



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**7 November 2018**

**VOLUME OF MINUTES**

**From 16 August 2018 to 24 October 2018**

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**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 16 August 2018  
at 2.00 p.m., Council Chambers, Cunninghame House, Irvine**

**Present**

Bob Martin, NHS Ayrshire and Arran (Chair)  
Councillor Robert Foster, North Ayrshire Council (Vice Chair)  
Councillor Timothy Billings, North Ayrshire Council  
Alistair McKie, NHS Ayrshire and Arran  
Councillor Anthea Dickson, North Ayrshire Council (substitute for Councillor Larsen)  
Dr. Martin Cheyne, NHS Ayrshire and Arran  
Dr Janet McKay, NHS Ayrshire and Arran  
Councillor John Sweeney, North Ayrshire Council

Stephen Brown, Director of Health and Social Care Partnership  
Caroline Whyte, Chief Finance and Transformation Officer  
Dr Paul Kerr, Clinical Director  
David MacRitchie, Chief Social Work Officer  
Alistair Reid, Lead Allied Health Professional Adviser  
Dr. Louise Wilson, GP Representative

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

**In Attendance**

Eleanor Currie, Principal Manager (Finance)  
Donna McKee, Head of Service (Children, Families and Justice Services)  
Thelma Bowers, Head of Service (Mental Health)  
Michelle Sutherland, Strategic Planning Lead  
Kate McCormack, Interim Service Manager, Community Mental Health  
Mhari Gibbons, Senior Manager Mental Health  
Julie Davis, Principal Manager, Business Administration  
Karen Andrews, Team Manager (Governance)  
Diane McCaw, Committee Services Officer

**Apologies for Absence**

Councillor Christina Larsen  
Dr. Calum Morrison, Acute Services Representative  
Marie McWaters, Carers Representative  
Clive Shephard, Service User Representative (Depute for Fiona Thomson)  
David Thomson, Associate Nurse Director/IJB Lead Nurse

## **1. Apologies**

Apologies were noted.

The Chair welcomed Caroline Whyte, Chief Finance and Transformation Officer to the IJB.

## **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 Minute of the meeting held on 21 June 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3.1 Matters Arising**

**Volunteering Strategy** - Engagement timeline has been created involving focus groups and H&SC representatives. Anyone interested in joining focus groups get in touch with Vicki Yuill. Evaluation will be carried out then feedback collated in October. Ongoing Action.

Action - V. Yuill

**Public Partnership Forum** - Action to be removed from Agenda.

Action - F. Thomson

**North Ayrshire Citizen's Advice Service** – Recruitment has taken place and posts filled. Action complete and to be removed from Agenda.

Action – S. Brown

**Adult Support and Protection** – National report has been published. Report to IJB on key findings and improvements to adult protection services across North Ayrshire to next IJB meeting on 13 September 2018.

Action – B. Walker/S. Brown

## **4. Wellbeing and Recovery College**

Submitted report by Kate McCormack, Interim Service Manager, Community Mental Health on the development of a Wellbeing and Recovery College in North Ayrshire (NAWARC). The IJB also viewed a short video presentation.

The Board was advised that evaluation information identified that the recovery college pilot has been accessed more by some groups than by others within the community. Statistics show that further work is required to engage with different groups to ensure the development of the recovery college is appropriate to meet community needs and is accessible to everyone affected by mental health problems.

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

- that this is a direct access facility and anyone can self-refer;
- learning is ongoing in terms of areas of low uptake for development of future courses;
- assistance which can be provided through community groups, and engagement with each of the locality forums, to assist with disseminating information and raising awareness;
- how to make courses attractive to men as well as women;
- that the way forward requires to meet the need within specific communities while having an appreciation of what is already available;
- that a website will be developed to share information and provide online courses and to operate as a portal to reach rural areas;
- membership and funding in relation to the public social partnership;
- reconfiguring of funding which is already available; and
- evaluation prior to commissioning of the service.

The Board agreed to approve the ongoing development of a Wellbeing and Recovery College in North Ayrshire through the steps detailed at section 3.1 of the report.

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

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

The report highlighted works underway in the following areas:-

- new inspection approaches in care settings;
- establishment of a public reference group for the new National Secure Adolescent Inpatient Service (NSAIS);
- the wellbeing and recovery college pilot sharing event which took place on 27 June 2018;
- development of a North Ayrshire peer support service;
- new opportunities for care leavers;
- continuation of the SAMH service for a further 3 years;
- development of a draft Participation and Engagement Strategy; and
- collaboration between Rosemount Project and National Galleries Scotland on art of the future.

There was discussion on the lack of feedback responses in connection with the Participation and Engagement Strategy and on whether to extend the response deadline to allow for a final promotion period through social media and other outlets.

The IJB (a) agreed to extend the deadline for feedback on the Participation and Engagement Strategy for a further 2 week period; and (b) noted the ongoing developments within the North Ayrshire Health and Social Care Partnership.

## **6. 2018/19 Budget**

Submitted joint finance report by the Chief Finance and Transformation Officer, Principal Manager (Finance) and the Strategic Planning Lead which provided an update on the current budget position and the 2018-19 transformational change priorities. Appendix A gave a detailed summary of the 2018-19 final budget and core funding streams while Appendix B identified pressures and savings. Appendix C updated on the current position with regard to the 2018-19 Challenge Fund.

The Board was advised that further clarity is required around the Health Board funding and in relation to pay awards but that this will be monitored throughout the year. Section 3.9 of the report identified Cash Releasing Efficiency Savings (CRES) and section 3.15 identified actions to ensure the successful delivery of the transformation programme.

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

- the criteria for integrating APHs across the Partnership;
- the need to ensure financial balance while recognising the need to deliver services;
- whether the £1.858m Scottish Government funding will be sufficient to match demand; and
- the financial risk to the Health and Social Care Partnership and the Health Board around CRES savings.

The Board agreed to approve the proposed budget for 2018-19 for the North Ayrshire Health and Social Care Partnership, inclusive of the transformational change priorities and savings as detailed in the report.

## **7. Budget Monitoring – Month 3 (June 2018)**

Submitted joint report by the Chief Finance and Transformation Officer and the Principal Manager (Finance) on the projected financial outturn for the financial year 2018/19 as at 30 June 2018, including detailed variances from each service. Appendices to the report detailed the budget monitoring and savings position and mitigating actions.

The Board was advised that future budget monitoring reports will be submitted monthly to the IJB.

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

- the close monitoring around savings attributed to vacancies;
- the carrying out of impact assessments to ensure vacant posts do not impact on patients or carers; and
- the continuing demand for care placement and emergency respite in terms of the care home budget and the shift in the balance of care.

Martin Cheyne left the meeting at this point.

The Board agreed to note (a) the projected year-end overspend of £1.4m; (b) the actions proposed to mitigate the overspend; (c) the savings gap in relation to Health budgets and plans to further develop proposals; (d) that the financial position will continue to be closely monitored with (i) a further update report to the IJB in September 2018; and (ii) presentation of a recovery plan if the Partnership is still projecting a year-end overspend at that time; and (e) that future budget monitoring reports will be submitted monthly to the IJB.

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

Submitted report by David Thomson, Associate Nurse Director / Lead Nurse providing an update in relation to the North Ayrshire Health and Social Care Partnership's Clinical and Care Governance Group (CCGG). The Appendix 1 Spotlight Report detailed activity in terms of Mental Health, Learning Disabilities and Addiction Services.

The Board was advised that the information within section 3.2.8 of the report in terms of workforce management regarding training and development was in relation to nursing services. The next update will also include information from a Pharmacy representative.

Noted.

## **9. The Future of the Third Sector Interface**

Submitted report by Vicki Yuill, Third Sector Representative, on Scottish Government developments around the future direction of the Third Sector Interface (TSI).

A closer more direct working relationship will be developed between the Scottish Government and the TSI. The Scottish Government wish to strengthen the role of the TSIs to play a vital role in progressing National Outcomes for people and communities across Scotland. Evaluation Support Scotland will support TSIs to develop a framework for future outcomes. A draft framework will be produced by September 2018 which will set out new National Outcomes and expectations.

