



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

COMMITTEE MINUTES

9 November 2016

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**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Friday 5 August 2016
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

Present

Councillor Anthea Dickson, (Chair)
Stephen McKenzie, NHS Ayrshire & Arran (Vice Chair)

Dr Carol Davidson, NHS Ayrshire & Arran
Dr Janet McKay, NHS Ayrshire & Arran
Councillor Peter McNamara, North Ayrshire Council
Councillor Robert Steel, North Ayrshire Council
Councillor Catherine McMillan, North Ayrshire Council

Iona Colvin, Director North Ayrshire Health and Social Care (NAHSCP)
Margaret Hogg, Chief Finance Officer
Stephen Brown, Chief Social Work Officer – North Ayrshire
Dr Paul Kerr, Clinical Director
Nigel Wanless, Independent Sector Representative
David Donaghey, Staff Representative – NHS Ayrshire and Arran
Louise McDaid, Staff Representative – North Ayrshire Council
Fiona Thomson, Service User Representative
Marie McWaters, Carers Representative
Jim Nichols, Third Sector Representative

Also Present

Councillor Irene Oldfather

In Attendance

David Rowland, Head of Health and Community Care
Jo Gibson, Principal Manager (Planning and Performance)
Eleanor Currie, Principal Manager (Finance)
Dale Meller, Senior Manager, Community Mental Health
Vickie Campbell, Corporate Business Manager – NHS Ayrshire and Arran
Karen Andrews, Business Support Officer
Melanie Anderson, Committee Services Team Leader
Heather Molloy, Local Integration Officer, Independent Care Homes
Lawrence McMahon, Clerical Officer, Governance Team
Louise Harvie, Clerical Officer, Governance Team

Apologies for Absence

Pete Gilfedder, Interim Lead Nurse/Mental Health Advisor
Dr Mark McGregor, Acute Service Representative
Sally Powell, Carers Representative
Martin Hunter, Service User Representative
Lynne McNiven, Consultant in Public Health

1.	Apologies Apologies were noted.	
2.	Declarations of Interest There were no declarations of interested in terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies.	
3.	Minutes/Action Note – 16 June 2016 The accuracy of the Minutes of the meeting held on 16 June 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the inclusion of Dr Janet McKay within the list of apologies recorded.	
3.1	Matters Arising Development and Implementation of a North Ayrshire Social Enterprise Strategy – this report will be submitted to the IJB prior to the end of 2016. Model Publication Scheme – this report will be submitted to the IJB prior to the end of 2016. Volunteering Strategy – a progress report prepared by the Third Sector representative was circulated at the meeting, with a further report to be submitted to a future meeting of the IJB prior to the end of 2016.	John Godwin Neil McLaughlin Jim Nichols
4.	National Clinical Strategy Dr Paul Kerr, Clinical Director provided a presentation on the National Clinical Strategy. The presentation included information on the background to the development of the strategy, the strategy's key principles and context, changes to primary and secondary care, the strategic priorities, and the aspiration to deliver 'realistic medicine'. Discussion took place on a range of issues, including:- <ul style="list-style-type: none">the role of guidelines balanced against the need to prioritise care and ensure affordability;	-

	<ul style="list-style-type: none"> the case for the development of centres of excellence, with pre-treatment and aftercare then delivered locally; the importance of a holistic approach which recognises the complexity of patients' conditions; and the emphasis on clinical reasons for change. <p>Noted.</p>	
5.	<p>Annual Performance Report</p> <p>The Annual Performance Report 2015/16 was circulated at the meeting.</p> <p>The Chair and Vice Chair commended those involved for their work in preparing the report.</p> <p>The Board agreed (a) to note the Annual Performance Report 2015/16; and (b) that its contents be the subject of further discussion at the next meeting.</p>	Jo Gibson
6.	<p>Final Strategic Refresh</p> <p>The report "Our Strategic Plan: the way ahead 2016/18" was circulated at the meeting.</p> <p>The Chair commended the presentation of the strategy document.</p> <p>The Board agreed to approve the Strategy document.</p>	Jo Gibson
7.	<p>2016/17 Budget Update</p> <p>Submitted report by Margaret Hogg, Section 95 Officer on the updated indicative Health budget of £130.952m for 2016/17.</p> <p>Appendix 1 to the report provided details of the Health budget, including the movements from the indicative budget provided to the Board in June 2016. Saving proposals developed to meet the savings target of £2.871m set by Health for the approval of the Board were outlined at Appendix 2 to the report.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> a request submitted to the Council for funds associated with the difference between the anticipated cost of the introduction of the Living Wage and the actual cost; 	

	<ul style="list-style-type: none"> • issues surrounding the timing of the Health Board's budget confirmation and the value of seeking to develop longer term budgeting; • the number of proposed savings relating to mental health service provision and rationale for this; and • the reduced nursing establishment within Arran War Memorial. <p>The Board agreed to (a) approve the proposed savings identified for 2016/17 for Health Services as set out at Appendix 2 to the report, subject to a correction in respect of the reduction in the nursing establishment at Arran War Memorial at item 24, which should read 0.5 FTE and not 5; (b) note the updated indicative budget for 2016/17 for Health Services; and (c) receive an analysis at the next meeting of the funding provided by North Ayrshire Council and NHS Ayrshire and Arran for mental health vs other service provision.</p>	Margaret Hogg
8.	<p>Director's Report</p> <p>Submitted report by Iona Colvin, Director NAHSCP on developments within the North Ayrshire Health and Social Care Partnership.</p> <p>The report highlighted works underway in the following areas:-</p> <ul style="list-style-type: none"> • IJB Chair/Vice Chair event; • the Red Cross House development; • Celebrating Success events; • appointment of an Interim Lead Nurse; • Embracing the Wave of Change and Vibrant Communities events • Locality Roadshows; • Carer's Week; • Change Programme Update; • Providers Forum Governance Arrangements; and • the development of an Undernutrition Strategy for Ayrshire. <p>Reference was also made at the meeting to attendance by the Chair and Councillor Robert Steel at the Young Carer's Festival, and to North Ayrshire's success in being appointed to deliver a national resource of mental health and autism beds at Woodland View.</p> <p>Noted.</p>	

