maintenance Condition Survey reported that the road

condition continued to improve slightly in both Council areas whilst the overall network remained fragile;

- the future use of "Track a Gritter" for the Ayrshire Roads Alliance vehicles;
- the reduction in the percentage of street lighting repairs completed within the target timescale over Periods 7 and 8 and whilst it was noted that resources were affected as a result of the erection and dismantling of Christmas Lights, the Ayrshire Roads Alliance would continue to take steps to improve street lighting performance and in relation to Christmas Lights, continue to work closely with Community Groups in this regard;
- good progress had been made to attempt to secure timber transport funding for both Local Authorities for financial year 2018/2019; and
- that the Head of Roads, Ayrshire Roads Alliance would prepare an Elected Member Briefing Note for all Elected Members in East Ayrshire Council and South Ayrshire Council providing detailed information regarding gritting and repairs due to the deterioration of the roads as a result of the recent significant weather events.

It was agreed:-

- (i) to note the performance scorecard and performance metrics presented in the report;
- (ii) to continue to receive the performance scorecard updates; and
- (iii) otherwise, to note the contents of the report.

Councillor John McGhee, East Ayrshire Council and Councillor Ian Cochrane, South Ayrshire Council joined the meeting during consideration of the above item.

RISK REPORT AND REGISTER

3. There was submitted a report dated 6 February 2018 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised on the management of risk associated with the Ayrshire Roads Alliance.

It was agreed:-

- (i) to note the risk register presented with the report;
- (ii) to continue to receive updates on progress; and
- (iii) otherwise, to note the contents of the report.

ROADWORKS PROGRAMME

4. There was submitted a report dated 25 January 2018 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised of the progress made with the Road Improvement Programmes within East Ayrshire and South Ayrshire for financial year 2017/2018.

Arising from discussion, and in response to particular matters raised, Members received further information as undernoted:-

- the method by which carriageway resurfacing proposals were ranked;
- budget proposals for the 2018/2019 Footway Structural Maintenance Programme; and

- costs associated with the A70 - Phase 4, Coylton cycleway.

It was agreed:-

- (i) to note the Ayrshire Roads Alliance works progress; and
- (ii) otherwise, to note the contents of the report.

REVENUE FINANCIAL MONITORING REPORT

5. There was submitted a report (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills, East Ayrshire Council which updated on the revenue budget monitoring position for the year to 7 January 2018, for the Ayrshire Roads Alliance.

Arising from discussion, Members noted further information as follows:-

- inclement weather and the use of external contractors had resulted in an overspend in both East Ayrshire Council and South Ayrshire Council local delivery budgets.
- current salt levels within the Ayrshire Roads Alliance were reviewed every week and also the reciprocal arrangements with trunk road providers where required; and
- the inconsistency and redesignation of the treatment of Clerk of Works within budget headings.

It was agreed:-

- (i) to note the financial management position of the Ayrshire Roads Alliance;
- (ii) to request a further financial update at the next meeting of the Joint Committee; and
- (iii) otherwise, to note the contents of the report.

DEVELOPMENT CONTROL UPDATE - ROAD BONDS

6. There was submitted a report dated 6 February 2018 (circulated) by the Head of Roads - Ayrshire Roads Alliance which updated on the position regarding road bonds held within the Ayrshire Roads Alliance on behalf of East Ayrshire Council and South Ayrshire Council.

It was agreed:-

- (i) to note the position regarding road bonds currently held by the Ayrshire Roads Alliance on behalf of East Ayrshire Council and South Ayrshire Council;
- (ii) to request that progress updates are provided to future meetings of the Joint Committee on an annual basis; and
- (iii) otherwise, to note the contents of the report.

ANY OTHER COMPETENT BUSINESS

7. **Strathclyde Passenger Transport (SPT)**

On the matter having been raised by Councillor Ian Cochrane, South Ayrshire Council with regards to scrutiny of funding provided to SPT, namely £2.2m and £3.5m respectively from East Ayrshire Council and South Ayrshire Council, Members noted

that details of the funding and projects were contained within the regular budget reports reported to East Ayrshire Council via Cabinet and Governance and Scrutiny Committee; and South Ayrshire Council via Leadership Panel and Audit and Governance Committee.

Members further noted that projects to be carried out by SPT would be identified within the Transport Outcome Report for each Authority and that any specific matters should be directed to the SPT Board.

The meeting terminated at 1152 hours.

Cabinet
Tuesday, 20 February 2018

Present

Joe Cullinane, John Bell, Robert Foster, Louise McPhater and Jim Montgomerie.

Also Present

Shaun MacAulay, Jean McClung, Davina McTiernan and Donald L. Reid.

In Attendance

Elma Murray, Chief Executive; L. Friel, Executive Director, Maurice McTeague, Category Manager/Team Leader (Supplies and Services) and S. Wallace, Category Manager (Construction and Property Maintenance) (Finance and Corporate Support); K. Yeomans, Executive Director, A. Sutton, Head of Service (Connected Communities) and M. Strachan, Senior Business Manager (Economy and Communities); D. MacRitchie, Senior Manager (Criminal Justice Services) (Health and Social Care Partnership); L. Cree, Senior Manager (Property Management and Investment) (Place); A. Fraser, Head of Democratic Services; A. Beveridge, Communications Support Officer and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Joe Cullinane in the Chair.

Apologies

Alex Gallagher.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 23 January 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Carers (Scotland) Act 2016 – New Duties

Submitted report by the Interim Director (Health and Social Care Partnership) on amendments required to the North Ayrshire Integration Scheme to include new

duties put in place by the Carers (Scotland) Act 2016 and which require to be delegated. The Act comes into effect on 1 April 2018.

The Cabinet agreed to (a) note that duties under the Carers (Scotland) Act 2016 require to be delegated to the Integration Joint Board; (b) recommend to the Council that appropriate changes to the Council's Scheme of Administration and Scheme of Delegation to Officers are made as part of the next review of governance documents; and (c) to amend the North Ayrshire Integration Scheme to include new duties under the Carers (Scotland) Act 2016 and, subject to the agreement of NHS Ayrshire and Arran, to submit the revised Integration Scheme for the approval of Ministers.

4 Community Payback Order Annual Report

Submitted report by the Interim Director (Health and Social Care Partnership) on the work undertaken in the last year through Community Payback Orders with a particular focus on unpaid work requirement. The Annual Report prepared by the Chief Social Work Officer was set out at Appendix 1 to the report.

Members reflected on the positive performance and success of the programme in terms of partnership working with service users in relation to project based work.

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

- flexibility around chosen projects; and
- the breakdown between supervisions and the element of unpaid work.

The Cabinet agreed to (a) endorse the Annual Report set out at Appendix 1 to the report; and (b) congratulate the Social Work Justice Team on their work over the past year.

5 Syrian Resettlement Programme

Submitted report by the Executive Director (Place) on progress made following the Council's humanitarian commitment to participate in the Syrian Resettlement Programme since 2015 and seeking approval to extend this commitment.

Members expressed their thanks to the task force in relation to the partnership working carried out since 2015 to establish support packages.

The Cabinet agreed to (a) note the progress made on the Syrian Resettlement Programme to date; and (b) extend the Resettlement Programme within North Ayrshire by up to a further 60 refugees by 2021.

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Please note - this item was heard by the Audit & Scrutiny Committee on 6 March 2018, please refer to the minute for the decision.

6 Communities – Short Life Working Group

Submitted report by the Executive Director (Economy and Communities) on the reconvening of a short life working group from 1 March 2018 comprising of North Ayrshire Council and the North Ayrshire Federation of Community Organisations (NAFCO) to address financial challenges faced by the public and voluntary sector in relation to the role of Community Associations and how they provide services to our communities.

Councillor McPhater proposed that the Working Group should have cross-party Elected Membership and that the format of the Group should be:-

- 3 x NAFCO
- 3 x NAC Officer
- 3 x Elected member (Chair - Cllr McPhater, 1 x SNP; 1 x Scottish Conservative and Unionist - with an Independent Member being offered a place if none of the Conservatives take up the place)

Members of the Cabinet unanimously agreed to this amendment.

Accordingly, the Cabinet agreed to (a) approve the request to reconvene the short life working group from 1 March 2018 comprising North Ayrshire Council and the North Ayrshire Federation of Community Organisations as proposed by Councillor McPhater; (b) that the Clerk contact the SNP and Conservative and Unionist Group Leaders asking for their nominations to the Working Group; and (c) receive future reports in relation to themes which may emerge from the recommendations of the working group.

7 West Of Scotland Loan Fund (WSLF) – Amendment to Members Agreement

Submitted report by the Executive Director (Economy and Communities) on the Articles of Association of the West of Scotland Loan Fund Ltd to enable member authorities to access funds no longer required for lending purposes. The draft Special Resolution was set out at Appendix 1 to the report. Appendix 2 detailed financial calculations for all member authorities at December 2017.

Members asked a question and were provided with further information in relation to other Councils who had still to approve the change.

The Cabinet agreed (a) to approve the proposal to amend the Articles of Association of the West Of Scotland Loan Fund (WSLF) as detailed in Appendix 1 to the report; (b) that NAC withdraws their unused funds subject to all Board

members agreeing the amendment; (c) that unused funds are earmarked to be utilised for the purposes outlined in the objects of the WSLF company and to support new EU applications being submitted in 2018; (d) to delegate to the Executive Director (Economy and Communities) to ensure the draft resolution is signed in accordance with the requirements of WSLF.

8 Year of Young People (YoYP) 2018: North Ayrshire Council Strategic Group

Submitted report by the Executive Director (Economy and Communities) on the establishment, membership and approach in relation to a YoYP Strategic group.

The Chief Executive advised that, in terms of Membership of the Strategic Group, all Members identified had agreed to their representation on the Group.

The Cabinet agreed (a) to approve the establishment of the YoYP Strategic group; and (b) to receive a future report in 2019 on the legacy contribution made by the group to young people in North Ayrshire.

9 Award of a Framework Agreement for the Professional Consultancy Services Partnership – Civil Engineering

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Framework Agreement for the Professional Consultancy Services Partnership – Civil Engineering.

The Cabinet agreed to approve the award of Framework Agreement to RPS Consulting Services Ltd.

10 Award of Contract - Tender for Interim Residual Waste Management Contract

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the tender for Interim Residual Waste Management Services.

The Cabinet agreed to (a) note the outcome of the tender process; and (b) approve the award of contract to Barr Environmental Ltd.

11 Urgent Items

The Chair agreed that the following item be considered as a matter of urgency to allow the award of contract to be progressed.

12 Award of a contract for Watt Court Sheltered Housing Unit Redevelopment

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the tender the contract for Watt Court Sheltered Housing Unit Redevelopment.

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

The Meeting ended at 3.15 p.m.

Audit and Scrutiny Committee
Tuesday, 06 March 2018

Present

Marie Burns, Alan Hill and John Sweeney.

Also Present

Ronnie McNicol and Joe Cullinane.

In Attendance

A. Sutton, Head of Service (Connected Communities) (Economy and Communities); A. Fraser, Head of Democratic Services, H. Clancy, Committee Services Officer and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Chair

Councillor Burns in the Chair.

Apologies

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 Call In: Communities – Short Life Working Group

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by Cabinet at its meeting on 20 February 2018 in relation to the report on the Communities Short Life Working Group. A copy of the Cabinet report was provided at Appendix 1 to the report.

The Cabinet, at its meeting on 20 February 2018, considered a report by the Executive Director (Economy and Communities) on the reconvening of a short life working group, from 1 March 2018, comprising North Ayrshire Council and the North Ayrshire Federation of Community Associations (NAFCO) to address financial challenges faced by the public and voluntary sector in relation to the role of community associations and how they provide services to our communities.

The Cabinet agreed to (a) reconvene the short life working group from 1 March 2018 comprising North Ayrshire Council and the North Ayrshire Federation of Community Organisations and that the format of the Group should be:- • 3 x NAFCO • 3 x NAC Officer • 3 x Elected member (Chair - Cllr McPhater, 1 x SNP; 1 x Scottish Conservative and Unionist - with an Independent Member being

offered a place if none of the Conservatives take up the place).; (b) that the Clerk contact the SNP and Conservative and Unionist Group Leaders asking for their nominations to the Working Group; and (c) receive future reports in relation to themes which may emerge from the recommendations of the working group.