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

- a further 12 months of funding will take TSIs to September 2019
- engagement with the third sector through Chief Officer meetings, information sharing and gathering of feedback; and
- that the 32 TSIs all function differently and all manage their own teams in different ways.

Noted.

## **10. Volunteer Policy**

Submitted report by Michelle Sutherland, Strategic Planning and Change Team Lead on the volunteer policy which recognises the valuable role that volunteers play in supporting HSCP services. The Policy was detailed in Appendix 1 to the report.

The Board was advised that the new policy will undergo an initial testing using two volunteers supporting the Alcohol and Drug Partnership. The implementation and monitoring of the policy will be undertaken by the Livid Experience Group.

The Board agreed to approve the implementation of the Volunteer Policy.

## **11. Maximising Attendance**

Submitted report by Julie Davis, Principal Manager, Business Administration on the current position relating to absence and proposing a comprehensive, supportive and positive way forward to reducing staff absences. Appendix 1 to the report detailed performance information in relation to Quarter 4 for year 2017/18.

Both partner organisations face a problem in relation to staff absences and the report provided costs in relation to these trends. Tackling staff absences is not a single approach issue and support from Line Managers is key to tackling this matter.

The Board was advised on methods for supporting staff and on a proposal for a reward incentive scheme to be piloted over a 12 month period around quarterly

attendance figures. Financial commitment for the pilot reward incentive would be funded from the Challenge Fund.

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

- how implementation of the maximising attendance policy is managed around trigger points;
- the need to ensure consistency in application of the policy;
- implications for the workforce in terms of the pilot reward incentive should staff attend work when they are unfit;
- how the pilot reward incentive scheme would be managed;
- assurances that no-one will be discriminated against and that the remote working flexibility will be classed as attendance;
- the support and training available for line managers; and
- that the infographic on the Appendix to the report should contain percentage information in relation to NHS contracted staff.

The Board agreed to endorse the implementation of a positive and proactive approach to support staff and provide a pilot reward incentive to encourage 100% attendance as detailed in the report.

## **12. Integration Joint Board (IJB) Appointments**

Submitted report by Stephen Brown, Director (NAHSCP) on appointments for the IJB in relation to the Section 95 Officer and the Chair of the Kilwinning Locality Forum.

On 24 May 2018, the IJB endorsed the appointment of an Interim Section 95 Officer pending the appointment of Caroline Whyte as Chief Finance and Transformation Officer to ensure the IJB Annual Accounts were signed off and submitted for audit purposes. Caroline Whyte has now commenced her post which is responsible for the management of finance and transformation for the Partnership and to act as Chief Finance Officer of the IJB in terms of Section 95 of the Local Government (Scotland) Act 1973.

On 21 June 2018, the IJB agreed the interim proposal to ask the Kilwinning Locality Partnership Forum to nominate a new Chair who would attend future IJB meetings as a non-voting member. Sam Falconer has since been appointed to this role.

The Board agreed to endorse the appointment of (a) Caroline Whyte as Section 95 Officer for the IJB; and (b) Sam Falconer as Chair of the Kilwinning Locality Partnership Forum.

## **13. Strategic Planning Group Minutes**

Submitted the minutes of the Strategic Planning Group meeting held on 20 June 2018.

Noted.

## **14. Urgent Items**

The Chair agreed that the following item be considered in private as a matter of urgency.

## **15. Exclusion of the Public**

The Board resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 3 of Part 1 of Schedule 7A of the Act.

#### **16. Private Briefing**

The Board received a private briefing to make them aware of a matter of concern which may require a decision to a future meeting of the Board.

The Meeting ended at 12.00 p.m.

Licensing Committee  
12 September 2018

**IRVINE**, 12 September 2018 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Todd Ferguson, Robert Barr, Jean McClung, Donald L. Reid and Angela Stephen.

**In Attendance**

S. Bodys, Trading Standards Officer (Economy and Communities); W. O'Brien, Solicitor, (Licensing), S. Montgomery, Solicitor, C. Pollock, Licensing Administration Officer, A. Toal, Administrative Assistant (Legal Services), D. Robertson, Enforcement Officer and A. Little, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Sergeant Dougan and PC McArthur (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Scott Gallacher and Davina McTiernan.

**1. Order of Business**

In terms of Standing Order 9.5, the Chair agreed that the Committee consider an application in respect of a Public Entertainment Licence as a matter of urgency in order to allow the matter to be progressed without delay.

The Chair further agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of:-

Agenda Item 3 (Case 1, William Neil and John Imrie) as the second item of business; (Case 13, Wesley Smith) as the fifth item of business; and Urgent Item (PEL/563 Kelburn Arts Ltd) as the sixth item of business.

**2. Declarations of Interest**

There were no declaration of interest 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 22 August 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 and other Licensing Statutes: Licensing Matters) and Agenda Item 5 (Landlord Registration under the Antisocial Behaviour, etc (Scotland) Act 2004, Part 8), on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

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

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

#### **Appendix A: Hearings**

##### **5.1 Taxi Driver's Licence: TDL/02105 (New) - Brian Speirs**

The Committee at its meeting held on 22 August 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 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 and referred to a letter submitted by Police Scotland setting out an objection in respect of the application.

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

Thereafter, the applicant and representatives of Police Scotland 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 for a period of one year.

### **5.2 Second Hand Dealer's Licence: SHDL/199 (New) - William Neil & John Imrie**

The Committee at its meeting held on 22 August 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 applicants, having been duly cited to attend, were present.

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

The Committee was advised that a request had been received to continue consideration of this application to the next meeting

### **Decision**

The Committee unanimously agreed to continue consideration of the application to the next meeting.

### **5.3 Taxi Driver's Licence: TDL/02110 (New) - Derek Murdoch**

The Committee at its meeting held on 22 August 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 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 and referred to a letter submitted by Police Scotland setting out an objection in respect of the application.

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

Thereafter, the applicant and representatives of Police Scotland 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 for a period of one year.

### **5.4 Taxi Licence: TL/125 (Renewal) - Claire Docherty & Anton Docherty**

The Committee at its meeting held on 22 August 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 licence holders, having been duly cited to attend, were present. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holders and referred to a letter submitted by Police Scotland setting out an objection in respect of the application.

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

Thereafter, the applicant and representatives of Police Scotland 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 for a period of three years.

Councillor Easdale left the meeting at this point.

### **5.5 Public Entertainment Licence: PEL/566 - Wesley Smith**

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, referred to a letter submitted by Police Scotland setting out an objection in respect of the application and an email from the applicant's Solicitor.

The applicant addressed the Committee on issues raised and responded to questions. The Applicant confirmed his agreement to the conditions proposed by Police Scotland.

Thereafter, the applicant and representatives of Police Scotland 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 with the further conditions proposed by Police Scotland.

### **5.6 Temporary Public Entertainment: PEL/563 - Kelburn Arts Ltd**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant and referred to a letter submitted by Police Scotland setting out an objection in respect of the application and to an exchange of email correspondence in which the Applicant commented on the proposals made by Police Scotland. The representatives of the Chief Constable confirmed acceptance of the applicant's alternative proposals.

## **Decision**

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

Representatives from Police Scotland left the meeting at this point.

### **5.7 Late Hours Catering Licence: LHCL/129 (New) - Parminder Singh**

The Committee at its meeting held on 22 August 2018 agreed on the basis of the information presented to continue consideration of the application to the next meeting to allow for further information to be provided by Environmental Health.

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

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

## **Decision**

Councillor Barr, seconded by Councillor McClung moved that the application be refused in terms of Paragraph 5 subsection 3(a) (ii) of Schedule 1 of the Licensing (Scotland) Act 1982. There being no amendment, the motion was declared carried.

### **5.8 Private Hire Car Licence: PHCL/366 (New) - Paul Forbes & James Tracey**

The applicants, having been duly cited to attend, were not present or represented.