9.	<p>Joint Health Protection Plan</p> <p>Submitted report by Dr Carol Davidson, Director of Public Health on the Joint Health Protection Plan.</p> <p>The Joint Health Protection Planning Group, comprising representatives from NHS Ayrshire and Arran, the three Ayrshire local authorities and the Ayrshire Civil Contingencies Team produced the Joint Health Protection Plan, which provides:-</p> <ul style="list-style-type: none"> • an overview of health protection responsibilities, priorities, provision and preparedness within Ayrshire and Arran; • describes how NHS Ayrshire and Arran and the three local authorities work jointly to protect public health across a range of health protection topics; and • provides a summary of the key health protection priorities and related joint working planned for 2016/18. <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • whether the integration agenda was reflected in this and future health protection plans; and • sexual and drug deaths, which are the subject of separate protection planning. <p>The Board agreed to approve the Ayrshire and Arran Joint Health Protection Plan 2016/18.</p>	Dr Carol Davidson
10.	<p>Review of Equipment and Adaptations</p> <p>Submitted report by David Rowland, Head of Service (Health and Community Care) on the work being undertaken by the Equipment and Adaptations Project.</p> <p>The report provided details of Phases 1 and 2 of the project, which included:-</p> <ul style="list-style-type: none"> • Process mapping of the equipment and adaptations process; • Carefirst document streamlining; • Children's OT Services Pilot; • Handrails and bannisters review; and • Equipment Competency Training <p>The proposed timescales for the proposed areas of work identified by the project were outlined at 3.2 of the report.</p>	

	<p>Discussion took place on the good progress made in respect of this project and the importance of quantifying both financial and time savings achieved.</p> <p>The Board agreed (a) to support the further development of the project; (b) to receive regular updates on progress; and (c) that the project mapping appendix to the report, which had been omitted in error, would be made available.</p>	David Rowland
11.	<p>HSCP Award Ceremony</p> <p>Submitted report by Jo Gibson, Principal Manager (Planning and Performance) on proposals for a Partnership Recognition and Awards event on 13 February 2017 in St. Matthew's Academy.</p> <p>Nominations were invited to serve on an event organising committee.</p> <p>Discussion took place on the implications of an early evening event for those attending from Arran.</p> <p>The Board agreed (a) to support the proposal to hold a Partnership Recognition and Awards event; (b) that Councillor Steel, David Donaghey, Heather Molloy and a Third Sector representative be nominated to serve of the event organising committee, with any further nominations to be submitted directly to Jo Gibson.</p>	Jo Gibson
12.	<p>Flexible Intervention Service</p> <p>Submitted report by Dale Meller, Senior Manager (Community Mental Health) on the proposal to re-tender for the Flexible Intervention Services (FIS) to appoint a service provider and extend the current contract until the tender process is complete</p> <p>The report provided information on the current provider, the Richmond Fellowship Scotland and existing funding arrangements, including a pressure bid of £175,000 to fund the service on an on-going basis.</p> <p>The Board agreed to (a) a re-tender exercise to appoint a service provider to appoint a flexible support service to individuals with mental health problems and learning difficulties and disabilities; and (b) refer the report to the Council's Cabinet to implement the re-tender process.</p>	Dale Meller
13	Integration Joint Board Performance and Audit Committee	

	Submitted the Minutes of the Integration Joint Board Performance and Audit Committee held on 9 June 2016. Noted.	
14.	SPOG Submitted the Minutes of the Strategic Planning Officers Group held on 24 May 2016. Noted.	
15.	Urgent Item The Chair agreed to consider the following item of business as a matter of urgency, to allow action to be taken prior to the next meeting of the Board.	
15.1	Scottish Government Social Security Consultation Fiona Thomson, Carers Representative, referred to a Scottish Government consultation on Social Security. The Board agreed that (a) the Director's office liaise with the Service User representatives on a proposed consultation response on behalf of the Board; and (b) that the draft response be submitted to the next meeting for approval.	Karen Andrews
	The meeting ended at 11.40 a.m.	

Licensing Committee
7 September 2016

Irvine, 7 September 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Ronnie McNicol, Tom Marshall, Robert Barr, John Easdale, Catherine McMillan and Donald Reid.

In Attendance

P. Kelly, Team Manager (Anti Social Behaviour and Community Safety) and E. Anderson, Team Manager (Private Sector Housing) (Place); W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), A. Toal, Administrative Assistant and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

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

Chair

Councillor McNicol in the Chair.

Apologies for Absence

John Bruce and Grace McLean.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3 agreed to vary the order of business to allow consideration of the Landlord Registration Application No. 5 as the first item within Agenda Item 4 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8).

2. Declarations of Interest

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

3. Minutes

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

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

Part A: Hearings

4.1 Public Entertainment Licence (Temporary) - Kelburn Arts Ltd

The applicant, having been duly cited to attend, was represented by Z. Shaw and A. Boyd.

Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing. The representatives from Police Scotland addressed the Committee on the terms of a letter setting out proposed conditions and a recommendation in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant's representatives addressed the Committee on the issues raised in the Police letter and responded to questions. The representatives accepted the additional conditions suggested by the Police, and the exception that they wanted the time of Police attendance to be changed to 2030 - 0430. The applicant's representatives confirmed that the licensed event would end at 0.400, but they suggested that continuing Police presence would assist dispersal of event goers.