A Call In Request, signed by Councillors Barr, McNicol and Donald L. Reid, and referring in particular to (b) and (c) of the above decision, was in the following terms:-

“Reason for Call In

The recommendations of the working group Working group should have cross party elected membership and that the format of the group should be: 3 NAFCO/3 NAC officers/3 Elected Members (Cllr McPhater, 1 x SNP, 1 Conservative and Unionist —with an Independent Member being offered a place if none of the Conservatives take up the place. Why as an Independent Member not invited to attend the working group?

Desired Outcome

Referred back to Cabinet to reconsider decision and we recommend that all future reports in relation to themes which may emerge from the recommendations of the working group be reported to future meeting of the full Council.”

The Head of Democratic Services summarised the procedure for considering the Call In Request and set out the circumstances surrounding the Cabinet decision.

Thereafter, Councillor McNicol was invited to speak on behalf of the Members who had requested the Call In. Councillor McNicol expressed the view that the Independent Members should also be invited to serve on the working group, rather than being offered a place only in the circumstances set out in the Cabinet Minute. Councillor McNicol also intimated that, given the importance of community centres to Elected Members and the communities they serve, any recommendations arising from the working group should be considered by the full Council.

The Chair then invited Councillor Cullinane, on behalf of the Cabinet Member for Communities, to address the meeting. Councillor Cullinane advised that it had been the intention of the Cabinet to extend the invitation to Independent Members and the Conservative and Unionist Group collectively. He intimated that he was not averse to an additional place being offered to allow an Independent Member to serve on the working group, albeit that NAFCO may also wish an additional place in the interests of parity. Councillor Cullinane indicated that he had no objection to the suggestion that the working group report to the Council rather than to the Cabinet.

The Head of Service (Connected Communities) (Economy and Communities) invited Members to consider the importance of parity of esteem in the Council's work with NAFCO, as well as the issue of manageability given the work to be carried out by the working group within a short timescale.

Members discussed the need for parity between Elected Member and NAFCO representation and considered the implications in terms of timing of the working group reporting to Council rather than to the Cabinet.

Councillor Hill, seconded by Councillor Burns, moved to accept, in part, the terms of the Call In and recommend to the Cabinet that the Elected Member representation on the working group be increased to four to allow the appointment of an Independent Member, with a further place also offered to NAFCO in the interests of parity, but that no change be made to the decision that the working group report to the Cabinet.

Councillor Sweeney moved to accept in part the terms of the Call In and recommend to the Cabinet that the Elected Member representation on the Working Group remain at three, with the Conservative Group and Independent Members being offered one place between them. There being no seconder and no further amendment, the motion was carried.

The meeting ended at 10.10 a.m.

Licensing Committee
Wednesday, 07 March 2018

Present

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

In Attendance

C. Boyd, Team Manager (Food /Health & Safety)(Environmental Health)(Economy and Communities); and A. Craig, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Sergeant D. Dougan and Sergeant E. Blackwood (Police Scotland).

Chair

Councillor McNicol in the Chair.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of the meeting of the Committee held on 7 February 2018 and the Special Meeting held on 19 February 2018 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public, for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Section 50J of, and Schedule 7A to, the Local Government Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial or business affairs of any particular person (other than the authority)"), Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime") and Paragraph 15 ("The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local

Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance).

4 Civic Government (Scotland) Act 1982 and other Licensing statues:

Licensing Matters

Submitted report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, in terms of the Civic Government (Scotland) Act 1982.

PART A: Hearings

4.1 Skin Piercing Licence: SPTL/042 (New) – Reid & Reid (Hairdressing) Limited

The Committee, at its meeting held on 10 January 2018, 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. At its meeting on 7 February 2018, the Committee agreed to continue consideration of the application to the next meeting.

The applicant, having been duly cited to attend, was not present or represented. However, reference was made to a written submission by the applicant.

The Solicitor (Licensing) addressed the Committee on the background to the hearing. The Team Manager (Food /Health & Safety) also addressed the Committee on outstanding issues following a recent inspection. Members asked questions of the officers and received clarification on the points raised.

Decision

Councillor Ferguson, seconded by Councillor McNicol moved that the Committee (a) continue consideration of the application to the next meeting and (b) note that, in the event of the outstanding issues in respect of the application being resolved in the meantime, the application would be determined by officers under delegated powers. There being no amendment, the motion was declared carried.

4.2 Taxi Driver's Licence: TDL/00064 – Samuel Dean

The licence holder, having been duly cited to attend, was present and accompanied by a friend.

The Solicitor (Licensing) set out the background to the Ordinary Suspension Hearing, as previously intimated in writing to the licence holder. The representatives of Police Scotland then addressed the Committee on a letter setting out a request for an Ordinary Suspension in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. Thereafter, the

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

Decision

Councillor Barr, seconded by Councillor Easdale, moved that the Committee continue consideration of the matter to a future meeting, pending the outcome of legal proceedings against the licence holder. There being no amendment, the motion was declared carried.

4.3 Taxi Driver's Licence: TDL/01253 (New) – Scott Seymour

The applicant, having been duly cited to attend, was not present, but was represented by his parents. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant's representative then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor McClung, seconded by Councillor McTiernan, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of three years. There being no amendment, the motion was declared carried.

4.4 Taxi Driver's Licence: TDL/01935 (New) - Andrew Watt

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

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Donald L. Reid, seconded by Councillor Barr, moved that the application be

granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of three years. There being no amendment, the motion was declared carried.

4.5 Taxi Driver's Licence: TDL/02076 (New) - Shaun Blakely

The Committee, at its meeting held on 7 February 2018, 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 of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on a letter setting out a representation in respect of the application. The applicant then addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor Ferguson, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

The representatives of Police Scotland left the meeting at this point.

4.6 Taxi Driver's Licence: TDL/02080 (New) - Khalid Mahmood

The Committee, at its meeting held on 7 February 2018, 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 applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Barr, seconded by Councillor McTiernan, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

Councillor Easdale left the meeting at this point.

4.7 Late Hours Catering Licence: LHCL/127 (New) - Pizza Cake (Stevenston) Limited

The Committee, at its meeting held on 7 February 2018, 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 company, having been duly cited to attend, represented by an office-bearer.

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 McTiernan, seconded by Councillor Ferguson, moved that the application on behalf of Pizza Cake (Stevenston) Limited be granted for the period from 11.00 p.m. until 1.00 a.m., Monday – Friday, subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982. There being no amendment, the motion was declared carried.

The Committee then adjourned for a short comfort break at 11.20 a.m. reconvening at 11.30 a.m. with the same Elected Members and Officers present and in attendance.

Thereafter, the Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of Appendix C to the report at this point.

PART C: Issues in respect of existing Licences and Permits

4.8 Booking Office Licence: BOL/018 - Elaine Connor

The Senior Manager, Legal Services, addressed the Committee on the background to a letter of complaint received in respect of the operation of the Booking Office Licence.

Councillor Ferguson, seconded by Councillor McTiernan, moved that, on the basis of the information presented, the Committee proceed to a Hearing under Paragraphs 11(7) and 10(2) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

Part A: Hearings

4.9 Temporary Public Entertainment Licence: PEL/526 (Temp) - Wesley Smith

The applicant, having been duly cited to attend, was present. The applicant has applied for a temporary Public Entertainment Licence for the whole of the car park at “The Braes”, Saltcoats, for the period from 29 March 2018 to 2 April 2018:-

Thursday 29 March: 6.00 p.m. – 9.00 p.m.

Friday 30 March: 1.00 p.m. – 9.00 p.m.

Saturday 31 March 1.00 p.m. - 9.00 p.m.

Sunday 1 April 1.00 p.m. – 9.00 p.m.

Monday 2 April 1.00 p.m. – 9.00 p.m.

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

Decision

Councillor Barr, seconded by Councillor Donald L. Reid, moved that the application for a temporary Public Entertainment Licence be granted, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982, with the licence differing from the applicant's proposal as follows:-

(a) hours:

Thursday 29 March: 6.00 p.m. - 9.00 p.m.

Friday 30 March: 1.00 p.m. – 9.00 p.m.

Saturday 31 March: 1.00 p.m. – 9.00 p.m.

Sunday 1 April: 1.00 p.m. – 9.00 p.m.

Monday 2 April: 1.00 p.m. – 6.00 p.m.

and (b) location: the licence would only grant permission to use the part of the car park to the east of the access road from "The Braes", instead of the whole car park.

There being no amendment, the motion was declared carried.

4.10 Skin Piercing and Tattoo Licence: SPTL/026 (Renewal) - Kirsty Mackison

The Committee, at its meeting held on 7 February 2018, 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 Solicitor (Licensing) advised the Committee that the matters which were to have been the subject of a hearing had been resolved and the licence granted under delegated powers.

Decision

Noted.

4.11 Taxi Driver's Licence: TDL/02000 (Renewal) - Bernard Brannigan

The Committee, at its meeting held on 7 February 2018, 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 or represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

Decision

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

4.12 Taxi Driver's Licence TDL/02078 (New) - Brahim Sensri

The Committee, at its meeting held on 7 February 2018, 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 applicant addressed the Committee on the issues raised and responded to questions.

Decision

Councillor Donald L. Reid, seconded by Councillor McClung, moved that the application be granted in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year. There being no amendment, the motion was declared carried.

4.13 Taxi Licence: TL/420 (New) - Andrew Brannan

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

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

Decision

Councillor Ferguson, seconded by Councillor Donald L Reid, moved that the Committee (a) should treat the particular application as an exception to the Council's Taxi Numbers Limitation Policy under Section 10(3) of the Civic Government (Scotland) Act 1982; and (b) that authority should be delegated to the Solicitor (Licensing) to grant and issue the Licence if and when satisfied under Section 10(2) as to the safety, suitability and insurance of the proposed vehicle.

4.14 Temporary Public Entertainment Licence: PEL/527 (Temp) - William Newsome

The applicant, having been duly cited to attend, was present. The applicant had applied for a temporary Public Entertainment Licence for Central Avenue Park, Ardrossan for the period Wednesday 14 March to Sunday 18 March 2018:

Wednesday 6.00 pm - 9.00 pm

Thursday 6.00 pm - 9.00 pm

Friday 6.00 pm - 9.00 pm

Saturday 1.00 - 9.00 pm

Sunday 1.00 - 6.00 pm

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

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 McClung, seconded by Councillor McNicol moved that the application for a temporary Public Entertainment Licence be refused on the grounds stated in Paragraph 5(3)(c)(i), (iv) and (v) of Schedule 1 of the Civic Government (Scotland) Act 1982.

As an amendment, Councillor Donald L. Reid, seconded by Councillor Ferguson, moved that the application be granted for the period and location requested, subject to (a) the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982, and (b) the entrance being relocated to the northern part of the site, to the satisfaction of officers.

On a division, there voted for the amendment 5 and for the motion 3, and the amendment was declared carried.

Accordingly, the Committee agreed to grant the application for a temporary Public Entertainment Licence for the period and location required, subject to (a) the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 to the Civic Government (Scotland) Act 1982 and (b) the entrance being relocated to the northern part of the site, to the satisfaction of officers.

PART B: Applications for Grant/Renewal of Licences

4.15 Skin Piercing and Tattooing Licence (Amendment) - Andrew Melvin

The Committee unanimously agreed, on the basis of the information presented, (a) to proceed to a Hearing in terms of Paragraph 9(2) of Schedule 1 to the Civic Government (Scotland) Act 1982 and (b) to proceed to a Hearing under Paragraph 11(7) of Schedule 1 to the Civic Government (Scotland) Act 1982.

4.16 Taxi Driver's Licence: TDL/00190 (Renewal) - Raymond Potts

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

4.17 Taxi Driver's Licence: TDL/01121 (New) – Paul Forbes

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.18 Taxi Driver's Licence: TDL/02086 (New) – Fazal Hussain

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.