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

## **Decision**

The Committee unanimously agreed to refuse the application in terms of Paragraph 5 (3) (d) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that there was a 'good reason' for refusing the application, given that the applicants had not proposed a vehicle for operation under the Licence and that accordingly the Committee could not be satisfied of the matters required by Section 10(2) of the Civic Government (Scotland) Act 1982.

Councillor Easdale rejoined the meeting at this point.

### **5.9 Taxi Driver's Licence: TDL/02125 (New) - John Murphy**

The Committee at its meeting held on 22 August 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 Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter, the applicant addressed the Committee on issues raised and responded to questions.

## **Decision**

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

### **5.10 Taxi Driver's Licence: TDL/00397 - John Convery**

The Committee at its meeting held on 22 August 2018 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined the incidents where the licence holder had failed to adhere to the licence conditions. Thereafter the licence holder and his representative addressed the Committee on issues raised and responded to questions. The licence holder's Solicitor told the Committee that the licence holder did dispute the Dress Code violations and that he would comply with the Dress Code in future.

## **Decision**

Councillor D L Reid, seconded by Councillor McClung, moved that the licence holder be issued with a Dress Code Final Warning letter. There being no amendment, the motion was declared carried.

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

The Committee at its meeting held on 22 August 2018 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined the incidents where the licence holder had failed to adhere to the licence conditions. Thereafter the licence holder addressed the Committee on issues raised and responded to questions. The licence holder admitted the Dress Code violations and the breach of the 'no-smoking' condition.

#### **Decision**

Councillor Barr, seconded by Councillor Easdale, moved that the licence holder be issued with a Dress Code Warning letter. There being no amendment, the motion was declared carried.

### **5.12 Taxi Driver's Licence: TDL/01773 - Colin Bennett**

The Committee at its meeting held on 22 August 2018 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined the incidents where the licence holder had failed to adhere to the licence conditions. The licence holder and his representative addressed the Committee on issues raised and responded to questions. The Licence Holder's Solicitor told the Committee that the Licence Holder accepted the first two matters (breach of Dress Code) but not the third allegation.

Thereafter, the licence holder, his representative and the Enforcement Officer withdrew to allow the Committee to deliberate.

On their return, the Chair advised the licence holder and his representative that the Committee was minded to suspend the licence and sought their views on the terms and length of suspension.

The licence holder and his representative withdrew to confer and advised on their return that immediate suspension of the licence for one month would be accepted with no appeal.

The licence holder, his representative and the Enforcement Officer withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor Ferguson, seconded by Councillor Barr, moved the Committee:-

- (a) to find that the grounds of revocation or suspension stated in Civic Government (Scotland) Act 1982, Schedule 1, Paragraphs 11(2)(a) and 11(2)(d) were established and that the licence should be suspended;
- (b) to fix the period of suspension as 14 days, in terms of Paragraph 11(11); and
- (c) given the circumstances of the case, the suspension should take immediate effect, in terms of Paragraph 11(10).

There being no amendment, the motion was declared carried.

At 12.25 p.m., in terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened at 12.35 p.m. with the same Members and officers present and in attendance.

The Committee agreed to consider Cases 13 and 14 simultaneously.

### **5.13 Taxi Driver's Licence: TDL/01962 - Stephen Reid and 5.14 Taxi Licence, TL/085 Stephen Reid**

The Committee at its meeting held on 22 August 2018 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982 in respect of both licences.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Council's Enforcement Officer outlined the incidents where the licence holder had failed to adhere to the licence conditions. Thereafter the licence holder addressed the Committee on issues raised and responded to questions. The Licence Holder told the Committee that the advertising wrapping would be removed from the taxi vehicle within two days.

### **Decision**

Councillor Barr, seconded by Councillor Ferguson, moved that the licence holder be issued with a Dress Code Warning letter, and that if a Council officer confirmed that the advertising wrapping had been removed from the taxi by 2.00 p.m. on Friday 14 September 2018, there would be no need to further consider the question of revocation or suspension.

There being no amendment, the motion was declared carried.

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

### **5.15 LHCL/115 (variation) - A G Restaurants Ltd**

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

### **5.16 LHCL/116 (variation) - Mascot Scotland Ltd**

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

### **5.17 PCC - Kilwinning Community Events**

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

### **5.18 PCC - Promoting Kilwinning**

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

### **5.19 TDL/01557 (Renewal) - William Laughlan**

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

### **5.20 TDL/01754 (New) - Derek Boyd**

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

### **5.21 TDL/01885 (New) - Peter Brown**

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

### **5.22 TDL/02043 (New) - Colin Jamieson**

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

### **5.23 TDL/02128 (New) - Alexander Lammie**

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.

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

### **5.24 J. C.**

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

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

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

Noted.

The meeting ended at 1.15 p.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 13 September 2018  
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

**Present**

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

Stephen Brown, Director of Health and Social Care Partnership  
Caroline Whyte, Chief Finance and Transformation Officer  
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)  
Marie McWaters, Carers Representative  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Nigel Wanless, Independent Sector Representative  
Vicki Yuill, Third Sector Representative

**Also In Present**

Councillor Anthea Dickson, North Ayrshire Council

**In Attendance**

Pat Kenny, Deloitte  
Eleanor Currie, Principal Manager (Finance)  
Donna McKee, Head of Service (Children, Families and Justice Services)  
Thelma Bowers, Head of Service (Mental Health)  
Michelle Sutherland, Strategic Planning Lead  
Susan Holland, NHS Ayrshire and Arran  
Janet Davies, Professional Lead of Psychological Services  
Karen Andrews, Team Manager (Governance)  
Angela Little, Committee Services Officer

**Apologies for Absence**

Dr Paul Kerr, Clinical Director  
Fiona Thomson, Service User Representative  
Sam Falconer, Chair Kilwinning Locality Forum

## **Chair's Remarks**

The Chair welcomed John Rainey who has replaced Martin Cheyne as NHS Ayrshire and Arran representative.

The Board thanked Martin Cheyne for his involvement in the work of the IJB.

### **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, John Rainey declared a non-pecuniary interest in Agenda Item 12 – Strategic Planning Group and Vicki Yuill declared an interest in Agenda Item 5 (3.8) Integrated Care Fund - Appendix D.

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

The accuracy of the Minute of the meeting held on 16 August 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **3.1 Matters Arising**

**Volunteering Strategy** - Engagement timeline has been created involving focus groups and H&SC representatives. A Focus Group will be held on 17 September 2018 and a further one will be arranged for those who are unable to attend. Evaluation will be carried out then feedback collated in October. Ongoing Action.

Action - V. Yuill

**Adult Support and Protection** – National report has been published. Report to IJB on key findings and improvements to adult protection services across North Ayrshire to the meeting in October.

Action – B. Walker/S. Brown

The Board was advised that the Care Inspectorate will be in attendance at the IJB meeting in October.

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

Submitted 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:-

- future national events examining clinical and care governance arrangements;
- an event on palliative and end of life care;
- a public consultation on the development of a mental health strategy for Ayrshire and Arran;

- the development of suicide prevention and crisis intervention training;
- inspection of adult health and social care services in North Ayrshire;
- the visit of the Scottish Government Cabinet to Arran on Monday 27 August 2018;
- streamlining of processes to ensure compliance with General Data Protection Regulations; and
- the award of the Telecare contract to Hanover Scotland.

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

## **5. Budget Monitoring – Month 4 (July 2018)**

Submitted report by the Chief Finance and Transformation Officer on the projected financial outturn for the financial year 2018/19 as at 30 June 2018, including detailed variances from each service. Appendices to the report detailed the budget monitoring and savings position and mitigating actions.

Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B. Full details of savings was provided at Appendix C. Appendix D outlined the Integrated Care Funding allocation and Appendix E outlined the delivery of the recovery plan and Appendix F detailed the 2018/19 Budget Reconciliation.