Decision

The Committee unanimously agreed to (a) 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, as modified in accordance with the Police recommendations, accepted by the applicant's representatives, subject to the exception relating to Police attendance times.

4.2 Street Trader Operator's Licence - Cumbrae Kitchen

The applicant, having been duly cited to attend was not in attendance.

The Solicitor (Licensing) set out the background to the Hearing and advised that the premises do not have a Food Safety Certificate as required by Civic Government (Scotland) Act 1982, Section 39(4).

Decision

The Committee unanimously agreed to refuse the application in terms of Section 39(4) of the Civic Government (Scotland) Act 1982.

5. Exclusion of the Public and Press

The Licensing Committee, being of the view that it was likely, in view of the nature of the business to be transacted and the nature of the proceedings at the current meeting that if members of the public were present during consideration of that business there would be disclosure to them of 'Exempt Information', as defined in section 50J of and Schedule 7A, to the Local Government (Scotland) Act 1973, resolved under Section 50A(4) to exclude the public from that meeting and all other such meetings. The 'Exempt Information' concerned is that described in Schedule 7A,

- Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime")

- Paragraph 15 ("The identity of a Protected Informant") (a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance.)

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

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

6.1 J. McD.

The Registered Person, having been cited to attend, was not present or represented. The Committee were given copies of correspondence from his agent.

Representatives from the Council's Anti Social Behaviour and Community Safety and Private Sector Housing Teams were in attendance.

The Committee considered the case and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 89 to remove the Registered Persons from the Register; and (b) to delegate authority to the Clerk, the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application in the event the property becomes tenanted.

6.2 W. B.

The applicant, having been cited to attend, was not present but represented by Mr J. B.

The Solicitor (Licensing) set out the background to the application. The representative provided further information in relation to Mr B. and responded to questions.

The Committee considered the application and information provided.

Decision

Councillor Marshall, seconded by Councillor Reid, moved that the application be granted and no Rent Penalty Notice issued. As an amendment, Councillor Barr, seconded by Councillor Easdale moved that the application be continued to a future meeting to allow the representative to seek legal advice.

On a division, there voted for the amendment 2 and the motion 4 and the motion was declared carried.

Accordingly, the Committee agreed (a) to grant the application; and (b) not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the property referred to in the Application.

6.3 S. C.

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

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 84(2)(b) to refuse to enter the applicant in the Register; and (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application.

6.4 B. McC.

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

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 84(2)(b) to refuse to enter the applicant in the Register; and (b) to delegate authority to the Clerk, the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in the application in the event the property becomes tenanted.

6.5 D. K and I. B.

The Registered Persons, having been cited to attend, were not present.

The Committee considered the application and information from Council Officers.

Decision

The Committee unanimously agreed (a) under Section 89 to remove the Registered Persons from the Register; and (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the house included in Registration.

The meeting ended at 11.10 p.m.

**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 8 September 2016
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

Present

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

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

Margaret Hogg, Chief Finance Officer
Stephen Brown, Chief Social Work Officer – North Ayrshire
Dr Paul Kerr, Clinical Director
Dr Mark McGregor, Acute Service Representative
Louise Gibson, Lead Allied Health Professional Adviser
Nigel Wanless, Independent Sector Representative
Julie Lamberth, Staff Representative – NHS Ayrshire and Arran
Louise McDaid, Staff Representative – North Ayrshire Council
Fiona Thomson, Service User Representative
Marie McWaters, Carers Representative
Jim Nichols, Third Sector Representative

In Attendance

David Rowland, Head of Health and Community Care
Eleanor Currie, Principal Manager (Finance)
Thelma Bowers, Head of Service (Mental Health)
Debbie Campbell, Team Manager (Performance)
Paul Doak, Integration Joint Board Chief Internal Auditor
Fiona Mitchell-Knight, Audit Scotland
Stephanie Harold, Audit Scotland
Paul Craig, Audit Scotland
Karen Andrews, Team Manager (Governance)
Angela Little, Committee Services Officer

Apologies for Absence

Iona Colvin, Director North Ayrshire Health and Social Care (NAHSCP)
Pete Gilfedder, Interim Lead Nurse/Mental Health Advisor
Kez Khaliq, GP Representative
Martin Hunter, Service User Representative
David Donaghey, Staff Representative – NHS Ayrshire and Arran

	Chair's Remarks On behalf of the Integration Joint Board, the Chair thanked Councillor Dickson for her contribution to the work of the Integration Joint Board.	
1.	Apologies Apologies were noted.	
2.	Declarations of Interest There were no declarations of interested in terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies.	
3.	Minutes/Action Note – 5 August 2016 The accuracy of the Minutes of the meeting held on 5 August 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.	
3.1	Matters Arising There were no matters arising.	
4.	Annual Performance Report Debbie Campbell, Team Manger (Performance) provided a presentation on North Ayrshire Health and Social Care Partnership's Annual Performance Report. The report provided information on the national context, the publication requirements, the assessment against national outcomes, the financial assessment, locality reporting and inspection of services. A number of examples of "we said" "we did" were provided that included:- <ul style="list-style-type: none"> • The establishment of community connectors in 6 GP practices; • Work to integrate addiction services into one new joined up service; • An increase in Care at Home capacity; 	-