4.19 Taxi Operator's Licence: TL/050 (Renewal) - Kevin Blades

The Committee unanimously agreed, on the basis of the information presented, to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

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

Submitted report by the Chief Executive on the circumstances relating to applications for Landlord Registration under the 2004 Act:-

5.1 J.C.

The Committee, at its meeting held on 7 February 2018, agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

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

The applicant's solicitor addressed the Committee on the issues raised and answered questions.

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

Decision

Councillor Donald L. Reid, seconded by Councillor Stephen, moved that the Committee refuse the application on the grounds that the applicant is not a "fit and proper" person to be entered on the Landlords' Register. There being no amendment, the motion was declared carried.

5.2 G.L.

The Committee, at its meeting held on 7 February 2018, agreed to continue consideration of this matter to the next meeting of the Committee to allow a hearing to take place.

The applicant, having been duly cited to attend, was not present or represented. However, reference was made to a written submission by the applicant.

The Solicitor (Licensing) addressed the Committee on the background to the hearing.

Decision

The Committee unanimously agreed to continue consideration of the application to the next meeting to allow the applicant a further opportunity to attend a hearing.

5.3 S.C.

The applicant, having been duly cited to attend, was not present or represented. The Committee was satisfied that the applicant had been duly cited and proceeded to determine the case in his absence.

The Solicitor (Licensing) addressed the Committee on the background to the hearing.

Decision

Councillor Barr, seconded by Councillor McClung, moved that the Committee refuse the application on the grounds that the applicant is not a “fit and proper” person to be entered on the Landlords’ Register. There being no amendment, the motion was declared carried.

The Meeting ended at 1.50 p.m.

Staffing and Recruitment Committee
Friday, 09 March 2018

Present

Joe Cullinane, John Bell, Joy Brahim and Alan Hill.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director and F. Walker, Head of Service People and Transformation) (Finance and Corporate Support).

Chair

Councillor Cullinane in the Chair.

1 Declarations of Interest

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

2 Exclusion of the Public

The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

3 Head of Finance Recruitment

The Committee considered applications for the position of Head of Finance and agreed that 2 candidates would progress to the Assessment Centre stage.

The Meeting ended at 10.00 a.m.

Planning Committee
Wednesday, 14 March 2018

Present

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

In Attendance

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

Chair

Councillor Billings in the Chair.

Apologies for Absence

Robert Foster, Shaun Macaulay and Tom Marshall.

1 Declarations of Interest

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

2 Minutes

The Minutes of the meeting of the Committee held on 14 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Notice under Section of 145 of the Town and Country , KA24Planning (Scotland) Act 1997: 67 Sharon Street, Dalry, KA24 5DT

Submitted report by the Executive Director (Economy and Communities) on a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 16/00488/PP).

Planning permission was granted on 23 June 2016 (ref: 16/00488/PP) for the demolition of a dwellinghouse, including boundary walls to the front and rear. The permission was granted subject to two conditions. Condition 2 sets out the requirement for timber screen fencing to be erected around the site frontages following demolition in the interest of visual amenity and for the designs for said fencing to be submitted to North Ayrshire Council for written approval.

The Council became aware that the dwellinghouse had been demolished in November 2017 and following inspection, most recently in February 2018, revealed that Condition 2 had not been complied with. The site has been enclosed by heras fencing and not timber screen fencing and the design details of the fencing were not submitted to the Council for consideration and approval.

Councillor McNicol, seconded by Councillor Clarkson, moved that in the interest of amenity, to issue a Breach of Condition Notice requiring the following action, in respect of Condition 2 of the planning permission dated 23 June 2016 (ref: 16/00488/PP);

- (i) Submit for the written approval of North Ayrshire Council as Planning Authority, design details of the 2m high screen fencing within 4 weeks of the Notice being served; and
- (ii) Erect the screen fencing as may be approved, along Sharon Street and Wee James Street within 6 weeks of the Notice being served.

There being no amendment, the motion was declared carried.

4 Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to East of Linevern, Whiting Bay, Isle of Arran

Submitted report by the Executive Director (Economy and Communities) on a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the residential use and removal from the site of the residential caravan and associated works at site to the east of Linevern, Whiting Bay, Isle of Arran.

A residential caravan with associated power connections, attached raised timber deck and a 1m high timber boundary fence has been sited on land in the Silverhills area of Whiting Bay, Isle of Arran. Planning Officers visited the site on 3 August 2017 and advised the owner that the development was unauthorised. Two complaints have subsequently been received by Planning Services regarding the continued unauthorised siting of the caravan and the resulting impact on amenity. The caravan was placed on the site at some point prior to 3rd August 2017 without the benefit of planning permission having been granted.

The Committee agreed, in the interest of visual and residential amenity, to serve a Notice under Section 127 of the Town and Country Planning Act requiring the removal of the residential caravan and associated infrastructure, raised deck and timber boundary fence from the land.

5 Urgent Items

The Senior Manager (Planning) informed the Committee of a number of applications which have been submitted regarding development at Hunterston

Construction Yard, Fairlie which will be presented to the Committee for decision at the meeting on 25 April 2018 and suggested that a site visit would be beneficial to Committee Members.

The Committee agreed to (a) undertake a site visit prior to the Committee meeting on 25 April 2018; and (b) note that all Committee members will be eligible to consider the applications regardless of whether or not they attend the site visit.

The Meeting ended at 2.15 p.m.

Local Review Body
Wednesday, 14 March 2018

Present

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

In Attendance

Neil McIlvanney, Strategic Planning Manager; Ross Middleton, Senior Development Management Officer (Economy and Communities); J. Law, Solicitor (Contracts & Licensing) (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Billings in the Chair.

Apologies for Absence

Robert Foster, Shaun Macaulay and Tom Marshall.

1 Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow earlier consideration of Agenda Item 4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle).

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 14 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4 Notice of Review: N/17/00926/PP - Site to the west of Gateside Inn, Main Road, Gateside – erection of a dwellinghouse (in principle)

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a dwellinghouse, in principle.

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

The 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 introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant.

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

The Clerk to the Local Review Body then read out correspondence from an interested party, which had been received following the publication of the agenda, questioning the accuracy of points made in the applicant's response to further representations, namely the person who laid the current drainage system and the possible removal or re-routing of existing assets. Members were advised this did not constitute a material planning consideration and should therefore have no bearing on the decision making process.

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

- the current drainage system in place on the site and the fact that planning services only consider the scope to drain sites whereas the technical specifications of drainage solutions require approval from SEPA;
- access and location of the electricity substation and overhead utility cables on site;and
- reports of flooding on the site and whether or not the North Ayrshire Council flooding officer had been consulted on the application.

Councillor Reid, seconded by Councillor McNicol, moved that the Local Review Body uphold the decision to refuse planning permission on the following grounds:-

1. The proposed development would be contrary to criterion (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting to the rear of 33 Main Road, any new dwellinghouse, irrespective of siting and design:

(i) would conflict with the established pattern of development in the village of Gateside due to the lack of a developable street frontage;

(ii) would not offer an acceptable level of residential amenity for the proposed dwellinghouse, including outlook, due to constraints on the site;

(iii) would be detrimental to the amenity of the housing in the surrounding area, all of which would not be in the interests of the proper planning of the area.

As an amendment, Councillor Barr, seconded by Councillor McMaster, moved that the LRB grant planning permission subject to conditions relating to (a) siting, design and external appearance of, landscaping and means of access; and (b) the drainage of the site.

On a division, there voted for the amendment 4 and for the motion 3, and the amendment was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed to (a) grant planning permission 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 and means of access to the proposed development shall be obtained before the development is commenced.

2. That a Flood Risk Assessment and Drainage Strategy, in consultation with SEPA, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter the development shall only proceed in accordance with the approved strategy in conjunction with condition 1. For the avoidance of doubt the strategy shall take into account surface and waste water arising from the development of the site, proposed mitigation, timeframes for installation as well as maintenance of any mitigation or drainage measures.

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

Councillors Clarkson, Larsen and McMaster left the meeting at this point.

5 Notice of Review: 17/01100/PP - 2 Horse Isle View, Ardrossan

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a sun room and roof alteration at the rear of the dwelling house and garage conversion.

At its meeting on 14 February 2018, the Local Review Body agreed to (a) proceed to a site familiarisation visit; (b) advise the applicant and interested parties accordingly; and (c) note that only those Members of the LRB who attended the site visit would be eligible to participate in the determination of the review request. A site familiarisation visit was duly held on 12 March 2018, attended by Councillors Billings, Barr, McNicol and Reid.

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

Accordingly, having considered all of the information, Councillor McNicol, seconded by Councillor Reid, moved that the Local Review Body uphold the decision to refuse planning permission. There being no amendment the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed (a) to refuse planning permission on the grounds that:-

1. the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council local Development Plan in that the side facing windows on the extension would introduce an unacceptable degree of overlooking to a neighbouring dwellinghouse to the detriment of its amenity and privacy.

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

The Meeting ended at 3:10 p.m.



**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 15 March 2018
at 10.00am, Council Chambers, Cunninghame House, Irvine**

Present

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

Stephen Brown, Interim Director of Health and Social Care Partnership
Shahid Hanif, Interim Head of Finance
Dr Paul Kerr, Clinical Director
Dr Calum Morrison, Acute Services Representative
Alistair Reid, Lead Allied Health Professional Adviser
David Donaghey, Staff Representative – NHS Ayrshire and Arran
Louise McDaid, Staff Representative – North Ayrshire Council
Fiona Thomson, Service User Representative
Heather Malloy, Independent Sector Representative (for Nigel Wanless)
Marie McWaters, Carers Representative
Robert Steel, Chair Kilwinning Locality Forum
Vicki Yuill, Third Sector Representatives
Vicki Campbell, Primary Care Facilitator - NHS Ayrshire and Arran

Also Present

Councillor Anthea Dickson, North Ayrshire Council

In Attendance

Thelma Bowers, Head of Service (Mental Health)
Mark Inglis, Senior Manager (Intervention Services)
Stuart Gaw, Senior Manager (Integrated Care and Reablement Services)
Scott Bryan, Team Manager - Planning
Michelle Sutherland, Partnership Facilitator
Karen Andrews, Team Manager (Governance)
Diane McCaw, Committee Services Officer

Apologies for Absence

David Thomson, Lead Nurse/Mental Health Advisor
Nigel Wanless, Independent Sector Representative
David Rowland, Head of Service (Health and Community Care)
Donna McKee, Head of Service (Children, Families and Criminal Justice)

1. Apologies

Apologies were noted.

2. Declarations of Interest

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

3. Minutes/Action Note

The accuracy of the Minutes of the meeting held on 15 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the addition of Thelma Bowers in attendance at the meeting.

3.1 Matters Arising

Volunteering Strategy - the Third Sector and North Ayrshire are to develop the strategy and it is hoped to have this in place by April 2018 - this action is ongoing.

Action - V. Yuill

Public Partnership Forum - Officers will meet with Fiona Thomson and bring forward a paper to a future meeting. No meeting has taken place to date and an update will be provided to the next meeting on 19 April 2018.

Action - F. Thomson

Peer Support Services Specification for People with Mental Health Problems in North Ayrshire - the tender has gone out and the scoping exercise is ongoing. No further update on this at present. The Recovery College pilot has, however, commenced for 3 months.

Action - T. Bowers

Veterans First Point Service - the service is located in North Ayrshire and accessed by South and East. Discussions are ongoing regarding an equitable financial split of funding by the three Ayrshire authorities moving forward. Some savings from the psychology review will be utilised for the psychology element and other costs shared.

Action - T. Bowers

North Ayrshire Citizen's Advice Service - NACAS have given notice to NAC that they will wind down their outreach service from 31 March 2018 and discussions are continuing. David Rowland will meet with Steven Brown from NACAS around the digital strategy. Work is ongoing with Better Off North Ayrshire and Money Matters to look at outreach services to ensure people have ready access to support when they need it.

Action - D. Rowland

Meeting of Locality Chairs - a meeting of the Locality Chairs has been arranged and an update will be provided to the Board once this meeting has taken place.