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

- staffing requirements that were not known at the start of Ward 1 and an overspend in these costs;
- savings of £2.928 at Period 4 that include £1.7m of NHS CRES savings not identified and others not delivered;
- ongoing discussions with Care Homes on the commissioning of services, requirements for respite care and the strategic direction for care at home;
- the Financial Recovery Plan that includes the use of Carers Act funding that is not ring fenced;
- the review of ICF projects that have been mainstreamed via the Performance and Audit Committee and Strategic Planning Group;
- work that will be undertaken to produce a financial model and assess the potential roll out of the Buckreddan GP sessions;
- the examination of alternative community approaches to achieve the proposed actions relating to the dedicated disability review team and sleepovers;
- more work that is required to integrate adult services at primary level;
- an estate plan that will contribute to the CRES savings; and
- the provision of monthly reports to Board members on ICF.

The Board agreed to (a) note (i) the projected year-end overspend of £1.770m; (ii) the remaining unidentified savings balance; (iii) that the financial position will continue to be closely monitored with a further update to the IJB in October; and (b) approve (i) the mainstreaming of services funded from the Integrated Care Fund; and (ii) the financial recovery plan.

## **6. Audited Annual Accounts**

Submitted report by the Chief Finance and Transformation Officer on Deloitte's final report to the Members of the Board and the Controller of Audit on the 2017/18 audit. The Audited Annual Accounts for 2017/18 were attached at Appendix 1 to the report. Appendix 2 included the ISA260 letter from Deloitte LLP and the letter of representation to be signed by the Chief Finance Officer. A summary of the findings of the audit were attached at Appendix 3 to the report.

A verbal update was provided by the external auditor, Pat Kenny, Deloitte.

The IJB's accounts for the year to 31 March 2018 were submitted to Deloitte LPP in accordance with the agreed timetable. Deloitte have given an unqualified opinion that the 2017/18 financial statements give a true and fair view of the financial position and expenditure and income of the IJB for the year, concluding that the accounts have been properly prepared in accordance with relevant legislation, applicable accounting standards and other reporting requirements. No monetary adjustments have been identified and the IJB's position remains as reported to the IJB on 21 June 2018.

The Board agreed to (a) note that Deloitte LLP have completed their audit of the annual accounts for 2017/18 and have issued an unqualified independent auditor's report; and (b) approve the Audit Annual Accounts to be signed for issue.

## **7. Participation and Engagement Strategy**

Submitted report by Michelle Sutherland, Strategic Planning and Transformational Change Lead, on the process of participation and engagement with stakeholders which has informed the draft NAHSCP Participation and Engagement Strategy. The full Strategy document was attached at Appendix 1 to the report. Appendices 2 and 3 detailed the Strategic Plan Engagement Comparison between 2015 and 2018 and the Membership of the Engagement Development Group respectively. Appendix 4 detailed the feedback from a number of engagement events that had taken place.

The Board agreed to approve the Participation and Engagement Strategy.

## **8. Pan-Ayrshire Enhanced Model for Intermediate Care and Rehabilitation**

Submitted report by Alistair Reid, Lead Allied Health Professional providing an overview of the working being undertaken to meet the Pan-Ayrshire Enhanced Model for Intermediate Care and Rehabilitation as part of New Models of Care for Older People and People with Complex Care Needs. A full copy of the Implementation Plan was provided at Appendix 1 to the report.

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

- recruitment that is underway and matched those in the deployment process at the first phase; and
- disparity between NHS and NAC contracts and further engagement with staff.

Noted.

## **9. Ayrshire and Arran Proposal for Action 15 of the National Mental Health Strategy**

Submitted report by Thelma Bowers, Head of Mental Health, on the high level Action 15 Plan to develop and build capacity of the mental health workforce in key settings in alignment with national commitments for the delivery of the mental health strategy. Appendix 1 to the report outlined the Scottish Government's funding allocations for all Boards. Appendix 2 to the report provided the high level proposal submitted to the Scottish Government by the deadline of 31 July 2018.

The Board agreed to homologate the draft plan and proposal submitted to the Scottish Government.

## **10. Progress Update on the Implementation of the Review of Psychological Services**

Submitted report by Janet Davies, Professional Lead for Psychology Services updating on the progress of the implementation of the Review of Pan-Ayrshire Psychological Services. Information on workforce development and training funding available from NHS Education for Scotland (NES) to increase the capacity within the mental health workforce to deliver evidence-based interventions was appended to the report.

The Board agreed to approve the recommended work plan.

## **11. Mental Health Commission Themed Visits to Community Hospitals Recommendations - Community Hospitals**

Submitted report by Susan Holland, NHS Ayrshire and Arran which provided feedback from the Mental Welfare Commission (MWC) on their announced inspection visits to people with dementia in community hospitals and highlighted areas of good practice and recommendations for areas of improvement.

The Board agreed to note the content of the report and the supporting action plan which has been developed in response to the recommendations of the report.

## **12. Strategic Planning Group Terms of Reference**

Submitted report by Michelle Sutherland, Partnership Facilitator which detailed the revised Terms of Reference for the Strategic Planning Group (SPG), attached at Appendix 1 to the report. The report sought nominations from the voting membership of the IJB for the role of Vice Chair to the SPG.

Members discussed the value of including within the Terms of Reference a reporting mechanism to the IJB Performance and Audit Committee.

The Board agreed to (a) approve the updated Terms of Reference for implementation, with the inclusion of a requirement to report to the IJB Performance and Audit Committee; and (c) nominate John Rainey to the role of Vice Chair of the SPG.

### **13. Locality Planning Forum - Review**

Submitted report by Michelle Sutherland, Partnership Facilitator on the outcome of the Locality Planning Forum (LPF) review with key stakeholders. Revised Terms of Reference were attached at Appendix 1 to the report. Appendix 2 provided information on an engagement pilot project to improve links with communities and develop future engagement activities of LPFs.

The Terms of Reference may require updating following the completion of the Scottish Government's review of progress of integration which is expected in December 2018. The Terms of Reference will be reviewed at both the 18 month period and 3 year planning cycle.

Members asked questions and were provided with further information in relation to the work of Education, the Third Sector and community development with youth groups who do not have links to council services.

The Board agreed to (a) note the outcome of the Review; and (b) approve (i) the new Terms of Reference; and (ii) implementation of the Locality Planning Forum engagement pilot to develop community involvement at locality level.

### **14. Urgent Items**

The Chair agreed that the following item be considered in private as a matter of urgency.

#### **14.1 Care Provision**

The Board was provided with information in respect of care provision in North Ayrshire.

Noted.

The Meeting ended at 12 noon.

**Audit and Scrutiny Committee**  
**25 September 2018**

**IRVINE, 25 September 2018** - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive, L. Friel, Executive Director, D. Forbes, Senior Manager (Financial Services), P. Doak, Senior Manager (Internal Audit, Risk and Fraud) and D. Miller, Complaint and Feedback Manager (Finance and Corporate Support); C. Hatton, Executive Director and R. McGilvery, Area Housing Manager (Place); S. Brown, Director (North Ayrshire Health and Social Care Partnership) and C. Whyte, Head of Finance (Health and Social Care Partnership); C. Amos, Head of Service (Inclusion) and D. Walkinshaw, Business Manager (Education and Youth Employment); K. Yeomans, Executive Director and A. Sutton, Head of Service (Connected Communities) (Economy and Communities); and A. Fraser, Head of Democratic Services, M. Davison, Senior Manager (Democratic Services), A Todd, Senior Policy and Performance Officer and A. Little, Committee Services Officer (Chief Executive's).

**Also in Attendance**

Pat Kenny, Deloitte.

**Chair**

Councillor Burns in the Chair.

**Apologies**

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

### **3. End of Year Council Plan/Directorate Plan Performance Reports**

Submitted report by the Chief Executive on the 2017/18 Council Plan/Directorate Plan Performance Reports. Appendix 1 to the report provided a status summary for each of the 31 performance measures, with Appendix 2 detailing explanations for those measures adrift of target. Appendices 3 - 8 set out the Directorate Plans for Democratic Service, Finance and Corporate Support, Education and Youth Employment, Economy and Communities, Place, and Health and Social Care Partnership, respectively.