	<ul style="list-style-type: none"> • The discharge of more people into ward 1 and a reduction in the average length of stay; • An increase in household incomes across North Ayrshire by £7,614,130; • Work done to progress the recommendations in the North Ayrshire Carer's Strategy; • An increase the effectiveness of the Multi-Agency Domestic Abuse Response Team; • The positive life changing experience for young people who were part of the Bad Entertainment Project; and • A reduction of 39% in re-offending over the past 10 years, <p>Details of the areas of focus for next year included:-</p> <ul style="list-style-type: none"> • The inclusion within the refreshed strategic plan of 4 major project which will deliver on the priorities of the partnership; • The development of further priorities identified by our 6 locality planning forums; • Evidencing our great performance against the national outcomes as well as our local priorities. <p>Members asked questions and were provided with further information in relation to future reports that will be more outcome focused.</p> <p>Noted.</p>	
5.	<p>Financial Management Report – Period 4</p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) which provided an overview of the 2016/17 financial position of the North Ayrshire Health and Social Care Partnership as at 31 July 2016.</p> <p>A Period 4 Objective Summary of the Partnership Budget was provided at Appendix A to the report. Appendix B gave details of the Period 4 Subjective Summary. Information on the Change Programme Financial Summary was outlined at Appendix C. Appendix D reported on the mitigating action required to reduce the projected overspend of £1.852m and bring the budget online. Details of progress in delivering savings was provided at Appendix E. Appendix F gave information on the budget movements since the approved budget.</p> <p>Members asked questions and were provided with further information in relation to:-</p>	

	<ul style="list-style-type: none"> • A report to a future meeting of the Board on further pressures and the mitigating actions that will be put in place; • Suspended posts at Montrose House as a result of an ongoing management investigation; • Work that will be done to financially quantify the reductions in hospital admissions; • The ambitious target of 1% reduction in sickness absence; • The impact a few additional expensive secure placements can have on the budget; • Challenging mitigating actions that have been put in place in a number of areas and alternative plans that will be explored if the savings are not delivered; • Work that has been done to set up an internal local nurse bank to alleviate the staffing shortage at Woodland View; • The provision of equipment deemed essential to support individuals and avoid hospital admissions and the introduction of an eligibility criteria; • Lessons learned in respect of the costs of the business case for Woodland View. <p>The Board agreed to (a) note the content of the report and the projected overspend of £1.852m for 2016/17; (b) approve the mitigating action being taken to bring the budget online; (c) approve the virements requests, as detailed at 14.1 of the report; (d) approve the Lead Partnership Services' recovery plan for consideration by the South and East Health and Social Care Partnerships; and (e) approve the final element of the NHS budget as detailed at 13.1 of the report.</p>	
6.	<p>Annual Audit Report</p> <p>Submitted report by Margaret Hogg, Chief Finance Officer on the annual audit report for 2015/16 and a verbal update by the external auditor Fiona Mitchell Knight, Audit Scotland.</p> <p>The IJB's accounts for the year to 31 March 2016 were submitted to Audit Scotland in accordance with the agreed timetable.</p> <p>Audit Scotland have given an unqualified opinion that the 2015/16 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 16 June 2106.</p>	

	<p>The Board agreed to (a) note (i) the findings of the 2015/16 audit as contained in the External Auditor's annual report at Appendix 2 to the report; and (ii) the agreed action plan as outlined in Appendix IV of the annual report; and (b) approve the Annual Accounts for 2015/16.</p>	
7.	<p>Charter for Involvement</p> <p>Submitted report by Thelma Bowers, Head of Service (Mental Health) on the National Involvement Network (NIN) Charter for Involvement that consists of 12 statements which explain how people want to be involved in the support they get, in the services they receive and in the wider community. In signing up to the Charter, organisations will work with the people they support to produce a plan about how the Charter can be implemented</p> <p>The Board agreed to (a) approve the sign up to the Charter for Involvement; and (b) that J. Nicols will report back to the next meeting on the response from the providers</p>	T. Bowers
8.	<p>IJB Directions to NHS Ayrshire and Arran/North Ayrshire Council</p> <p>Submitted report by Iona Colvin, Director NAHSCP on the policy for making "directions" to North Ayrshire Council and NHS Ayrshire and Arran Health Board.</p> <p>The report proposed to record the decisions taken by IJB's as directions. Appendix 1 provided the proposed template to record directions and provided details of the directions issued since 1 April 2016.</p> <p>The Board agreed (a) the directions detailed at Appendix 1 to the report; and (b) that these directions and all future directions that may be agreed by the Board be issued on the Board's behalf by the Chief Officer to the Chief Executives of North Ayrshire Council and NHS Ayrshire and Arran as appropriate.</p>	K. Andrews
9.	<p>Strategic Planning Group Minute</p> <p>Submitted the Minute of the Strategic Planning Group held on 21 July 2016.</p> <p>Noted.</p>	

10.	<p>Child Poverty Bill for Scotland</p> <p>Submitted report by Stephen Brown, Chief Social Work Officer – North Ayrshire on the proposed response to the Scottish Government’s consultation on a Child Poverty Bill for Scotland. Comments are sought on the Bill by 30 September 2016.</p> <p>The Board was advised that the revised proposed response would be circulated to Members who should respond directly to Stephen Brown to allow for submission to the Scottish Government by the deadline of 30 September 2016.</p> <p>The Board agreed (a) to note that the revised proposed response would be circulated to Members; and (b) that any additional comments for inclusion in the response should be forwarded directly to the Chief Social Work Officer.</p>	S. Brown
11.	<p>Mental Health in Scotland: A 10 Year Vision</p> <p>Submitted report by Thelma Bowers, Head of Service (Mental Health) on the consultation exercise underway on the new Mental Health Strategy that will be published in late 2016. Appendix 1 to the report provided information on the engagement exercises undertaken by the Scottish Government with people and groups to shape and develop the new strategy and the proposed Mental Health priorities consultation paper. The proposed response to the draft Mental Health Strategy Consultation was outlined in Appendix 2 to the report.</p> <p>Members commented that the proposed response should also refer to and highlight the work of the Integration Joint Board.</p> <p>The Board agreed to (a) endorse the response to the Scottish Government’s consultation on the national strategy priorities for Mental Health; and (b) that any additional comments for inclusion in the response should be forwarded directly to the Head of Mental Health Services.</p>	T. Bowers
12.	<p>Exclusion of the Public</p> <p>The Board 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 items of business on the grounds indicated in terms of Paragraph 1 and 3 of Part 1 of Schedule 7A of the Act.</p>	

13.	<p>Social Work Complaints Review Committee</p> <p>Submitted report by the Chief Executive (North Ayrshire Council) on the findings and recommendations of the Social Work Complaints Review Committee and the Cabinet of North Ayrshire Council.</p> <p>The Board noted the findings and recommendations as detailed in the report.</p>	
	The meeting ended at 11.40 a.m.	