Action - Robert Foster

4. Strategic Plan

The Board received a presentation from Michelle Sutherland, Partnership Facilitator and Scott Bryan, Team Manager (Planning) on the status of the new Strategic Plan 2018-21 which included information on:-

- the development of the plan;
- an overview of consultation and engagement;
- survey analysis;
- the structure of the finalised plan; and
- Strategic Planning Group feedback.

Members asked questions and had the following comments and feedback in relation to the draft Plan:-

- given low responses to recent engagement, consider consulting with NAC staff who live within North Ayrshire going forward;
- there is a need for work across the board in general in terms of how we engage with local communities;
- consider links with the launch of the Carers Act within the Equalities Section of the Plan and consultation with this specific interest group;
- Fiona Thomson intimated she will bring forward a future paper on the 2-way process of engagement;
- where we provide funding to local groups we should ask that they engage with us and provide feedback as a condition of their funding allocation;
- Locality Forums should be aware of information in terms of demand, demography and availability of resource within each particular locality and of their responsibility to the local community in terms of the funding priorities they develop; and
- that the Plan clearly aligns with national, local and statutory policies and indicates where integration adds value.

There was further discussion on the development of the role of Locality Forums and on reporting mechanisms.

The Board agreed (a) that the comments and feedback detailed above be considered when finalising the Plan; and (b) that the final Plan be submitted to the meeting to be held on 19 April 2018.

Action - Michelle Sutherland and Scott Bryan

5. Director's Report

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

The report highlighted works underway in the following areas:-

- Standards Commission for Scotland Training Workshop to be organised for 2018 for all Health and Social Care Integration Joint Boards;
- Young people from Rosemount attended a private viewing on 10 February of a new exhibition on "The Art of the Future" at the Scottish National Gallery in Edinburgh;
- Recruitment process commenced regarding Wellbeing and Recovery College Pilot for people affected by mental health problems;
- Staff Partnership Awards provisionally rescheduled for 29 March 2018;
- Expansion of the Family Nurse Partnership in Ayrshire and Arran;
- Consultation Event on the development of a commissioning strategy for learning disabilities, mental health and physical disability services which took place on 21 February 2018; and
- Redesign of overnight supports within learning disabilities service.

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

6. HSCP Challenge Fund Update

Submitted report by Shahid Hanif, Interim Head of Finance, on the progress and success of Phase 1 of the Challenge Fund. Original expected levels of savings and revised savings were detailed in the Appendices to the report.

The Board was advised of an amendment to the report at section 1.4 to read Care Home and not Care at Home.

Phase 1 is now being delivered from 2017/18 to 2019/20. Work is ongoing within the Partnership to finalise proposals for Phase 2 funding which remains within the Challenge fund pot. Phase 3 monies were redirected on a one-off basis to Care Home and Learning Disability care packages in 2017/18.

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

- the process followed in relation to the selection of projects and on the need to ensure they are realistic and achievable through robust outset planning and ongoing review;
- preventing the Partnership from future overspending and the need for the same level of financial detail to be provided by the Council and the NHS;
- the lessons learned from this injection of funding being applied to all change agendas with the Partnership budget;
- the effective savings model undertaken at Elderbank and Greenwood schools in relation to reducing the number of accommodated children which will realise net savings but allow continuation of funding moving forward; and
- a presentation on the Elderbank and Greenwood schools model to a future meeting.

The Board agreed (a) to note the progress to date and the success in relation to Phase 1 of the Challenge Fund; and (b) to receive a presentation to a future meeting on the effective savings model undertaken at Elderbank and Greenwood in relation to reducing the number of accommodated children.

7. 2017/18 Financial Performance Update as at 31 January 2018: Period 10

Submitted report by Eleanor Currie, Principal Manager - Finance on the projected financial outturn for the financial year 2017/18 as at 31 January 2018. Appendices to the report detailed the budget monitoring and savings position and mitigating actions.

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

- the ongoing process to reduce the number of vacant care at home posts;
- the difference in budget detail provided by the Council and the NHS;
- the need to ensure that groups awarded with funding provide some benefit back to the community;
- that the IJB Performance and Audit Committee will look at ensuring the correct areas are being monitored and measured; and
- the need for transparent discussions and the sharing of information.

The Board agreed to note the projected financial outturn for the financial year 2017/18.

8. Adaptations Service

Submitted report by David Rowland, Head of Service (Health and Community Care) providing an update on the Adaptations Service since delegation to NASHCP and on proposed next steps. Appendix 1 to the report detailed the adaptations process and timescale targets while Appendix 2 provided information on the increased pressures from all aspects of the process over the past 3 years.

Members asked questions and were provided with further information in relation to the need for any impact on staff to go through the relevant process.

The Board agreed (a) to approve the commissioning of demand analysis for future service requirements; and (b) the development of a formal Adaptations Policy.

9. Delivering the New 2018 General Medical Services Contract in Scotland in the Context of Primary Care Development

Submitted report by Vicki Campbell, Primary Care Facilitator, Strategic Programme Manager - Primary Care Transformation outlining the proposed arrangements for developing a three year pan-Ayrshire Primary Care Improvement Plan to implement the new General Medical Services Contract and setting out proposals to develop the improvement plan for sign off in July 2018. Appendix 1 to the report detailed project planning/setting milestones for the next 3 years. Appendix 2 detailed the governance structure and relationship between groups to ensure the programme of work is led across Ayrshire and linked to the current structure already in place via the Strategic Planning and Operational Group, IJBs and NHS Board.

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

- agreement across the board that a pan-Ayrshire approach is the right way forward and that the 3 IJBs will have final responsibility for delivery of the proposals;
- the commencement of discussions with independent contractors; and
- that colleagues can feed into the consultation process in relation to the involvement of different roles and professions.

The Board agreed the proposed arrangements for developing the Primary Care Improvement Plan to implement the new General Medical Services (GMS) Contract.

10. Provision of Functional Family Therapy to support families with children at risk of being looked after and or accommodated (Children, Families and Justice Services)

Submitted report by Mark Inglis, Senior Manager (Intervention Services) and Donna McKee, Head of Service (Children, Families and Justice Services) on the proposal to establish a Functional Family Therapy Service.

The Board agreed to North Ayrshire Council (NAC) undertaking a collaborative commissioning exercise with East Ayrshire Council (EAC) and South Ayrshire Council (SAC) to provide a Functional Family Therapy Service (FFT).

11. Scottish Huntington's Association

Submitted report by Stuart Gaw, Senior Manager, Integrated Care and Reablement Services on the proposal to re contract with the Scottish Huntington's Association for a further three years.

The Board agreed to direct North Ayrshire Council, on behalf of North, South and East Ayrshire Health and Social Care Partnerships and NHS Ayrshire and Arran, to lead on the procurement of the service from the Scottish Huntington's Association.

12. Strategic Planning Group Minutes

Submitted the minutes of the Strategic Planning Group held on 11 January 2018.

Councillor Foster, Chair of the Strategic Planning Group, advised on the input into the Strategic Plan and thanked all staff and members of the Group for their input.

Noted.

The Meeting ended at 12.05 p.m.

Cabinet
Tuesday, 20 March 2018

Present

Joe Cullinane, Alex Gallagher, Robert Foster and Jim Montgomerie.

Also Present

Shaun MacAulay, Jean McClung, Davina McTiernan, Robert Barr, Ronnie McNicol, John Glover and Donald L. Reid.

In Attendance

L. Friel, Executive Director, F.Walker, Head of Service (People), P.Doak, Senior Manager, J.Walls, Team Manager (Finance and Corporate Support); K. Yeomans, Executive Director, A. Sutton, Head of Service (Connected Communities), C.McAuley, Head of Service (Economic Growth), J.McLachlan, Policy Manager and J.McKnight, Senior Manager (Economy and Communities); C.Hatton, Executive Director, Y.Baulk, Head of Service (Physical Environment), C.Dempster, Team Manager, D.Hammond, Senior Manager, L. Cree, Senior (Place); S.Brown, Interim Director (Health and Social Care Partnership); A. Fraser, Head of Democratic Services; M. Sugden, Communications Officer and H.Clancy, Committee Services Officer (Chief Executive's Service).

Chair

Joe Cullinane in the Chair.

Apologies

John Bell and Louise McPhater.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of the meeting of the Cabinet held on 20 February 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Inclusive Growth Diagnostic – Results of Pilot

Submitted report and received presentation by the Executive Director (Economy and Communities) on the North Ayrshire Inclusive Growth Diagnostic Pilot.

The presentation provided information on:

- identifying constraints and opportunities for driving inclusive growth in North Ayrshire in order to prioritise actions to address them;
- ‘excluded’ groups – groups sharing similar characteristics that have been particularly excluded from the benefits of economic growth (and particularly labour market inclusion);
- the prioritisation exercise that ranks the identified constraints based on the interaction of two dimensions: impact (evidence-based approach) and care about/deliverability; and
- the next steps.

Members asked a question and were provided with further information in relation to the differences across the three Ayrshire Locality Authorities.

The Cabinet agreed to (a) note the findings of the Inclusive Growth Diagnostic Pilot, including the priorities for action and excluded groups; (b) approve the work being undertaken to assess the Diagnostic findings against current Council activities and programmes and to identify areas where enhanced or additional activity is required; and (c) support the dialogue with government and national agencies around what is required to facilitate inclusive growth in the area.

4 Call In: Communities – Short Life Working Group

Submitted report by the Chief Executive on the outcome of a Call In to the Audit and Scrutiny Committee.

The Cabinet agreed to (a) the Elected Member representation on the working group be increased to four to allow the appointment of an Independent Member, with a further place also offered to NAFCO in the interests of parity; and (b) that no change be made to the decision that the working group report to the Cabinet.

5 Revenue Budget 2017/18 : Financial Performance to 31 January 2018

Submitted report by the Executive Director (Finance and Corporate Support) on the financial performance of the Council.

Members asked a question and were provided with further information in relation to the current financial projections and the changes over the last ten years.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the earmarking of £0.312m identified at 2.4 (iv) to meet future year commitments; (c) note the current financial projection for the Health and Social Care Partnership; and (d) approve the virements detailed in Appendix 10.

6 Capital Programme Performance to 31 January 2018

Submitted report by the Executive Director (Finance and Corporate Support) on the Capital Investment Programme as at 31 January 2018.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the General Services and HRA expenditure and revised budgets to 31 January 2018; and (ii) the forecast of expenditure to 31 March 2018.

7 Strategic Risk Register 2018/19

Submitted report by the Executive Director (Finance and Corporate Support) on the Strategic Risk Register for 2018/19.

Members asked a question and were provided with further information in relation to the Information and Cyber Security risk scoring which reflects the challenges associated with the loss of personal or sensitive data and the failure to appropriately manage and use the Council's information assets. This risk should be widened to reflect the increasing risk from external cyber-attack being faced by all organisations.

The Cabinet agreed to approve the Strategic Risk Register.

8 Health and Safety Annual Performance Report 2017

Submitted report by the Executive Director (Finance and Corporate Support) on the Health and Safety performance within Council Services.

The Cabinet agreed to (a) note the good progress made in Health and Safety during 2017; and (b) receive a further progress report in 12 months.

9 Road, Structures and Street Lighting Maintenance Programme 2018/19

Submitted report by the Executive Director (Place) on the proposed Road, Structures and Street Lightening Maintenance Programme 2018/19.

Members asked a question and were provided with further information in relation to the current Road Condition Index increase to 39.1 from 38.3 in 2016 and the estimated carriageway maintenance backlog figure currently being £31.6 million.

The Cabinet agreed to (a) note the approach taken to determining the asset maintenance programme for roads, structures and street lighting; (b) approve the maintenance programme for 2018/19, as shown at Appendix 1a and 1b; and (c) note that the programme will be issued to the Locality Planning Partnerships for information.

10 Multi- Storey Tower Blocks: Options Appraisal

Submitted report by the Executive Director (Place) on future investment options for the seven multi-storey blocks in Irvine and Saltcoats.

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

- face to face consultation with residents starting in April; and
- residents being provided with options for the redevelopment areas and different model of houses available.

The Cabinet agreed to (a) note the future investment options for the tower blocks (b) approve consultation on these options with affected tenants and owners; and (c) agree to receive a further report in Summer 2018 summarising the findings of the consultation exercise and proposed next steps.