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

#### Democratic Services

- a range of methods to communicate corporate messages and an improvement in staff satisfaction with internal communication; and
- support for municipalisation projects as they develop, such as white label energy.

#### Finance and Corporate Support

- work that is underway to make system generated letters to those on benefits more user friendly; and
- staff vacancies that impacted adversely on the overall percentage of staff who had had a PPD in the last 12 months.

#### Education and Youth Employment

- full names and designations that will be included in future progress sections of the report;
- SQA, the Insight Programme and the stand alone numeracy programme that together identify the percentage of leavers attaining numeracy at National 5;
- the use of PEF funds and a meeting that will be arranged with the Chair of the Committee to discuss the range of information to be presented to a future meeting; and
- the publication of the Scottish Attainment Challenge on the Education Scotland website in the summer of 2018.

#### Economy and Communities

- work on an innovative tourism programme that is underway and includes work to bring hotel and leisure facilities to North Ayrshire;
- partnership working between services to support the Locality Planning Partnerships;
- a review of the Kilwinning Health and Social Care Locality Planning Forum which has been undertaken; and
- investment and running costs of ageing leisure facilities that impacted on the cost per attendance at sports facilities.

## Place

- the success of the C4fe at Cunninghame House, providing catering services to staff;
- the Council's first external contract to provide catering services to the private sector and the use of local suppliers and produce; and
- Phase 1 of the non domestic energy efficiency programme which has implemented a number of energy conservation measures and the viability of a second phase that will be considered during 2018/19.

## Health and Social Care Partnership

- the involvement of North, East and South Health and Social Care Partnerships in the review of health services in Ayrshire; and
- the Primary Care Improvement Plan that will introduce a wider range of health and social care professionals to support GPs.

Noted.

## **4. Public Performance Reporting**

Submitted report by the Chief Executive on 2017/18 Public Performance Reporting and the Annual Performance Report 2017/18. The report detailed the performance of the range of Performance Indicators that will be used to inform the Council's public performance reporting for 2017/18. Appendix 1 to the report provided details of the full set of indicators to be publicly reported. The 2 Red and 10 Amber indicators along with management commentary from the relevant Directorate, were set out at Appendix 2 to the report. Appendix 3 provided more detailed information in relation to the delivery of the maximum capital budget for 2017/18. The Council Annual Performance Report 2017/18 was attached as Appendix 4 to the report and will be published on the Council's website by October 2018.

The Committee agreed to (a) note the status of the Council's performance indicators at Appendices 1 - 3; and (b) endorse the Annual Performance Report 2017/18 set out at Appendix 4.

## **5. Local Government Benchmarking Framework**

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

Members asked questions and were provided with further information in relation to joint working between services to help young people sustain positive destinations and improve the slight decline in the percentage of school leavers entering positive destinations.

The Committee agreed to note (a) the LGBF results and priorities identified by Directorates; and (b) that further work will continue within Directorates to identify improvement activity in the priority areas.

## **6. Brexit Risks Update**

Submitted report by the Chief Executive on the work the Council is doing in preparation for Brexit to mitigate real and perceived risks. Appendix A to the report identified the changes, challenges, risks, opportunities and actions by the Council to Brexit. Details of EU citizen's rights in the withdrawal agreement were provided at Appendix B to the report.

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

- the potential impact on the Council's ability to commission services from the private sector, particularly in areas such as construction and social care; and
- the loss of employees from EU27 countries that may affect partner organisations such as the NHS.

The Committee agreed to (a) note the content of the report; and (b) receive a quarterly update report on Brexit development.

## **7. Complaint Report**

Submitted report by the Executive Director (Finance and Corporate Support) on complaint performance information, statistics and trends of complaints received during 2017/18. The report detailed the volume of complaints received and closed, complaints closed at each stage, complaint outcomes, the average time in working days for a full response at each stage, complaints closed within timescale, complaint timescale extensions and changes or improvements made as a result of complaints.

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

- work done to differentiate between a service request and a complaint and training provided to staff on this area; and
- 82% of calls to the Council which are answered by the Contact Centre, as well as improvements to reduce the number of abandoned calls.

Noted.

## **8. Annual Audit Report**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the 2017/18 Annual Audit report and a verbal update from the external auditor. The letter of representation to be signed by the Executive Director (Finance and Corporate Support) as the responsible officer for North Ayrshire Council was attached at Appendix 1 to the report. The External Auditor's Annual Report was appended at Appendix 2 and included the findings of the 2017/18 audit and agreed action plan.

Pat Kenny of Deloitte provided a verbal report on the appendices to the report, including the key messages contained within the external auditor's unqualified report on the 2017/18 audit of North Ayrshire Council, the significant findings from the audit in accordance with ISA260, and the significant audit risks identified during the course of the audit.

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

- the reducing balance of some charitable trusts and the wind up of these where appropriate; and
- the Health and Social Care Partnership budget deficit that requires to be paid back to the Council in future years.

The Committee agreed to (a) note (i) the findings of the 2017/18 audit as contained in the External Auditor's annual report at Appendix 2; (ii) the agreed action plan as outlined on pages 51-52 of the annual report; and (b) approve the audited Annual Accounts for signature.

## **9. Early Learning and Childcare Expansion**

Submitted report by the Head of Service (Inclusion) on the Early Learning and Childcare Expansion Programme, which provided an update on (a) the Scottish Government capital funding allocation; (b) the evaluation of the Council's 2 pilot sites; (c) work to consider the impact of 1140 hours on partner providers; and (d) the 6 recommendations contained in the Audit Commission's Report to the Scottish Government on the expansion of early learning and childcare in Scotland.

Noted.

## **10. Audit Scotland: Councils' Use of Arm's-length Organisations**

Submitted report by the Executive Director (Economy and Communities) on Audit Scotland's report on Councils' use of arm's-length organisations, which highlighted how Councils use ALEOs, how Councils oversee and govern ALEOs, what ALEOs have achieved and the future direction of ALEOs.

Members were provided with further information in relation to:-

- confirmation from the Scottish Government that, despite recommendations to the contrary by the Barclays Review, leisure and cultural venues run by arm's-length bodies of local councils will continue to benefit from charity relief from non-domestic rates; and
- funding that will require to be identified for expansion of the Quarry Road proposal

The Committee agreed to note (a) the findings of the Audit Scotland report on Councils' Use of Arm's-length Organisations; and (b) that North Ayrshire Council is well placed in terms of meeting the findings and recommendations of the report in relation to good governance and managing risk in its relationship with its ALEO, KA Leisure, and in its recent approach to options appraisal.

## **11. Gypsy/Travellers Site Standards**

Submitted report by the Executive Director (Place) on the Council's response to the Scottish Government's report of the Minimum Recommended Standards for the Provision of Gypsy Traveller Site. An Action Plan, detailing a programme of works for the site was prepared and carried out. Appendix 1 to the report outlined the works required and confirmed that all necessary works had been completed.

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

- 100% occupancy of the Redburn site; and
- parking space available on each pitch for visiting family and friends.

Noted.

## **12. Health and Social Care Partnership Financial Performance**

Submitted report by the Director (Health and Social Care Partnership) on the financial performance of the Health and Social Care Partnership. Appendix 1 to the report provided information on the projected financial outturn for the financial year 2018/19 as at 30 June 2018, including detailed variances from each service. Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B, with full details of savings provided at Appendix C. Appendix D outlined the Integrated Care Funding allocation and Appendix E outlined the delivery of the recovery plan. Appendix F detailed the 2018/19 Budget Reconciliation.

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

- £5.807m that shows as an asset in the Council's accounts and a liability in the Health and Social Care Partnership's accounts;
- the plan agreed by Cabinet to address the £5.807 deficit from previous years and allow the IJB to repay the historic debt to the Council over the next four years;

- the provision of monthly financial reports to the IJB to identify if there is a requirement for further action to be taken to address any projected overspend and mitigate against the risk of overspend on funding partners;
- a Budget Outlook report will be presented to the IJB to outline the estimated budget gap from 2019/20 to 2021/22; and
- an updated Medium Term Financial Plan will be presented to the IJB for approval and will include the service change required to plan for a balanced budget.