DRAFT

Cabinet
13 September 2016

IRVINE, 13 September 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

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

Also Present

Donald Reid

In Attendance

E. Murray, Chief Executive; J. Butcher, Executive Director and P. Gosnay, Senior Manager (Education and Youth Employment); C. Hatton, Executive Director, Y. Baulk, Head of Physical Environment and L. Hardy, Asbestos Officer (Place); M. Hogg, Head of Finance, M. McTeague, Category Manager/Team Leader - Supplies and Services and S. Paisley, Business Development Manager (Finance and Corporate Support); A. Fraser, Head of Democratic Services, M. Sugden, Communications Officer (Media and Internal Communications) and D. McCaw, Committee Services Officer (Chief Executive's).

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

Submitted the Minutes of the meeting of the Cabinet held on 16 August 2016.

Noted.

3. Child Poverty Bill for Scotland

Submitted report by the Chief Executive on the response to the Scottish Government's consultation on a Child Poverty Bill for Scotland, with the 10 consultation question responses detailed at Appendix 1 to the report.

Members discussed additions to question responses as follows:-

- question 1 response - an addition to highlight the difficulty in tackling child poverty while subject to the current austerity regime faced by cuts to Local Government funding; and
- question 6 response - that the final sentence of the response be firmed up to stress the need to ensure that newly tax devolved powers are used to reduce child poverty.

The Cabinet agreed to approve the response for submission to the Scottish Government as detailed in Appendix 1 to the report, subject to the additions detailed in relation to the responses to questions 1 and 6.

4. North Ayrshire Council Youth Champion

Submitted report by the Chief Executive on the appointment of the Youth Champion for North Ayrshire Council, which supports the work of the North Ayrshire's Youth Council Executive.

The Cabinet agreed to appoint Councillor Peter McNamara as Youth Champion.

5. Management of Asbestos in Weir Properties

Submitted report by the Executive Director (Place) on the proposed strategy for managing asbestos in the Council's Weir properties including progression of a programme of inspection and removal.

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

- whether only the Council's Weir house type properties are affected by the asbestos insulation debris;
- any obligation which the Council has in connection with owner occupiers/tenants of ex Council house properties;
- the health risk in relation to different types of asbestos; and
- that an independent expert has confirmed that the risk to health as a result of exposure to this asbestos is extremely low.

The Cabinet agreed to approve the proposed strategy for managing asbestos in the Council's Weir properties as outlined in the report.

6. Award of Contract - Leachate Removal and Disposal at Shewalton Landfill

Submit report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Framework Agreement for Leachate Removal and Disposal at Shewalton Landfill.

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

- who designs any community benefit courses offered as part of the contract;
- that consultation takes place with Education and Economic Growth prior to any course being delivered in schools; and
- the effect bad weather has on leaching into the soil and methods to prevent this.

Members were further advised that a report on Community Benefits will be submitted to a future meeting of the Cabinet.

The Cabinet agreed to approve the award of the contract to Scottish Water Horizons for an initial period of three years with an option to extend for up to one year at a cost of £363,004 over the maximum duration of the contract.

The meeting ended at 3.00 p.m.

Planning Committee
21 September 2016

Irvine, 21 September 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

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

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 31 August 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

16/00814/PPP: Site to the East of 1 Kirkland Crescent, Dalry

Mr W Ahmed, 17 Ayr Road, Glasgow has applied for planning permission in principle for a residential development to the east of 1 Kirkland Crescent, Dalry.

Councillor Barr, seconded by Councillor Bruce, moved to refuse the application.

Following discussion on the character of the location, transport and traffic issues and access arrangements to the site, Councillor Barr withdrew his motion.

Councillor Barr, seconded by Councillor Steel, moved that the application be continued to the next meeting to allow the Committee to observe the site and surrounding area.

There being no amendment the motion was declared carried.

The Committee agreed to continue the application to the next meeting to allow the Committee to visit the site and surrounding area.

4. Irvine and Kilwinning

16/00807/PP: Elderbank Primary School, St. Kilda Bank, Irvine

North Ayrshire Council, (Property Management and Investment), Cunninghame House, Irvine has applied for the removal of Condition 4 of permission no. N/12/00228/PPM to delete the requirement for the provision of an overspill car park at Elderbank Primary School, St. Kilda Bank, Irvine.

The Committee agreed to grant the application to remove Condition 4 of permission no. N/12/00228/PPM to delete the requirement for the provision of an overspill car park at Elderbank Primary School, St. Kilda Bank, Irvine.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 42A Hamilton Street, Saltcoats KA21 5DS

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

The property, 42A Hamilton Street, Saltcoats comprises an upper floor flat of a mid-terrace property with associated rear garden ground which opens onto Park Road. The rear elevation of the garden comprises a high rendered wall with an opening in which is sited a shed. The rest of the opening next to the shed had been covered by a gate. The former gate access has collapsed and there has been an accumulation of waste at the western end of the garden, including the remains of the gate. The side elevation of the garage has been exposed by the collapse of the gate and the side door of the garage is hanging on its hinges. The front elevation of the garage has had graffiti sprayed on the door which has also become rusted. The garden ground is overgrown and screened by the large rear extension to the north and the side of the property to the south. It is therefore considered that the adverse impact is primarily on Park Road to the west. The land is visible from Park Road and nearby residential properties on Eglinton Place. The condition of the land, due to the accumulation of refuse and the rear window, has a significant adverse impact on the amenity of the local area.