11 Solar PV Social Housing Retrofit

Submitted report by the Executive Director (Place) on the business case to install 500 rooftop solar photovoltaic (pv) systems across North Ayrshire Council housing stock.

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

- the preferred bidder working with officers, to increase the number of properties for inclusion in this phase of works up to the original target of 500 installations; and
- the cost of scheme installation within the tender returns being less than originally forecast and as a result, the tenant contribution being removed from the investment grade business case, improving the savings on offer to tenants.

The Cabinet agreed to approve the updated business case and associated financial implications as outlined within Appendices 1 and 2, to allow appointment of a preferred installer.

12 Window Replacement to Old Building at Ardrossan Civic Centre

Submitted report by the Executive Director (Place) on the window replacement to the old building at Ardrossan Civic Centre.

The Cabinet agreed to approve essential window replacement to be carried out by North Ayrshire Council Building Services to the old building at Ardrossan Civic Centre at an estimated cost of £50,000 to be funded from Ardrossan Common Good.

13 Vacant and Derelict Land Funding

Submitted report by the Executive Director (Economy and Communities) on the expenditure of funds allocated by the Scottish Government to the Vacant and Derelict Land Fund.

The Cabinet agreed to (a) note the VDLF award of £1.709M for 2018/19; and (b) approve the submission of a local delivery plan for the expenditure of funds in 2018/19 to the Scottish Government.

14 Arran Outdoor Education Centre Business Improvement Plan

Submitted report by the Executive Director (Economy and Communities) on the Arran Outdoor Education Centre Business Improvement report (2017).

The Cabinet agreed to approve (a) the content and recommendations of the Business Improvement Report 2017; and (b) a revised pricing structure for North Ayrshire Council groups and for external bookings.

The Meeting ended at 3.55 p.m.

Education Appeal Committee
Wednesday 21 March 2018

IRVINE, 21 March 2018 - At a Meeting of the Education Appeal Committee at 2.45 p.m.

Present

Ian Clarkson (North Ayrshire Council); and Jim Smith and Karen Wallace (Lay Members).

In Attendance

P. Gosnay, Senior Manager, A. Allan, Senior Manager and A. Dick, Head Teacher (Garnock Campus) (Education and Youth Employment) and N. Shearer, Clerk to the Education Appeal Committee.

Also in Attendance

Appellant and her representative.

Chair

Councillor Clarkson 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. Appointment of Chairperson

Councillor Clarkson was appointed to chair this meeting of the Education Appeal Committee.

3. Conduct of the Meeting

Submitted guidance note on the conduct of the meeting.

Noted.

4. Exclusion of the Public and Press

The Committee resolved, in terms of Section 50(a)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

5. Appeal Against the Education Authority's Decision to Exclude a Pupil from Garnock Campus (Secondary)

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from Garnock Campus (Secondary) on 7 February 2018.

The appellant, having been invited to attend, was present and accompanied by a Youth Worker. Senior Managers (Education and Youth Employment) and the Head Teacher of Garnock Campus (Secondary) were also in attendance.

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

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

The Education and Youth Employment representatives and the appellant summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

Decision

The Committee agreed (a) to uphold the decision of the Education Authority to exclude the child from school on the grounds that it would be likely to be seriously detrimental to the order and discipline in the school.

The meeting ended at 4.15 p.m.

Audit and Scrutiny Committee - 27 March 2018

Present

Marie Burns, Margaret George, Joy Brahim and Donald Reid.

In Attendance

L. Friel, Executive Director, P. Doak, S Hanif, (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); S. Brown, Executive Director (North Ayrshire Health and Social Care Partnership); G. Mitchell, Transport Manager A Cowley, Team Manager (Structures, Flooding and Design) (Place); A. Fraser, Head of Democratic Services and A. Little, Committee Services Officer (Chief Executives).

Also in Attendance

P. Kenny, Deloitte

Chair

Councillor Burns in the Chair.

Apologies

Tom Marshall and John Sweeney.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Audit and Scrutiny Committee held on 30 January 2018 and the special meeting held on 6 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Operational Budget Management in the Health and Social Care Partnership

Submitted report by the Executive Director (Finance and Corporate Support) on (a) the review of financial management within the Health and Social Care Partnership (HSCP) undertaken by the Council's Head of Finance and reported to the Integration Joint Board Performance and Audit Committee on 8 March 2018; (b) the key findings from the review that were outlined at 2.2 of the report; (c) the actions outlined to address the weaknesses identified and establish a more robust financial accountability framework supporting the HSCP to deliver services within budget.

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

- The obligation of the IJB to deliver services within its allocated budget and the actions being taken by the HSCP to strengthen financial management and accountability;
- The responsibility of Senior Managers to sign off key risk areas, such as care packages and residential school placements, until training for all budget holders has been completed and the projected spend is controlled; and
- A further report that will be presented to the Committee in May 2018 to provide assurances in relation to the financial framework for the HSCP to ensure it starts 2018/19 with a clear understanding of its budgets, savings and pressures, supporting delivery of service within the agreed financial envelope.

The Committee agreed to (a) note (i) the findings of the review; and (ii) the action being taken by the Health and Social Care Partnership to strengthen financial management and accountability; and (b) consider an update report at the May meeting.

4. Early Years and Childcare Expansion

Submitted report by the Executive Director (Education and Youth Employment) on (a) the Audit Commission's report on the expansion of early learning and childcare in Scotland, which highlighted significant risks surrounding the Scottish Government's ambition to increase Early Learning and Childcare (ELC) from 600 hours to 1140 hours by 2020; (b) the recommendations of the Audit Commission for the Scottish Government and local authorities on the expansion of ELC in Scotland; (c) the Council's response to the six recommendations for Councils; and (d) a report that will be presented to a future meeting of Cabinet on the expansion proposals and Scottish Government funding arrangements.

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

- The take up of ELC in the pilot areas that is predominately from local parents;
- The provision of high quality care in Early Years Centres and schools and childminders and day carers, to ensure a positive impact on children's outcomes; and
- Work that took place with other local authorities and the Scottish Government Delivery Group to develop the delivery model and staffing model for North Ayrshire which adheres to the Scottish Government direction in its capital and infrastructure planning to maximise the use of existing assets.

The Committee agreed (a) that the Executive Director (Education and Youth Employment) provide an update report to the Committee, following consideration by Cabinet of a report outlining the expansion proposal and Scottish Government funding arrangements; and (b) to otherwise note the report.

5. Development for Councillors

Submitted report by the Chief Executive on the development provided to Councillors over the last year. Appendix 1 to the report provided details of (a) the Development Programme from January to May 2017, the Welcome Programme following the May 2017 election, training attended by Members of the Council's Regulatory Committees and the development programme from August to December 2017.

Members asked questions and were provided with further information in relation to consideration that will be given to consolidating training session into one session to lessen the need for Members to attend on various different days and holding sessions later in the day to make is easier for all Members to attend;

The Committee provided feedback on the development that had been provided, which included:-

- An examination of how to present information on attendance at training to make it clear that only Members of regulatory committees had been required to attend mandatory training in these areas and that the other Members had not been required to attend;
- Issues for Members in attending the high volume of training in the first weeks following election, albeit candidates had been advised in advance of the training programme and Member attendance at the Welcome Programme was significantly higher than at other times;
- While training was often on a Monday to avoid clashes with Committees, a number of Members work on that day and face difficulties in getting time off work for a single training session. It would be helpful to vary the days and time of training;
- Consideration should be given to the purpose and importance of the training or briefing in timetabling it; and
- Discussions that should take place between the Chief Executive and Group Leaders to resurrect the proposal for Policy Boards, which could be brought forward as part of the annual review of governance documents.

Noted.

6. External Audit Plan 2017/18

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

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

- Responsibility for the IJB deficit and where this will show in the NHS or Council balance sheet; and
- That the Council needs to be confident in recovery of the £3.5m deficit from the IJB when closing the accounts for 2017/18.

Noted.

7. Internal Audit Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed between 1 January and 28 February 2018. Appendix 1 to the report provided details of five audit assignments, together with their respective executive summary and action plans.

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

- The small number of people who had access to the BACs system that has been further reduced to three members of staff;
- That all actions have now been completed in respect of the BACs system, with the exception of (q);
- Assurances that have been sought from Capita in respect of their access controls for the BACs system used to process Accounts Payable BACs files;
- A recent full inspection by Audit Scotland and a separate audit that is being undertaken on Pupil Equity Funding; and
- The response provided by Kilwinning Academy to the action requiring cash to be counted by office staff prior to being accepted and receipted and further details that will be provided to the Committee on this response.

The Committee agreed (a) to note the outcome from the Internal Audit work carried out during the period; and (b) that the Senior Manager (Internal Audit, Risk and Fraud) provide further information on the response by Kilwinning Academy in respect of Action (d) to Members.

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

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made in implementing the agreed actions from the Internal Audit and Corporate Fraud report as at 31 December 2017. Full details of the 11 actions that were not completed within the agreed timescales were provided at Appendix 1 to the report.

Noted.

9. Internal Audit Plan 2018/23

Submitted report by the Executive Director (Finance and Corporate Support)

on the proposed Internal Audit Plan for 2018 - 2023. The report contained the full list of auditable areas and an indicative programme of work for Internal Audit for the 5-year period from April 2018 to March 2023 at Appendix 1 to the report. Appendix 2 set out the detailed audit plan for 2018-19 and indicated which quarter of the financial year it is intended to commence each audit.

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

- The examination of relevant legislation, guidance and policies that is undertaken as part of an audit to ensure compliance; and
- An audit that is currently underway in respect of social media.

The Committee agreed to (a) approve the Internal Audit Plan for 2018/19; (b) note the indicative programme for 2019/23; and (c) the indicators and targets as outlined in 2.6 of the report.

10. Ayrshire Valuation Joint Board

Submitted the Minutes of the meetings of the Ayrshire Valuation Joint Board held on 5 September 2017 and 9 January 2018.

Noted.

11. Exclusion of the Public

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

11.1 Corporate Fraud Reports Issued

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Corporate Fraud investigations completed between 1 January and 28 February 2018.

Noted.

The meeting ended at 11.30 a.m.

**Police and Fire and Rescue Committee
29 March 2018**

Present

Donald L. Reid, John Glover, Todd Ferguson, Ellen McMaster and Davina McTiernan.

Also Present

Robert Barr, Timothy Billings, Scott Davidson and Donald Reid.

In Attendance

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

Also In Attendance

Area Manager J. Scott and Group Manager K. Hankinson (Scottish Fire and Rescue Service).

Chair

Councillor Donald L. Reid in the Chair.

Apologies

Angela Stephen.

1. Chair's Remarks

The Chair took the opportunity to introduce Area Manager Jim Scott to the additional Members of the Council in attendance who had been invited to hear the presentation on the consultation proposals from the Scottish Fire and Rescue Service. He advised those Members that they would have an opportunity to address the Committee and ask questions but that any ultimate decision would be taken by Committee Members.

The Chair further thanked the Scottish Fire and Rescue representatives for the informative visit to their facilities which took place on Tuesday 27 March 2018. Members who had been present at the visit advised that the facilities are world class and commented on how the role of a firefighter had changed to a more prevention and protection role.

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. Your Service - Your Voice: Scottish Fire and Rescue Service Transformation Consultation

Submitted report and received a presentation by the Scottish Fire and Rescue Service (SFRS) which advised on the consultation proposals for the transformation of the

Scottish Fire and Rescue Service. A copy of the full consultation document was set out in Appendix 1 to the report and the consultation period closes on 14 May 2018.

The consultation discusses a number of key areas encompassing the following topics:-

- current and anticipated operational demand;
- current and emerging risks;
- reducing public service demand through preventative activities;
- aligning SFRS resources to match risk and demand;
- national resilience footprint;
- utilising new firefighting technology to support public and firefighter safety;
- strengthening the role of Retained Duty Service colleagues; and
- broadening the firefighter role.

The consultation further sets out a vision for the future through a 4-year transformation programme to support a more effective and efficient operating model and to further enhance skills, capabilities and safety of firefighters to meet future challenges. Additional funding has been allocated to the Service for this year to support the transformation programme. It was emphasised that this was not a programme of cuts but centred on utilising capacity to maximum potential to meet the changing demand, improving the value provided as an emergency service and working in partnership across a number of fronts.