The Committee agreed to (a) note the financial position of the HSCP and the actions being taken by the Partnership to secure financial balance; and (b) to receive future update reports.

### **13. National Fraud Initiative in Scotland 2016/17**

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the National Fraud Initiative (NFI) concluded in 2018. The report outlined the background to the NFI, the results of the 2016/17 exercise, how public bodies work with the NFI and future developments.

Noted.

### **14. Internal Audit and Corporate Fraud Action Plans: Quarter 1 Update**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made by Council Services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 June 2018. Appendix 1 to the report provided full details of the 5 actions that were not complete within the agreed timescales.

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

- timescales for the completion of actions that are agreed with services and require to be realistic; and
- completion of the Data Protection Information Awareness that has been affected by a range of issues including the limited number of school in-service days, the Working Time Agreement and the length and availability of training sessions.

Noted.

### **15. Internal Audit Reports Issued**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work completed between May and August 2018. Appendix 1 to the report detailed the areas where internal control reviews had been undertaken and provided the executive summary and action plan for each audit.

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

- discussions that will take place between the Head of Service (Learning, Teaching and Curriculum) and the Chair on the information required by the Committee on the use of PEF funding; and
- the range of Twitter accounts within individual schools that are set up in line with corporate policies and procedures.

Noted.

## **17. 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.

### **17.1 Corporate Fraud Reports Issued**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of corporate fraud investigations completed between May and August 2018.

Noted.

The meeting ended at 12.45 p.m.

**Planning Committee  
26 September 2018**

**Irvine, 26 September 2018** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Ian Clarkson, Robert Foster and Shaun Macaulay

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 29 August 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 18/00655/PP - Riverway Retail Park, New Street, Irvine**

M&G Real Estate have applied for planning permission for non-compliance with conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L in order to enable a discount food retailer to move into Unit 3 of the site.

Conditions 4, 5 and 6 of outline planning permission CH/10/88/0546/L state:

*"C4 - that the proposed development shall be used for non-food retail businesses and for no other purpose.*

*C5 - that the gross floorspace of the development shall not exceed 90,000 square feet.*

*C6 - that all retail sales shall be located on the ground floor of any unit."*

The Committee unanimously agreed to grant the application with no conditions.

#### **4. 18/00823/ALO - Whin Farm, Brodick, Isle Of Arran**

Mr and Mrs I. Armstrong have applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission (ref. 06/00278/PP) at Whin Farm, Ballymenoch, Kildonan, Brodick, Isle of Arran.

Planning permission was issued on 16 May 2007 for the erection of dwelling house following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee unanimously agreed to grant the application with no conditions.

#### **5. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: Site To East Of Castlepark Gardens, Fairlie**

Submitted report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 18/00659/PP) should be served.

Condition 4 of planning permission (ref: 18/00659/PP) states:

*"That for the avoidance of doubt the proposed shared use path to Castlepark Gardens should be completed prior to the completion of plots 35, 36 and 37, as outlined within approved plan AL(0)114, or no later than 12 months from the date of the original planning consent, that date being 20th September 2018."*

The Committee was informed that on 20 September 2018 no work had been undertaken to comply with the above condition.

The Senior Development Management Officer updated the Committee on work which had been undertaken at the site since 20 September 2018, namely the installation of a temporary path from Phase 1 of the development to Castlepark Gardens which, following the erection of security fencing, will be accessible to the public. The Committee was advised that no further action was required.

The Committee unanimously agreed that (a) planning officers will (i) liaise with the applicant to ensure the path is open for public access and (ii) report to a future meeting if this is not the case; and (b) no formal enforcement action was required at this time.

The meeting ended at 2.15 p.m.

## **Local Review Body 26 September 2018**

**Irvine, 26 September 2018** - At a Meeting of the Local Review Body of North Ayrshire Council at 2.15 p.m.

### **Present**

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

### **In Attendance**

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

### **Chair**

Councillor Marshall in the Chair.

### **Apologies for Absence**

Ian Clarkson, 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 13 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. Notice of Review: 18/00287/99 - 12 Haylie Gardens, Largs**

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 formation of a two storey side extension including balconies to the front and rear and installation of dormer extension to front of the dwellinghouse.

The Notice of Review documentation, the Planning Officer's Report of Handling, a copy of the Decision Notice, location plan, further representations from interested parties and the appellant's responses to further representations were provided as appendices to the report.

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 Committee were informed of the appellant's request for a site visit.

The Chair asked if the Committee felt enough information had been provided to determine the appeal without a site visit.

Councillor McNicol, seconded by Councillor McMaster, moved that enough information had been provided and the review request should be determined without a site visit.

As an amendment, Councillor Billings moved that a site visit should be undertaken by the Committee before the review request was considered. There being no seconder the amendment fell.

Accordingly, the Committee agreed to determine the review request without a site visit.

Members asked questions and were provided with further information on possible conditions which could be put in place to address issues around overlooking arising from the rear balcony, similar developments elsewhere in Haylie Gardens, and inaccuracies in the Report of Handling which were highlighted by the applicant.

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

As an amendment, Councillor Larsen, seconded by Councillor McMaster, moved that the Local Review Body overturn the decision taken by the planning officer and grant the application.

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

Accordingly, the Committee agreed to uphold the decision to refuse planning permission on the following grounds:

1. That the proposed development would be contrary to criteria (a) and (b) of the General Policy in the adopted North Ayrshire Council Local Development Plan. The development would not have regard to its relationship with existing buildings; the size, scale and massing is out of keeping with the host property; and it would have a negative visual effect on the surrounding area. The development would also have an adverse impact on the established residential amenity of the property to the south by way of overlooking.

The Meeting ended at 2.45 p.m.

Staffing and Recruitment Committee  
27 September 2018

**IRVINE, 27 September 2018** - At a Meeting of the Staffing and Recruitment Committee of North Ayrshire Council at 12 noon.

**Present**

Joe Cullinane, John Bell, Marie Burns and Alan Hill.

**In Attendance**

E. Murray, Chief Executive; and F. Walker, Head of Service (People) (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 meeting of the Staffing and Recruitment Committee held on 24 August 2018 was confirmed and the Minute and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Exclusion of the Public and Press**

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

**4. Appointment of Chief Executive**

The Committee interviewed two candidates for the post of Chief Executive, those candidates having been successful at Assessment Centre stage.

The Committee agreed to appoint Craig Hatton to the post.

The Meeting ended at 5.00 p.m.

Cabinet  
2 October 2018

**IRVINE, 2 October 2018** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

John Bell, Robert Foster, Alex Gallagher and Jim Montgomerie; and Elizabeth Higon and Babs Mowat (Church Representative); and Arran McDonald and Jaymie Haswell (Youth Representatives) (Agenda Items 1-4).

**Also Present**

Jean McClung, Davina McTiernan and Donald L. Reid.

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Chief Executive Designate; L. Friel, Executive Director and A. Lyndon, Senior Manager (Corporate Procurement) (Finance and Corporate Support); R. McCutcheon, Head of Service (Commercial) and Y. Baulk Head of Service (Physical Environment) (Place); A. McClelland, Head of Service (Learning, Teaching and Curriculum) (Education and Youth Employment); C. McAuley, Head of Service (Economic Growth) and J. McKnight, Senior Manager (Community Development) (Economy and Communities); S. Brown, Director (Health and Social Care Partnership); and J. Hutcheson, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

John Bell in the Chair.

**Apologies**

Joe Cullinane.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 4 September 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Curriculum for Excellence – Senior Phase (2018 update)**

Submitted report by the Head of Service (Learning, Teaching and Curriculum) on the outcomes of a review of the senior phase curriculum and recommendations for future approaches to secondary school curriculum design.