The Council has received several complaints regarding the site. An inspection of the land in May 2016, revealed the condition of the site and the owner of the land was requested in writing to clear the site and secure to prevent further deterioration. A response was not received. Further inspections were carried out in July 2016 where it was noted that no action had been taken and the condition of the land remained the same. Further letters were sent to the owner requesting clearance, however, no response has been received.

The Committee agreed, in the interest of the amenity of the area, to approve the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the owner to (i) remove all refuse, including the remains of the gate, from the land to the south of the garage; (ii) re-affix the side door of the garage; and (iii) paint a recessive colour the garage door on the elevation facing onto Park Road.

6. Revocation Order of Tree Preservation Order, Millport No 1

Submitted report by the Chief Executive on the proposed Revocation Order of Tree Preservation Order Millport No 1 in respect of trees at the rear boundary of private gardens at Nos 22 - 28 Bute Terrace, Millport.

At the Planning Committee on 27 April 2016, the Committee agreed to serve a Revocation Order of Tree Preservation Order Millport No 1 on the basis that the circumstances which supported the original designation had materially changed. The trees collectively form a wooded strip running along a section of Howard Street and on either side of Church Hill. The Tree Preservation Order was designated by Cunninghame District Council in 1991. All of the trees affected by the Order fall within Millport Conservation Area and, accordingly, receive a degree of statutory protection in addition to the protection afforded by the Order. A Revocation Order was served on the owners of the affected land with the effective date of 20 July 2016. A public notice was published concurrently in the Largs and Millport Weekly News and provided details of the period and process for public objections and representations. The Revocation Order remains in force until 20 January 2017 after which date it will expire unless it is confirmed by the Committee. The statutory period for receipt of objections and representations ended on 17th August 2016. No objections or representations were received.

The Committee considered that as Tree Preservation Order Millport No 1 was no longer merited as the circumstances which supported the original designation of the Order had materially changed it was agreed that the Revocation Order is confirmed without modification.

The meeting ended at 2.30 p.m.

Audit and Scrutiny Committee
23 September 2016

IRVINE, 23 September 2016 - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

Present

Catherine McMillan, Tom Marshall, Alan Munro and David O'Neill

In Attendance

L.Friel, Executive Director, P. Doak, Senior Manager (Internal Audit, Risk and Performance) and D. Forbes, Senior Manager (Financial Management) (Finance and Corporate Support); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

P. Craig and S. Harold (Audit Scotland).

Chair

Councillor McMillan in the Chair.

Apologies for Absence

John Hunter .

1. Appointment of Chair

In the absence of the Chair, the Committee unanimously agreed that Councillor McMillan be appointed as Chair. Thereafter, Councillor McMillan assumed the Chair for the remainder of the meeting.

2. Declarations of Interest

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

3. Minutes

The accuracy of the Minutes of the meeting of the Audit Committee held on 22 August 2016 and the meeting of the Scrutiny and Petitions Committee held on 24 August 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Audit Scotland – Proposed 2015/16 Annual Audit Report

Submitted report by the Executive Director (Finance and Corporate Support) on the annual audit report for 2015/16. Appendix 1 to the report comprised a covering letter from Audit Scotland, which incorporated their ISA260 letter "Report to Those Charged with Governance" together with their proposed Independent Auditor's Report and the letter of representation to be signed by the Executive Director (Finance and Corporate Support) as responsible officer for North Ayrshire Council. Audit Scotland's proposed annual report to Members, which summarised the findings of their audit, was attached at Appendix 2 to the report.

Paul Craig of Audit Scotland provided a verbal report on the appendices to the report, including the key messages contained within the external auditor's unqualified report on the 2015/16 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, having congratulated officers on their work in helping to ensure the delivery of an unqualified external audit report, asked questions, and received clarification, on the following:-

- the role of earmarked and unearmarked reserves, particularly in the context of expected future financial challenges for the Council;
- the accounting rationale associated with the depreciation of council dwellings;
- whether most Scottish Councils achieved unqualified audit reports;
- the circumstances surrounding the understatement of the Council's landfill tax liability; and
- the lack of restriction on the use of unearmarked reserves.

The Committee agreed to (a) note (i) the findings of the 2015/16 audit as contained in the External Auditor's annual report at Appendix 2, (ii) the agreed action plan as outlined in Appendix IV of the annual report and (iii) the verbal provided by the External Auditor; and (b) approve the audited Annual Accounts for signature.

5. Audit Scotland Report to Those Charged With Governance on the 2015/16 Audit - Charitable Trusts Administered by North Ayrshire Council

Submitted report by the Executive Director (Finance and Corporate Support) on matters arising from the audit of the Council's registered charitable trusts for the year to 31 March 2016. Appendix 1 to the report set out Audit Scotland's Governance report on the 2015/16 charitable trust accounts.

Stephanie Harold of Audit Scotland provided a verbal report on the appendix to the report, including the unqualified nature of the proposed Independent Auditor's Report, details of the registered trusts where the Council is the sole trustee, and the significant findings arising from the audit. Members' attention was drawn to three trusts which do not have trust deeds and those trusts which are currently dormant.

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

- action to seek to generate interest and activity in relation to dormant trusts;
- the availability of a breakdown of the North Ayrshire Council Charitable Trust combined assets of £252,351;
- the appointment of the Council's new external auditors.