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

- the maximising of resources within each station in terms of the demand profile;
- that there was no intimation of any closure of facilities at present;
- that buildings coming to the end of their natural life would give an opportunity to realign the footprint of the services within communities;
- the assistance which can be provided to the Ambulance Service around medical emergencies such as Out of Hospital Cardiac Arrest;
- the possibility of utilising motor bikes as first mobilisation in connection with unwanted fire alarm signals;
- the potential in rural and Island communities for the extension of the attendance response time;
- the current use of the electronic availability system and the future introduction of a singular technology approach across Scotland;
- the reassurance in terms of no cuts and that the public consultation requires to be open and transparent;
- the realignment of the business model generating financial savings;
- the specialist resources currently situated at Kilwinning Fire Station eg the forestry unit;
- the movement into other areas of demand and partnership working and support;
- the deployment of retained units within the Garnock Valley and the rapid response unit variable model;
- requirements for HGV or LGV licences; and
- any potential for utilising drone technology in the future and issues around this.

The Committee agreed to (a) note the terms of the verbal report; and (b) remit to the Head of Democratic Services/Senior Manager (Legal Services) to respond to the consultation on behalf of North Ayrshire Council, taking into account key points raised in discussion.

4. Urgent Items: Willful Fire Raising

Councillor McTiernan raised the issue of willful fires given the approach of the summer months and requested whether the Fire Service could work with Police Scotland on this matter. Area Manager Scott indicated that a primary focus of the Fire and Rescue Service was about diversionary opportunities for young people.

Noted.

The meeting ended at 11.20 a.m.

Staffing and Recruitment Committee
Friday, 06 April 2018

Present

Joe Cullinane, John Bell, Joy Brahim and Alan Hill.

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director and F. Walker, Head of Service People and Transformation) (Finance and Corporate Support).

Chair

Councillor Cullinane in the Chair.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of the meetings of the Staffing and Recruitment Committee held on (i) 18 January 2018 and (ii) 9 March was confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3 Exclusion of the Public

The Committee resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

4 Head of Finance Recruitment

The Committee interviewed two candidates for the post of Head of Service (Finance), those candidates having been shortlisted at the meeting of the Committee held on 9 March 2018 and having been successful at Assessment Centre stage.

The Committee agreed to appoint Mark Boyd to the post.

The Meeting ended at 12.00 p.m.

Local Development Plan Committee

17 April 2018

Present

Alex Gallagher, Robert Barr, John Bell, Timothy Billings, Joy Brahim, Marie Burns, Joe Cullinane, Anthea Dickson, Todd Ferguson, Robert Foster, Margaret George, John Glover, Tony Gurney, Alan Hill, Christina Larsen, Shaun Macaulay, Jean McClung, Ellen McMaster, Ronnie McNicol, Davina McTiernan, Tom Marshall, Donald Reid, Donald L Reid and Angela Stephen.

In Attendance

K. Yeomans, Executive Director, C. McAuley, Head of Service (Economic Growth), J. Miller, Senior Manager (Planning) and N. McIlvanney, Strategic Planning Manager (Economy and Communities); A. Craig, Senior Manager (Legal Services), J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Committee Services Team Leader and E. Gray, Committee Services Officer (Democratic Services).

Chair

Councillor Gallagher in the Chair.

Apologies for Absence

Ian Clarkson, Scott Davidson, John Easdale, Louise McPhater, Jimmy Miller, Jim Montgomerie, Ian Murdoch and John Sweeney.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 12 June 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Local Development Plan 2: Proposed Local Development Plan and Development Plan Scheme

Submitted report by the Executive Director (Economy and Communities) seeking approval and to publish the Proposed Local Development Plan (PLDP) (and supporting documents) and proceed with public consultation. The Proposed Local Development Plan, consultation framework and timetable, and draft Action Programme, were appended to the report.

The Council has a statutory duty to adopt a Local Development Plan (LDP) every five years. This sets out the use strategy that directs development to the right location by allocating land for development and providing policies that guide the determination of planning applications. The Council would expect to adopt the updated LDP in 2019, following statutory consultation and examination by Scottish Ministers.

The strategic direction of the PLDP has been established through the Main Issues Report which was approved by the LDP Committee in January and June 2017. The plan has been developed to represent Corporate and Community Planning priorities, National Planning Framework and Scottish Planning Policy, and its content reflects engagement with technical stakeholders, developers, corporate stakeholders and communities.

The Senior Manager (Planning) outlined the PLDP to the Committee, providing information on:-

- the four strategic policies (Spatial Strategy, Placemaking Policy, Strategic Development Areas, and Delivering on Community Priorities);
- the settlement maps detailing land zoning;
- the detailed policies contained in the plan which tend to reflect national guidance; and
- proposals to allocate eight new areas across North Ayrshire for housing development with the potential to provide 1,053 new units.

The Committee was advised that, following the approval of the PLDP the contents would become material planning considerations when considering applications for planning permission.

Details were provided of an eight-week consultation, including statutory notification, advertisement and officer led consultation events, and the opportunity during this period for any group or individual to make written representations either supporting, objecting to, or generally commenting on the LDP. In the event of any fundamental issue being raised during this period, a modified PLDP would be presented to the LDP Committee for approval. If the consultation period ends with no fundamental issue being raised the PLDP would be submitted to Scottish Ministers for examination.

The Senior Manager (Planning) provided, for the Committee's information only, comments submitted by Councillor Murdoch in his absence about the proposed housing site in the Brisbane Glen Largs, the Peel Ports site at Clydeport, Hunterston, and the inclusion of a bio-mass or coal fired power station in the PLDP.

The Chair intimated his intention to invite the Administration to move the recommendations set out in the report, in principle, and, thereafter, allow Members to propose and vote upon amendments to the content of the PLDP. Councillor Cullinane, seconded by Councillor Foster, so moved.

The following amendments were proposed to the content of the PLDP:-

- (1) Councillor Barr moved that the PLDP be amended to (i) delete the additional housing allocation of 175 new homes on the A78 at the Portencross junction, referred to at page 51 of the PLDP, and (ii) add a site at Lawhill, West Kilbride. There being no seconder, Councillor Barr's proposed amendment fell.
- (2) Councillor Gurney, seconded by Councillor McMaster, moved that the PLDP be amended to (i) reflect an editorial change, to be made by officers, at page 116 of the PLDP, to provide a fuller and less restrictive description of Ardrossan

town centre and (ii) delete the site to the North West of Stanley Avenue, Ardrossan, from the Schedule of Regeneration Opportunities, referred to at page 114 of the PLDP.

Councillors Cullinane and Foster agreed to incorporate the proposed change into their motion.

- (3) Councillor Billings, seconded by Councillor Marshall, moved that the PLDP be amended to reflect an editorial change to be made by officers at section (g) on page 13 of the PLDP, to reflect that small-scale expansion outwith settlements should be the exception, with a clear presumption in favour of allocated land for housing in the first instance and an emphasis on the need for local community support for any exceptions.
- (4) Councillor Ferguson, seconded by Councillor Marshall, moved that the PLDP be amended to remove the site at Chapelhill Road, West Kilbride, for 70 new housing units, referred to at page 51 of the PLDP.

Following the receipt of information from the Senior Manager (Planning) on arrangements for developer contributions towards the cost of any increased demand for educational services deriving from additional housing on the sites in West Kilbride, Councillors Ferguson and Marshall agreed to withdraw their proposed change.

- (5) Councillor Hill, seconded by Councillor McTiernan, moved that the PLDP be amended to remove the site at Brisbane Glen Road, Largs, for 95 new homes, referred to at page 107 of the PLDP.
- (6) Councillor Burns, seconded by Councillor Macaulay, moved that the PLDP be amended to remove the reference to “new nuclear energy generation including a new reactor” referred to at page 23 of the PLDP.
- (7) Councillor Burns, seconded by Councillor McClung, moved that the PLDP be amended to remove in its entirety the text from “There is a strong presumption against proposals” to “in compliance with (ii)-(v) above” from page 105 of the PLDP.

Following discussion, Councillors Burns and McClung agreed to alter their proposed change, to replace their proposed deletion with the following text: “The Hunterston site will not accept storage of low level and intermediate level radioactive waste arising from other nuclear installations.”

Councillors Cullinane and Foster agreed to incorporate the proposed change into their motion.

- (8) Councillor Marshall, seconded by Councillor Ferguson, moved that the PLDP be amended to remove the words “and decommissioning (including oil and gas structures)” from page 23 of the PLDP.

- (9) Councillor Dickson, seconded by Councillor Larsen, moved that the PLDP be amended to restrict the reference to bio-mass energy generation at page 23 of the PLDP to the type of small-scale development for heat and power which would fall within the category of Local planning application.

Councillors Cullinane and Foster agreed to incorporate the proposed change into their motion.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short recess at 11.15 a.m. to allow Members to liaise with officers to seek advice on whether Councillor Billings' proposed editorial change constituted a formal amendment to the PLDP. The meeting reconvened at 11.35 a.m. with the same Members and officers present and in attendance.

Following discussion, the Committee agreed to note that the proposed amendment to the PLDP, relating to small-scale expansion of settlements on Arran and Cumbrae, constituted an editorial change only and that it could be remitted to officers, in consultation with local Members, to agree the detailed wording. Councillors Cullinane and Foster agreed to incorporate the proposed change into their motion.

Councillor Billings left the meeting at this point.

The Chair then presided over a number of divisions in respect of the proposed changes to the PLDP.

Councillor Cullinane, seconded by Councillor Foster, moved approval of the PLDP set out in the appendix to the report, subject to the changes set out at (2), (3), (7) and (9) above.

On a division, there voted for the proposed change (5) by Councillor Hill and seconded by Councillor McTiernan, 10, and for the motion, by Councillor Cullinane and seconded by Councillor Foster, 12. The motion was carried and became the substantive motion.

On a division and a roll call vote, there voted for the proposed change (6) by Councillor Burns and seconded by Councillor Macaulay, Councillors Brahim, Burns, Dickson, Gurney, Hill, Larsen, Macaulay, McClung, McMaster and McTiernan, and for the motion, by Councillor Cullinane and seconded by Councillor Foster, Councillors Barr, Bell, Cullinane, Ferguson, Foster, Gallagher, George, Glover, Marshall, McNicol, Donald Reid, Donald L. Reid and Stephen. The motion was carried and became the substantive motion.

On a further division, there voted for the proposed change (8) by Councillor Marshall and seconded by Councillor Ferguson, 5, and for the motion by Councillor Cullinane and seconded by Councillor Foster, 17. The motion was carried and became the substantive motion.

There being no further amendments with regard to the content of the PLDP, Councillor Cullinane, seconded by Councillor Foster, moved that the Committee agree to approve:-

- (a) the PLDP set out in Appendix 1 to the report, subject to the following changes:-
- (i) an editorial change, to be made by officers, at page 116 of the PLDP, to provide a fuller and less restrictive description of Ardrossan town centre;
 - (ii) deletion of the site to the North West of Stanley Avenue, Ardrossan, from the Schedule of Regeneration Opportunities, referred to at page 114 of the PLDP;
 - (iii) an editorial change, to be made by officers, subject to consultation with local Members, at section (g) on page 13 of the PLDP, to reflect that small-scale expansion outwith settlements should be the exception, with a clear presumption in favour of allocated land for housing in the first instance and an emphasis on the need for local community support for any exceptions;
 - (iv) deletion in its entirety of the text from “There is a strong presumption against proposals” to “in compliance with (ii)-(v) above” from page 105 of the PLDP and its replacement with “The Hunterston site will not accept storage of low level and intermediate level radioactive waste arising from other nuclear installations”; and
 - (v) the bio-mass energy generation referred to at page 23 of the PLDP being restricted to the type of small-scale development for heat and power which would fall within the category of ‘local’ planning application
- (b) the publication of the PLDP and consultation in line with the consultation strategy set out in section 2.10 of the report, in accompaniment with the Environmental Report;
- (c) the updated Development Plan Scheme to reflect expected timescales and consultation strategy for the remainder of the LDP process; and
- (d) the draft Action Programme as the basis for developing a comprehensive strategy for managing and monitoring progress to implement the Local Development Plan.