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

- the general trend of attainment which continues to rise overall and scope for further development of the curriculum model in some learner groups; and
- data to analyse what is going well in schools and to identify areas for further development (The national benchmarking tool *Insight* has provided schools with a broader range of national measures against which to benchmark their own performance); and
- availability of advanced higher subjects.

The Cabinet agreed to approve the principle of providing greater flexibility for Head Teachers to design a school curriculum, including the senior phase, which reflects their own context, curriculum rationale and meets the needs of all learners.

### **4. Education & Youth Employment – National Improvement Framework Annual Report 2017-18**

Submitted report by the Head of Service (Learning, Teaching and Curriculum) on progress in pursuance of National Improvement Framework Priorities in education. The proposed draft report was set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the improved outcomes for children and young people who are care experienced.

The Cabinet agreed to approve the content of the report for publication.

### **5. Strategic Housing Investment Plan 2019 - 2024**

Submitted report by the Executive Director (Place) on the Strategic Housing Investment Plan 2019 – 2024 set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the Strategic Housing Investment Plan 2019 – 2024 at Appendix 1 for submission to Scottish Government; and (b) grant delegated authority to the Executive Director (Place) in consultation with the Cabinet Member for Place to liaise directly with the Scottish Government in agreeing the North Ayrshire development programme and the rescheduling of projects as required.

### **6. Upper Garnock Valley Flood Protection Scheme**

Submitted report by the Executive Director (Place) on the progress with the proposed Upper Garnock Valley Flood Protection Scheme. The outstanding objections were set out at Appendix 1 to the report.

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

- the Traffic Management Plan provided to landowners which outlines proposed traffic routes, volumes and mitigation measures; and
- compensation agreements.

The Cabinet agreed (a) to consider the outstanding objections as detailed within Appendix 1; (b) that officers should negotiate and finalise the Minutes of Agreement; (c) to confirm the Scheme without modification as recommended by the reporter to the Public Hearing; and (d) to note the indicative timescale for subsequent Detailed Design and Construction stages and anticipated Scheme completion date.

## **7. European Funding – Proposals for Funding Applications**

Submitted report by the Executive Director (Economy and Communities) on the European Union funding submissions. The costs, proposed funding package and anticipated outcomes associated with the extension requests were set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve applications to submit funding extension requests to 2022 for 3 programmes; and (b) note the intention to report back to Cabinet if the match funding required for the programmes differs significantly following the assessment process.

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

Submitted report by the Executive Director (Economy and Communities) on the applications by Locality Partnerships to allocate CIF funding to a range of proposed projects.

The Cabinet agreed to (a) approve the applications from the Locality Partnerships in line with CIF criteria; (b) make recommendations in relation to the applications; (c) approve expenditure where relevant; (d) accept further future applications from Locality Partnerships for CIF funding; and (e) accept future reports on the progress of the initiatives at dates to be agreed with the Locality Partnerships.

## **9. Award of Measured Term Contract 2018/2021 Roofing Works**

Submitted report by the Executive Director (Finance and Corporate Support) on the tendering exercise for the Measured Term Contract 2018/2021 for Roofing Works.

The Cabinet agreed to approve the award of the Contract to Faskin Group (Scotland) Ltd.

## **10. Award of Framework Agreement 2018/2022 Painting and Decorating Works**

Submitted report by the Executive Director (Finance and Corporate Support) on the tender exercise for the Framework Agreement for Painting and Decorating Works: Lot 1 Non Domestic Properties & Lot 2 Domestic Void Properties.

The Cabinet agreed to approve the award of the Framework Agreement to Mitie Property Services (UK) Ltd, Bell Decorating Group Ltd, Dobie and Sons Ltd T/A Dumbreck Decorators and City Gate Construction (Scotland) Ltd.

#### **11. Award of Contract- Support Service for Adults with Enduring Mental Health Problems**

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the procurement exercise for the delivery of a Support Service for Adults with Enduring Mental Health Problems.

The Cabinet agreed to homologate the award of contract which was concluded as an urgent matter during recess under the Scheme of Delegation to Officers.

#### **12. Surplus Property – Former Young Persons Residential Unit, The Mount, Dreghorn**

Submitted report by the Executive Director (Place) on the disposal of the surplus former residential unit, 108 Main Street, Dreghorn.

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

#### **13. Urgent Item - Regeneration Capital Grant Fund**

The Depute Leader provided a verbal update to Cabinet on the Regeneration Capital Grant Fund applications. North Ayrshire Council has been successful in getting all of its three applications through to the second stage of Round 6 of the Scottish Government's Regeneration Capital Grant Fund. The Council is seeking a combined total of £2,130,000 from the Fund towards the three projects listed below, with Stage 2 bids to be submitted by 2 November 2018.

##### **(1) Garnock Community and Tourism Hub**

Development of Visitor and Community Hub at Lochshore as part of a wider masterplan on the site of the former Glengarnock Steelworks. The Lochshore Community Association are leading with support from NAC and Scottish Enterprise. Facilities include a visitor centre with café and toilets, community space for training, education and business, improved rugby club and trim track facilities, boat house and storage facilities and improved active travel connections. Funding of **£1.8M** is being sought from RCGF (£1.4M in 2019/20 & £0.4M in 2020/21) towards total project costs of £3.3M. Current project timelines are from December 2019 to March 2021.

##### **(2) The Training Station at Saltcoats Train Station**

Development of Saltcoats Train Station buildings (cat B listed) to provide a community hub for employment, training, volunteering and peer business support and as a future active travel hub, building on recent restoration of the Town Hall and public realm improvements. The Shibumi Karate Club are leading on the project with support from other members of a project steering group including KA Studio Hub, Locality Planning Partnership, Abellio and National Railway Heritage Trust.

Funding of **£150,000** is being sought from RCGF towards total project costs of £314,000. Timelines are subject to achieving funding.

**(3) Restoration of Boyd's Patented Signal Tower (the Pilot House), Irvine Harbourside**

Restoration to a core operational level of the Pilot House (cat B listed) as a community managed interpretation, educational, training, tourism, heritage and safety facility. The project is being done in partnership with Coastwatch (Irvine) Unit and supports the wider regeneration plan for Irvine Harbourside. Funding of **£180,000** is being sought from RCGF towards total project costs of £210,000. Project timelines are from June 2019 to Dec 2019.

The Meeting ended at 3.30 p.m.

## Appeals Committee

3 October 2018

**IRVINE, 3 October 2018** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

### **Present**

Councillors John Easdale, Jimmy Miller and Marie Burns.

### **In Attendance**

S. Montgomery, Solicitor (Litigation) and T. Drain, HR Adviser.

### **Also In Attendance**

H. McArthur, Senior Manager (Community Care Services, Health and Social Care Partnership); R. Lightfoot, HR Adviser; and the Appellant.

### **Chair**

Councillor John Easdale in the Chair.

## **1. Declarations of Interest**

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

## **2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 30 May 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

## **3. Exclusion of the Public**

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

## **4. Disciplinary Procedure: Appeal Against Dismissal**

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within the Health and Social Care Partnership.

The Service Representative presented the grounds for dismissal as previously advised to the Appellant in writing.

The Appellant advised that she had not received the Agenda and papers for the meeting.

In terms of Standing Order 5.7, the Chair agreed to adjourn the proceedings at 10.50 a.m to allow the appellant an opportunity to obtain the paperwork. The hearing reconvened at 11.00 a.m., with the same Members, Officers and other parties present and in attendance.

Thereafter the Committee agreed to continue to consideration of this matter to a future meeting to afford the appellant a further opportunity to review the paperwork.

The Meeting ended at 11.05 a.m.

Licensing Committee  
24 October 2018

**IRVINE**, 24 October 2018 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

E. Anderson, Private Sector Team Manager and G. Tolmie Policy Officer (Private Sector) (Place) (Item 5 only); S. Bodys, Trading Standards Officer (Economy and Communities) (Item 4.3 only); W. O'Brien, Solicitor, (Licensing), C. Pollock, Licensing Administration Officer (Item 4.7 onwards), D. Robertson, Enforcements Officer (Item 4.5 only) and A. Toal, Administrative Assistant (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector Cameron, Sergeant Ridge and PC McArthur (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Robert Barr and Jean McClung.