The Executive Director (Finance and Corporate Support) undertook to (i) liaise with the Head of Service (Connected Communities) on action which might be taken to raise awareness of the availability of funds within currently dormant trusts and (ii) provide Members with a breakdown of the combined assets of the North Ayrshire Council Charitable Trust.

The Committee agreed (a) to note (i) the key issues identified in the Audit Scotland report attached at Appendix 1 and (ii) the actions to be taken by the Council to resolve them where appropriate; (b) approve the audited charitable trust accounts for signature; and (c) record the appreciation of Members and Officers of the positive working relationship which had been experienced with the Council's external auditors, Audit Scotland, over the past five years.

The Meeting ended at 10.50 a.m.

Cabinet
27 September 2016

IRVINE, 27 September 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 3.30 p.m.

Present

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

Also Present

Donald Reid.

In Attendance

E. Murray, Chief Executive; C. Hatton, Executive Director and C. Nelson, Divisional Manager (Place); I. Colvin, Director of North Ayrshire Health and Social Care Partnership; M. Hogg, Head of Finance, D. Forbes, Senior Manager - Financial Management and M. McTeague, Category Manager/Team Leader - Supplies and Services (Finance and Corporate Support); C. MacAuley, Head of Service (Economic Growth) and G. Robson, Senior Employability and Skills Manager (Economy and Communities); A. McClelland, Senior Manager (Education and Youth Employment); J. Hutcheson, Communications Officer and D. McCaw, Committee Services Officer (Chief Executive's).

Chair

Councillor Cullinane in the Chair.

Apologies for Absence

Peter McNamara.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting held on 13 September 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Revenue Budget 2016/17: Financial Performance to 31 July 2016

Submitted report by the Executive Director (Finance and Corporate Support) which (a) set out the revenue budgetary control position for the Council at 31 July 2016; (b) provided a brief explanation of Services' major variances at Appendices 1 - 10; (c) detailed the proposed virements at Appendix 11; and (d) detailed the Housing Revenue account budgetary control position at 31 July 2016 at Appendix 12.

Councillor Cullinane proposed that the £1.756m underspend detailed at section 3.1(b) be utilised for the Learning Environment at Kilwinning, Irvine Royal and Auchenharvie Academies. The proposal was unanimously supported by Cabinet Members.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the transfer of £1.756m to the Learning Environment for Kilwinning, Irvine Royal and Auchenharvie Academies; (c) approve the carry forward of £0.189m identified at section 2.3 (viii); (d) note the current financial projection for the Health and Social Care Partnership; and (e) approve the virements detailed in Appendix 11.

4. Capital Programme Performance to 31 July 2016

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on progress in delivering the Capital Investment Programme as at 31 July 2016.

Members asked a question and were provided with further information in relation to the higher level of SFT funding secured for Largs Academy which has reduced the original anticipated amount of borrowing.

The Cabinet agreed to (a) approve the revisions to budgets outlined at Sections 2.1, 2.2, 2.5 and 2.7 of the report; and (b) note (i) the actual General Services and HRA expenditure and revised budgets to 31 July 2016; and (ii) the forecast of expenditure to 31 March 2017.

5. Submission of Evidence: A Scottish Approach to Taxation

Submitted report by the Executive Director (Finance and Corporate Support) on North Ayrshire's submission to the Scottish Government's Call for Evidence on A Scottish Approach to Taxation centering around 7 main questions. The full response was attached at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the process in connection with any clarity which would be received from the Scottish Government once consultation responses are reviewed.

The Cabinet agreed to submit Appendix 1 as North Ayrshire's submission to the Scottish Government's Call for Evidence on A Scottish Approach to Taxation.

6. Submission of Evidence on the Council Tax (Substitution of Proportion) (Scotland) Order 2016

Submitted report by the Executive Director (Finance and Corporate Support) on North Ayrshire's submission to the Scottish Government's Call for Evidence on the Council Tax (Substitution of Proportion) (Scotland) Order 2016 centering around 4 main questions. The full response was attached at Appendix 1 to the report.

The Cabinet agreed to submit Appendix 1 as North Ayrshire's submission to the Scottish Government's Call for Evidence on the Council Tax (Substitution of Proportion) (Scotland) Order 2016.

7. Sundry Write Off

Submitted report by the Executive Director (Finance and Corporate Support) which (a) advised of sundry debtor write offs under delegated powers; and (b) requested authority to write off balances which exceed the delegated powers threshold of £10,000.

The Cabinet agreed to authorise the write off of balances over £10,000, as set out in Appendix 1 to the report.

8. North Ayrshire Economic Development and Regeneration (EDR) Strategy Refresh

Submitted report by the Executive Director (Economy and Communities) on (a) the refreshed Economic Development and Regeneration Strategy outlining 4 strategic outcomes and 6 strategic objectives as detailed in the report; and (ii) associated 2 year action plans. The full Strategy Refresh document was attached at Appendix 1 to the report with the draft final action plan detailed at Appendix 2.

Members indicated their appreciation for the work carried out by Officers in connection with the refreshed Strategy.

The Cabinet agreed to approve the refreshed North Ayrshire Economic Development and regeneration (EDR) Strategy and the 2 year actions place as detailed in the report.

9. Public Realm Improvements Associated with Largs Masterplan

Submitted report by the Executive Director (Economy and Communities) on the proposals for the implementation of the Largs Masterplan following a review of priorities as detailed in the report.

Members asked a question and were provided with further information in relation to other possible funding sources which could be accessed to take forward the additional improvement works detailed at Table 2 within the report.

The Cabinet agreed to (a) note the outcome of the review of priorities for implementation of the Largs Masterplan; (b) approve the proposed improvements utilising funds from the town centre regeneration capital budget; and (c) note the additional improvement works which require to be funded from an alternative source of funding such as Largs Car Park.