There being no amendment, the motion was declared carried. Councillor Barr requested that his dissent be recorded.

The Meeting ended at 12.30 p.m.

**Licensing Committee
18 April 2018**

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

E. McLaren, Team Manager (Litigation), W. O'Brien, Solicitor, (Licensing) and A. Toal, Administrative Assistant (Licensing); S. McKenzie, Senior Manager (Protective Services) and C. Boyd, Team Manager (Food/Health and Safety) (Economy and Communities) and A. Little, Committee Services Officer (Chief Executive's).

Also in Attendance

Inspector Convery and D. Hastings (Police Scotland).

Chair

Councillor McNicol in the Chair.

1. Order of Business

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow consideration of Agenda Item 5 (Taxi and Private Hire Car Specification and Inspection Standards) as the first item of business and Agenda Item 3 (Hearing 4 – Samuel Dean) immediately following Hearing 2 – Elaine Connor). The Team Manager (Litigation) advised the Committee during Hearing 2. Elaine Connor, and the Solicitor (Licensing) left the Chambers before this Hearing started and did not return until after it concluded. The Solicitor (Licensing) advised the Committee during the remainder of the meeting.

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 19 February and the special meeting held on 7 March 2018 were confirmed and the Minutes 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 Item 3 (Civic Government (Scotland) Act 1982: 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 Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 (Information relating to the financial or business affairs of any particular person (other than the authority)), Paragraph 14 (Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime) and Paragraph 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. Taxi and Private Car Vehicle Specification and Inspection Standards

Submitted report by the Chief Executive on the Taxi and Private Hire Car Specification and Inspection Standards under the Civic Government (Scotland) Act 1982, Section 10(2) and 10(5), as outlined and appended to the report.

The Committee agreed to continue consideration of these matters to a future meeting of the Committee.

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

Submitted report by the Chief Executive on hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

Part A: Hearings

6.1 Permanent Public Entertainment Licence PEL/531 - Kenneth Stirling

The applicant, having been duly cited, was present and accompanied by a relative. A representative from North Ayrshire Council's Protective Services was also in attendance.

The Solicitor (Licensing) set out the background to the application, in respect of the application for a public entertainment licence for a three year period. The representative from Protective Services then addressed the Committee in terms of their request that an additional condition be added to the licence, if granted for three years, in relation to the layout of the event, the substitution of rides, inflatables and stalls and the certification of new rides. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and the representative from Protective Services 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 and to restrict the licence to the days in 2018 that the applicant had applied for, 9 – 13 May 2018, under Paragraph 8(2)(b).

6.2 Booking Office Licence BOL/018 - Elaine Connor

The Committee, at its meeting held on 7 March 2018, agreed to proceed to a Hearing under Paragraph 11(7) and 10(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Team Manager (Litigation) set out the background to the Hearing as previously intimated in writing to the licence holder. She also referred to a letter of complaint received from a neighbour relating to the operation of the Booking Office Licence from the licence holder's address.

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

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

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

Decision

The Committee, being satisfied with the assurances provided by the licence holder, agreed (a) to take no further action in respect of the issues raised by the complaint in respect of the operation of the Booking Office Licence; and (b) instructed the Clerk to write to the Licence Holder and the complainer confirming: (1) that the Committee was satisfied that it would have been entitled to order vary the Licence, but decided on that occasion to take no action; and (2) that the circumstances of the present case would be taken into account if the Committee later consider either a further case of possible Revocation, Suspension or Variation, or an Application to (i) renew the Licence; or (ii) to vary the Licence under Paragraph 10, or (iii) to obtain the Committee's Consent under Paragraph 9(2) for the making of a material change to the Licence.

6.3 Taxi Driver's Licence - TDL/00064 - Samuel Dean

The Committee, at its meeting held on 7 March 2018, agreed to continue consideration of the matter to a future meeting, pending the outcome of legal proceedings against the licence holder.

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 Committee noted that the objection or representation was made late, after the period for making objections or representations had expired. This period was 28 days starting from the date that the application was lodged with the Council (Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 3(1)(e)(iii), as amended by Criminal Justice and Licensing (Scotland) Act 2010, Section 178(2)(e)). The Committee had a discretion to entertain a late objection or representation, in accordance with Paragraph 3(2). The Committee heard from both the Chief Constable's representative and from the licence holder. The licence holder agreed that the Committee could take the late objection or representation into account. The Committee held that was here a "sufficient reason" why the objection or representation was not made within the period of 28 days, and determined to entertain that objection or representation, and to take it into account when determining the application.

The representatives from Police Scotland then addressed the Committee on the terms of a letter dated 6 April 2018 setting out the observations of the Chief Constable of Police Scotland on 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 L. Reid, seconded by Councillor Easdale, moved that the application be granted for a period of 6 months and that a final warning letter be issued to the applicant.

As an amendment, Councillor McNicol, seconded by Councillor Ferguson, moved that the application be refused on the grounds that the applicant was not a fit and proper person to be the holder of the licence.

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

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence.

6.4 Skin Piercing Licence - SPTL/042 (New) - Reid & Reid (Hairdressing) Ltd

The Committee, at its meeting held on 7 March 2018, agreed (a) to continue consideration of the application to the next meeting; and (b) note that, in the event of the outstanding issues in respect of the application being resolved in the meantime, the application would be determined by officers under delegated powers.

The applicant, having been duly cited to attend, was not present, but had submitted a request that the application be continued to a future meeting. A representative from the Council's Food/Health and Safety Team was in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representative from the Council's Food/Health and Safety Team addressed the Committee on the issues raised and responded to questions. The Committee noted that the Solicitor (Licensing) had raised with the applicant the issue of the premises being adequately managed but the applicant had not responded and had not nominated an alternative day-to-day Manager.

The Committee considered that the applicant had been given time to resolve the outstanding issues in respect of the application and it had sufficient information to determine the application.

Decision

The Committee unanimously agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 to the Licensing (Scotland) Act 1982 in that the Committee considered that reasons to refuse existed: (a) that the applicant was not a fit and proper person to be the holder of the Licence (Paragraph 5(3)(a)(ii)); (b) that the premises are not suitable to hold a Skin Piercing and Tattooing Licence (Paragraph 5(3)(c)(i) and (ii)); (c) that the Committee was not satisfied that the Licence Conditions applying both before and after the grant of a Skin Piercing and Tattooing Licence would be observed, and that this was a good reason for refusing the application (Paragraph 5(3)(d)).

6.5 Taxi Driver's Licence (Renewal) TDL/00190 - Raymond Potts

The Committee, at its meeting held on 7 March 2018, 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 in attendance.

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

Decision

The Committee unanimously agreed to refuse the application in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person to be the holder of the licence.

6.6 Taxi Driver's Licence - TDL/02086 (New) - Fazal Hussain

The Committee, at its meeting held on 7 March 2018, 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.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. He advised that Police Scotland are only able to undertake background checks within the UK. Information on individuals, prior to their arrival in the UK, is therefore not available to them.

The Chair read out a statement from the applicant.

Decision

The Committee unanimously agreed (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1) (b) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that the Solicitor (Licensing) investigate and report to a future meeting on a process that could be put in place, such as a certificate of good character from the relevant Embassy, that would assure the Committee that the applicant is a fit and proper person to hold a licence,

Part B: Applications for Licences/Renewal of Licences

6.7 TDL/02020 (Renewal) - Michael Rawley

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

6.8 TDL/02083 (New) - Brian Stephens

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.

7. Licensing of Window Cleaners – Civic Government (Scotland) Act 1982, Section 43

Submitted report by the Chief Executive on the current position in respect of the licensing of window cleaners.

The report provided information on Optional Provisions, where a licence for activities is required if and when the local Council so resolves. Window cleaning had not been adopted as part of the Optional Provisions by Cunninghame District Council. Police Scotland have requested that consideration be given to the licensing of window cleaners and the proposal was advertised in the local press. The consultation period has now expired and no comments were received from the public.

The Committee agreed to make a resolution under Section 9 of the Civic Government (Scotland) Act 1982, that from and after Monday 21 January 2018, Section 43 of that Act shall apply, so that a Window Cleaner's Licence shall be required for carrying on the trade of, or being employed as, a window cleaner.

The meeting ended at 12.50 p.m.

**Planning Committee
25 April 2018**

Present

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

Also Present

Todd Ferguson (Agenda item 5).

In Attendance

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

Also In Attendance

S. Graham (McInally Associates), W. Marshall and G. McGinty (Clydeports Operations Ltd) and C. Fleming (EnviroCentre) (representing the applicants); R. Holmes (Fairlie Community Council) and D. Nairn (Clyde Porpoise CIC) (representing the objectors) (Agenda items 3.1, 3.2 and 3.3).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Robert Foster.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 14 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Hunterston Construction Yard, Fairlie

The Chair advised the Committee that he had received, and granted, two formal requests to address the Committee, with respect to the three applications for planning permission at Hunterston Construction Yard contained on the agenda. The applicants were also invited to attend the meeting to respond to the points raised by the objectors.

The Senior Manager (Legal Services) requested, and received, confirmation from the representatives of the applicants and objectors in attendance, that they intended to address the Committee on all three applications by Clydeport Operations Ltd, rather than speaking to each individual application in turn.

Rita Holmes, of Fairlie Community Council expressed the view that the piecemeal developments proposed, while apparently relatively benign in nature, would have, cumulatively, a disastrous impact on the local area and that, had they adequate freedom to express themselves, organisations such as SEPA, SNH and the Council's Environmental Health Service would echo the Community Council's concerns. She also raised concerns about the marine structures which would be decommissioned on site, the danger that naturally occurring radioactive material could contaminate the local environment, and the perfunctory noise assessment which had been carried out by the applicants.

Mr Nairn of Clyde Porpoise CIC provided a presentation on the importance of the marine mammal species residing within the Hunterston Channel and surrounding area, the adverse impact of established development on the Site of Special Scientific Interest at Southannan Sands, and the further negative impact that the proposals would have on the area. He made particular reference to the negative effects of prolonged pile driving which, in combination with ongoing acoustic noise and oil rig/vessel movements, would damage the health of the marine mammal population and lead to their displacement.

Mr Nairn also questioned the efficacy of the proposed mitigation measures and whether other mitigation methods had been explored, including bubble curtains.

Scott Graham, of McInally Associates Ltd, accompanied by Warren Marshall and Graeme McGinty, of Clydeport Operations Ltd, and Campbell Fleming of EnviroCentre, then addressed the Committee, on behalf of the applicants, in response to the objectors.

Mr Graham highlighted the Scottish Government's belief that work associated with decommissioning North Sea marine structures will provide £17.6b of economic benefit over the next 10 years and the £5m fund which has been created to provide opportunities for Scotland to benefit from this. Details were provided on the economic impact of the proposed development, with an estimated initial investment of £76m creating 500-550 gross Person Year Equivalent jobs and ongoing operations creating £50m of annual operating contracts, generating 220-260 permanent Full Time equivalent jobs.

Mr Graham also highlighted the Council's Proposed Local Development Plan which gave provision for decommissioning work to be undertaken at Hunterston and his belief that the applications should be considered using planning regulations and therefore no sound reasons were available for refusal. Reference was also made to the other licencing legislation and regulations with which the proposed development would need to comply, including a marine licence and Environmental Health laws.

Members then asked questions of the objectors and applicants' representatives and were provided further information in respect of:-

- timescales for the development and the progress of other licences which are required;

- the objectors' claim that agencies, such as SEPA, are unable to speak freely when commenting on applications for planning permission;
- the claim that radioactive material would be transported into the site and the source of this information; and
- other sites which are used for decommissioning marine structures and lessons which can be learned from these.

The Senior Manager (Planning) then outlined the terms of each of the planning reports and officers' recommendations.

3.1 18/00134/PP – Replacement and Enlargement of the Jetty

Clydeport Operations Ltd. have applied for planning permission for the replacement and enlargement of the existing jetty at Hunterston Construction Yard, Fairlie. One representation was received, as outlined in the report.