**1. Order of Business**

In terms of Standing Order 9.5, the Chair agreed that the Committee (a) consider within Appendix A, an application in respect of a Public Entertainment Licence (The Braes, Saltcoats) as a matter of urgency in order to allow the matter to be progressed without delay; and (b) receive an update on an application considered at the meeting on 12 September 2018 (William Laughlan).

The Chair further agreed, in terms of Standing Order 9.4, to vary the order of business to allow consideration of Agenda Item 3 (Case 2, LHCL/115 (Variation) A G Restaurants Ltd) as the first item of business.

**2. Declarations of Interest**

There were no declaration of interest 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 12 September 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. 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, consents and permits, on hearings, and on other matters, under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

#### **Appendix A: Hearings**

##### **4.1 Late Hours Catering Licence: LHCL/115 (Variation) A G Restaurants Ltd**

The Committee at its meeting held on 12 September 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 licence holder, having been duly cited to attend, was present and represented. 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 licence holder and referred to a letter submitted by Police Scotland setting out an objection in respect of the application. Thereafter the licence holder and his representative addressed the Committee on issues raised and responded to questions.

#### **Decision**

Councillor Gallagher, seconded by Councillor Easdale moved that the application be granted subject to (i) the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 and (ii) an additional condition that appropriate security staff be on the premises during the hours of 01:00 – 05:00 on each Friday and Saturday night for 3 months after the variation is effective.. There being no amendment, the motion was declared carried.

##### **4.2 Public Entertainment Licence: PEL/568 (Temp) Ardrossan Community Association**

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

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

#### **Decision**

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

## **Exclusion of the Public**

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Item 3 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) and Agenda Item 5 (Landlord Registration under the Antisocial Behaviour, etc (Scotland) Act 2004, Part 8), on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

### **4.3 Second Hand Dealer's Licence: SHDL/199 (New) - William Neil**

The Committee at its meeting held on 22 August 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 (William Neil) having been duly cited, was not present or represented.

The proposed Day-to-Day Manager (John Imrie) 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, and separately to the proposed Day-to-Day Manager.

Police Scotland had sent the Licensing Authority letters setting out objections in respect of both the Application and the inclusion in the requested Licence of the proposed Day-to-Day Manager. These letters had respectively been copied to the Applicant and to the proposed Day-to-Day Manager, in each case the letters being addressed only to the person described to avoid disclosure of sensitive personal data.

Police Scotland addressed the Committee on their objection relating to the proposed Day-to-Day Manager, and he responded. Both responded to questions from the Committee.

The proposed Day-to-Day Manager then withdrew.

Police Scotland then addressed the Committee on their objection relating to the applicant.

The Police representatives then left the meeting temporarily while the Committee deliberated on the questions of:

1. whether or not the Applicant should be granted a Licence, and (if granted)
2. whether or not the proposed Day-to-Day Manager should be permitted to act as such.

### **Decision**

Councillor Reid, seconded by Councillor Ferguson, moved that:

(a) the application be refused in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds that the applicant was not a fit and proper person to be holder of the licence; and

(b) the proposed Day-to-Day Manager should not be permitted to act as such on the grounds that he was not a fit and proper person to be holder of the licence, in terms of Paragraph 5(3)(a)(ii) of Schedule 1 of the Civic Government (Scotland) Act 1982.

There being no amendment, the motion was declared carried.

Representatives from Police Scotland left the meeting at this point.

#### **4.4 Late Hours Catering Licence: LHCL/116 (Variation) - Mascot Scotland Ltd**

The Committee at its meeting held on 12 September 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 Committee was advised that the licence holder had requested the application be continued to a future meeting to allow him to attend.

### **Decision**

The Committee unanimously agreed to continue consideration of the application to the next meeting.

#### **4.5 Taxi Driver's Licence: TDL/00392 - John Convery**

The Committee at its meeting held on 12 September 2018 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Council's Enforcement Officer was in attendance and a witness to the incident was also present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Enforcement Officer outlined the incident that had been reported by a member of the public and showed CCTV footage of the incident at Saltcoats taxi rank.

The licence holder and his representative, the Enforcement Officer and witness addressed the Committee on issues raised and responded to questions. Thereafter the licence holder, his representative, the Enforcement Officer and the witness withdrew to allow the Committee to deliberate.

On their return the Chair advised the licence holder and his representative that the Committee was minded to suspend the licence and sought their views on the terms and length of suspension.

The licence holder and his representative withdrew to confer and on their return suggested that the suspension should for 14 days, that provided that the suspension was for no more than 14 days, the Licence-Holder would consent to the suspension being immediate and that there would be no appeal.

The licence holder, his representative, the Enforcement Officer and the witness withdrew to allow the Committee to deliberate.

## **Decision**

Councillor Reid, seconded by Councillor McTiernan, moved the Committee:-

- (a) find the grounds of suspension stated in Civic Government (Scotland) Act 1982, Schedule 1, Paragraphs 11(2)(a) and 11 (2)(d) were established and that the licence should be suspended;
- (b) fix the period of suspension as 14 days, in terms of Paragraph 11(11); and
- (c) given the circumstances of the case, agree that the suspension should take immediate effect in terms of Paragraph 11(10).

There being no amendment, the motion was declared carried.

### **4.6 Taxi Driver's Licence: TDL/01885 (New) - Peter Brown**

The Committee at its meeting held on 12 September 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 and accompanied by a friend.

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

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

### **Decision**

Councillor Easdale, seconded by Councillor Reid, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

#### **4.7 Public Entertainment Licence: PEL/571 - John Irvin**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The applicant addressed the Committee on issues raised, responded to questions and advised that he would be willing to amend the application to Sunday 4 November 2018 only.

### **Decision**

The Committee unanimously agreed (a) to grant the application subject to the Council's standard conditions in terms of Paragraph 5 (1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for Sunday 4 November 2018 from 1.00 pm – 9.00 p.m.; and (b) that the applicant be advised to contact the Council's Estates Section to clarify leasing arrangements for the car park

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

#### **4.7 MDL/038 (Renewal) (Itinerant) - Robert Kerr**

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.

#### **4.8 STL/E/286 (New) - Neil D McIntyre**

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.

#### **4.9 TDL/01848 (New) - Charles Stewart**

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.

#### **4.10 TDL/02041 (Renewal) - Pamela Gaw**

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.

#### **4.11 TDL/02124 (New) - Andrea Fairfield**

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.

#### **4.12 TDL/002140 (New) - Alan McTurk**

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.

At 1.20 p.m., in terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened at 1.25 p.m. with the same Members and officers present and in attendance.

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

#### **5.1 Mr S.**

The Committee at its meeting on 22 August 2018 agreed to continue consideration of the matter to allow the landlord a further opportunity to provide to the Private Sector Housing Team evidence confirming all necessary work had been completed to the satisfaction of all legal standards

The Registered Landlord, having been cited to attend, was present.

The Team Manager (Private Sector Housing) and Policy Officer (Private Sector) then addressed the Committee on the terms of a report on the condition of a tenanted property owned by the landlord. Thereafter the landlord 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**

The Committee unanimously agreed that the Landlord had provided evidence confirming all necessary work had been completed to the satisfaction of all legal standards and no further action was required.

## **5.2 Mr I.**

The Team Manager (Private Sector Housing) provided a summary report in respect of the Landlord's four properties and the positive steps taken to address issues raised with regards to tolerable and repairing standards.

The Committee unanimously agreed to (a) note the update provided; and (b) remove the Rent Penalty Notice applied to one of the properties.

## **5.3 Mr M.**

The Committee was advised that the application for Landlord Registration had been withdrawn.

Noted.

## **6. Urgent Item**

### **6.1 TDL/01557 William Laughlan**

The Committee was advised that the issue relating to the photo card driving licence had been resolved and the licence would be granted under delegated powers.

Noted.

The meeting ended at 1.40 p.m.