Councillor McNicol, seconded by Councillor Clarkson, moved that the application be granted, subject to the conditions set out in the report.

Councillor Barr moved that the application be refused. There being no seconder, the amendment fell.

There being no further amendment, the motion was declared carried.

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

1. That prior to the commencement of development a Construction Method Statement shall be provided for the written approval of North Ayrshire Council. The Construction Method Statement shall include:
 - i) a pre-construction survey for protected marine mammals, protection measures during construction and details of proposed monitoring of the site by a competent observer during the demolition and construction works;
 - ii) proposed timetable and procedure for construction;
 - iii) methods of construction;
 - iv) risk assessment (including potential impacts of construction on marine mammals); and
 - v) details of preventative measures to avoid long term impacts on marine mammals, pollution of the foreshore and SSSI.

3.2 17/01273/PP – Vary Condition 1 of Planning Permission ref 16/00268/PP

Clydeport Operations Ltd. have applied for the variation of planning condition 1 of planning permission ref 16/010268/PP to allow use of the site for decommissioning large marine structures. Three representations were received, as outlined in the report.

On 31 August 2016, the Planning Committee approved an application to delete condition 1 of a Planning Permission (ref.11/00230/PPM) to remove the temporary restriction on the use of the site (ref.16/00268/PP). Condition 1 was deleted and replaced with a revised condition 1 which stated:

"That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose."

The applicant proposed to vary this condition to state:

"That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion and decommissioning of large marine related structures; and the site shall be used for no other purpose."

Councillor McNicol, seconded by Councillor Billings, moved that the application be granted, subject to the conditions set out in the report and an additional condition regarding the formation of a liaison committee consisting of local councillors and community group members, the site operator, and other interested parties.

There being no amendment the motion was declared carried.

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

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and decommissioning of large marine related structures; and the site shall be used for no other purpose. For the avoidance of doubt construction, repair and decommissioning shall be restricted to oil rigs, platforms, similar structures that have served the oil and gas industry and offshore renewable industry and are defined within approved drawing '01B'. Storage of these structures shall be restricted to those which are actively being constructed, repaired or decommissioned only.
2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed

arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction. For the avoidance of doubt the approval of "preventative measures to avoid pollution of the foreshore", required under part c) shall be agreed with SNH and such measures shall include full details of the mitigation that will be implemented during the construction and operation of the site to ensure that they adequately manage the risk of any pollution entering the SSSI.

3. The rated noise level, as defined in BS 4142:2014, from activities associated with the construction, repair and decommissioning of large marine related structures, permitted under Condition 1, must not exceed the background noise level by 5dB(A) or more at the curtilage of any noise sensitive property. For the avoidance of doubt this condition would not apply to any operations that are licensed by SEPA or Marine Scotland.
4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.
5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.
6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.
7. That the hours of operation of the site for construction, repair or decommissioning of large marine related structures, permitted under Condition 1, and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.

8. That within 3 months of the date of the consent, a draft Code of Practice for the operation of the construction, repair and decommissioning of Marine Structures, hereby approved, shall be submitted for the approval in writing by North Ayrshire Council as Planning Authority. The draft Code of Practice shall include the formation of a liaison committee, which shall comprise of local councillors, local community group members, the site operator and other interested parties; and should include the timescales for the meetings of the liaison committee. The development shall thereafter be undertaken in accordance with any Code of Practice as approved by North Ayrshire Council as Planning Authority.

3.3 18/00132/PP – Erection of Caisson Gates and Subsequent Removal of Existing Bund

Clydeport Operations Ltd. have applied for planning permission for the erection of caisson gates and subsequent removal of existing bund at Hunterston Construction Yard, Fairlie. One representation was received, as outlined in the report.

Councillor McNicol, seconded by Councillor McMaster, moved that the application be granted, subject to the conditions set out in the report.

There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of development a Construction Method Statement shall be provided for the written approval of North Ayrshire Council. The Construction Method Statement shall include:
2.
 - i) a pre-construction survey for protected marine mammals, protection measures during construction and details of proposed monitoring of the site by a competent observer during the demolition of the bund and construction works;
 - ii) the method and timetable for demolition and disposal of surface material relating to the existing bund;
 - iii) proposed timetable and procedure for construction;
 - iv) methods of construction;
 - v) risk assessment (including potential impacts of construction on marine mammals); and,
 - vi) details of preventative measures to avoid long term impacts on marine mammals, pollution of the foreshore and SSSI.

4. 18/00216/PP – West Kilbride Primary School, Hunterston Road, West Kilbride

West Kilbride Community Sports Hub have applied for planning permission for the erection of static floodlighting and the variation of an existing condition to extend the hours of the Multi-Use Games Area (MUGA) at West Kilbride Primary School, West Kilbride. One representation was received, as outlined in the report.

Planning permission for the erection of the MUGA was granted by the Planning Committee at its meeting on 12 February 2008 (ref: 07/01158/PP), subject to the condition that the facility is only used between 8am and 8pm, Mondays to Fridays, and 8am and 6pm, Saturdays and Sundays.

Members asked questions and were provided further information in respect of:-

- the strength and angle of light emitted from the proposed floodlights and the impact this has on nearby houses;
- the operational hours of the facility and how the noise associated with this might impact on local residents; and
- the role of Environmental Health in policing light and sound pollution.

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

1. That the MUGA facility shall only operate between the hours of 8am and 9pm on Mondays - Fridays inclusive and between the hours of 8am and 7pm on Saturdays and Sundays.

Councillor Macaulay left the meeting at this point.

5. 17/01280/DCMS – Site to North of Knowes Farm, Beith

Smith Skips Ltd. have applied to update the planning conditions for the quarry operations at the site to the North of Knowes Farm, Beith, in line with the periodic Review of Old Mineral Permissions procedure.

Members asked a question and were provided with information in relation to the operation of the site.

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

1. That the mineral extraction operations at the application site shall at all times be carried out in accordance with the working method statement, drawings and supporting information hereby approved, and there shall be no change in the operation or working method without the written approval of North Ayrshire Council, as Planning Authority.
2. That by the 30th November 2027 the operations hereby approved shall cease and the site shall be restored to the satisfaction of North Ayrshire Council, as Planning Authority. For the avoidance of doubt any excavated areas shall be covered over with top soil and grass seeded. The north-west and south-east boundaries will be planted with shrub mix in accordance with drawing Final

3. That in the event of the operations ceasing on the site prior to the date specified in Condition 2, within six months of the cessation of operations all buildings, plant and machinery ancillary to the mineral extraction operations shall be removed and the entire site restored to the satisfaction of North Ayrshire Council, as Planning Authority. For the avoidance of doubt any excavated areas shall be covered over with top soil and grass seeded. The north-west and south-east boundaries will be planted with shrub mix in accordance with drawing Final Restoration Plan 5505-104 and any details approved in accordance with Condition 4.
4. That within 3 months of the date of this decision, an updated scheme for the restoration of the site which fully details the subsoil and topsoil replacement operations, site drainage and details of all plant species including their planting density, shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority. This restoration scheme shall be accompanied by a detailed aftercare management plan which shall set out a five year programme of works to ensure the successful implementation of the restoration scheme.
5. That within 3 months of the date of the decision the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, a schedule of restorations costs.
6. That access to the site shall only be by way of the existing access to the landfill site to the south from Kerse Road (C25).
7. That the first 10 metres of the access road shall be retained as hard surfaced.
8. That the operator shall seek to ensure that no loose material is carried out onto the C25 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
9. That vehicles movements associated with the development shall be undertaken only in accordance with the Code of Practice, originally approved in relation to Condition 22 of planning permission 16/00793/PP.
10. That clay extraction shall only be permitted between the hours of 7am to 6pm Mondays to Fridays and at no time on Saturdays, Sundays or public holidays unless, in exceptional circumstances, North Ayrshire Council, as Planning Authority, gives prior written approval for clay extraction outwith these times.
11. That all topsoil and soil forming material to be stripped shall be stored within the land shown on the approved drawings as being in the applicant's ownership and shall not be taken off site without the written consent of North Ayrshire Council, as Planning Authority.
12. That all topsoil and soil forming material stockpiles shall be kept free of weeds and shall be seeded to the satisfaction of North Ayrshire Council, as Planning Authority.

13. That subsoil and topsoil shall be stored separately from the excavated materials and in the area shown on plans hereby approved to the satisfaction of North Ayrshire Council. Prior to the commencement of the 'Future Works Sector' as identified in drawing Method of Working 5505-103, details of the proposed relocation of the subsoil stockpile will be submitted to North Ayrshire Council, as Planning Authority, for written approval. Works on the 'Future Works Sector' will not commence until such details have been approved and then works will be carried out in accordance with any such details.
14. That there shall be no stockpiling of excavated material without the prior written approval of North Ayrshire Council, as Planning Authority.
15. That within 3 months of the date of this decision, details of measures to prevent and control the emission of dust from the site shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
16. That in the event of dust produced by the mineral extraction operations hereby approved or by vehicles passing to and from the site constituting nuisance, measures will be taken by the operator to control the dust emissions to the satisfaction of North Ayrshire Council, as Planning Authority.
17. That any significant unsuspected contamination which becomes evident during the development shall be brought to the attention of North Ayrshire Council, as Planning Authority, together with suitable remediation proposals prior any further works taking place.
18. That the operator shall take all necessary measures to control vermin at the site of the operations hereby approved, to the satisfaction of North Ayrshire Council, as Planning Authority.
19. That any field drainage disturbed or damaged during extraction of the clay shall be made good on completion of the works and all necessary precautions shall be undertaken during the operations to prevent contamination of existing watercourses.
20. That any temporary storage of clay shall be located to ensure that any contaminated run-off arising from the stored material does not cause pollution.
21. That if during the extraction process any standing water requires to be pumped from the void, it shall not be discharged to a water course, unless the prior written approval is obtained from North Ayrshire Council, as Planning Authority.

6. Urgent Item

The Chair agreed that the following item be considered to allow the matter to be considered without delay.

6.1 Call In Request: 18/00315/PP: Seaview Caravan Park, Site To North Of Seaview Caravan Park Ardrossan Road, Seamill

The Chair advised the Committee of a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

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

1. The continued expansion of the Waterside Hotel next door to Seaview; and
2. In the LDP2 - Policy 6 for Supporting Sustainable Tourism it mentions support in principal for caravans both static and touring.

Councillor Ferguson was in attendance and addressed the Committee in support of the call in request. Councillor Ferguson referred to a similar application which was refused by officers under delegated powers in 2015 and stated his belief that this decision was contrary to the LDP. Councillor Ferguson also referred to a survey undertaken by local businesses which showed support for the application.

Members asked questions and were provided further information in respect of the likely timescales associated with processing the application, by Committee and under delegated powers, and the processes associated with each.

Councillor Reid, seconded by Councillor McMaster, moved that the call in request be refused.

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

On a division, there voted for the amendment 3 and for the motion 4, and the motion was declared carried.

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

The Meeting ended at 3.50 p.m.

**Local Review Body
25 April 2018**

Present

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

In Attendance

A. Hume, Senior Development Management Officer (Economy and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Robert Foster and Shaun Macaulay.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 14 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 18/00005/PP – 66 Glen Avenue, Largs – erection of a conservatory to the rear of a semi-detached dwellinghouse

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a conservatory to the rear of a semi-detached dwellinghouse.

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

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

The Committee agreed that there was enough information provided to determine the appeal without a site visit or a hearing.

Members asked questions and were provided with further information on possible alternatives to the proposed design which would allow the application to be approved and whether these had been explored by the applicant.

Councillor Barr, seconded by Councillor McMaster moved that the Local Review Body uphold the decision to refuse planning permission for the reason set out in the report.

There being no amendment the motion was declared carried. Accordingly, the Local Review Body agreed to uphold the decision to refuse planning permission for the following reason:-

1. That the proposed development would be contrary to criterion (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan in that it would impact on the amenity of occupants of the residential property to the north-east by way of an unacceptable loss of daylight and overshadowing to habitable rooms.

The Meeting ended at 4:00 p.m.