10. Ayrshire Growth Deal

Submitted report by the Executive Director (Economy and Communities) on the development of the Ayrshire Growth Deal and on the submission of the Strategic Business Case (SBC) to the Scottish and UK Governments, including a range of projects with North Ayrshire as detailed in Appendix 1 to the report.

Members indicated their appreciation for the work carried out by Officers in connection with the Ayrshire Growth Deal.

The Cabinet agreed to the submission of the Ayrshire Growth Deal Strategic Business Case to the Scottish and UK Governments.

11. Upper Garnock Valley Flood Protection Scheme

Submitted report by the Executive Director (Place) on the flood protection scheme for the Upper Garnock Valley and requesting that Cabinet consider taking "a preliminary decision to confirm" the scheme with unresolved objections as detailed in the report.

The Cabinet agreed to (a) take a preliminary decision to confirm the preferred scheme with unresolved objections; and (b) notify objectors and the Scottish Government in line with the process detailed at section 2.12 of the report.

12. Widening Asylum Dispersal

Submitted report by the Executive Director (Place) on the UK Government's plans to widen Asylum Dispersal in Scotland.

Members asked a question and were provided with further information in relation to the range of services provided by the multi-agency Syrian Refugee Task force in relation to providing a strategic response to the resettlement of refugees.

The Cabinet agreed that Officers develop for further consideration proposals with the Home Office and COSLA to disperse asylum seekers, including unaccompanied asylum seeking children, within North Ayrshire.

13. Procurement EU Tender Plan - 2016/17 and 2017/18

Submitted report by the Executive Director (Finance and Corporate Support) on the EU procurement tender plan for the remainder of Financial Year 2016/17 and requirements identified for 2017/18 and 2018/19.

The Cabinet agreed to invite tenders for the supplies, services and works listed in the plan detailed in Appendix 1 to the report.

14. Award of Framework - Print Services

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender for the Framework Agreement for Print Services and seek approval to award.

Members asked a question and were provided with further information in relation to legislation limiting the length of time of a contract to 4 years.

The Cabinet agreed to approve the award of the Framework Agreement to Brown Bros (Irvine) Ltd, Fasprint Services (Irvine) Ltd, MacKay and Inglis Ltd, Potts Print (UK), Print Plus (UK) Ltd, Publicity Printing Group, The Kestrel Press (Irvine) Ltd and CG Print Ltd for a period of four years at a total estimated cost of £671,000 over the maximum duration of the contract.

15. Award of Contract - Saltcoats Public Realm Improvement Works

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the tender exercise and award of contract for Saltcoats Public Realm Improvement Works, Countess Street, Saltcoats.

The Cabinet noted the award of the contract to Land Engineering (Scotland) Limited in line with the Council's Standing Orders Relating to Contracts clause 18.7.

The meeting ended at 4.25 p.m.

Licensing Committee
28 September 2016

Irvine, 28 September 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

K. Sharkey, Solicitor (Contracts and Licensing), W. O'Brien, Solicitor (Licensing), A. Toal, Administrative Assistant and M Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Inspector J McMillan and Sergeant G. Griffiths (Police Scotland).

Chair

Councillor McNicol in the Chair.

Apologies for Absence

Alan Munro and Robert Steel.

1. Chair's Remarks

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of two Urgent Matters immediately following Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters).

2. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, due to the applicant's family being personally known to him, declared an interest in Hearing 1 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and took no part in the decision.

3. Minutes

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

4. Exclusion of Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the duration of the Committee's deliberations relating to hearings 1, 2 and 4 under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) and the first Urgent Item, on the grounds that they involved the likely disclosure of exempt information as defined

in section 50J of and Schedule 7A to the Local Government (Scotland) Act 1973. The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 ("Information relating to the financial business affairs of any particular person (other than the authority)") and Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime").

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

Part A: Hearings

5.1 Taxi Driver's Licence: Douglas Wraith TDL/00187 (New)

The applicant, having been duly cited to attend, was not present or represented. The Chair referred to a letter submitted by the applicant to advise that he was unable to attend the hearing. Representatives from Police Scotland were in attendance.

The representatives from Police Scotland addressed the Committee on the terms of a letter setting out a representation in relation to the application, as previously intimated in writing to the applicant.

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

Decision

Councillor Marshall, seconded by Councillor McLean, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

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

5.2 Taxi Driver's Licence: David McBlain TDL/00189 (New)

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

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

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

Decision

Councillor Reid, seconded by Councillor McLean, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

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

5.3 Taxi Driver's Licence: Ravinder Singh TDL/02003 (New)

The Committee, at its meeting held on 17 August 2016, agreed to continue consideration of this application to allow the applicant to attend a hearing.

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

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

Decision

Councillor Barr, seconded by Councillor McMillan, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

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

5.4 Taxi Driver's Licence: Carolyn Ann Wright TDL/00937 (New)

The applicant, having been duly cited to attend, was present and accompanied by a relative.

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

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

Decision

The Committee unanimously agreed to grant the application subject to the 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.

5.5 Public Charitable Collection: Hansel

The applicant, having been duly cited to attend, was present. The applicant has applied for a Charitable Collection on 12-16 December 2016, which is outwith the Council's policy.

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

Decision

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

5.6 Public Charitable Collections: Be Child Cancer Aware

The Solicitor (Contacts and Licensing) advised the Committee that these applications had been withdrawn by the applicant.

Noted.

5.7 Public Charitable Collection: Ivy Fundraising Limited

The Solicitor (Contracts and Licensing) advised that correspondence issued to the applicant in connection with the application had been returned as undelivered as it appeared the applicant no longer resided at the address provided.

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

Decision

The Committee unanimously agreed (a) that there were insufficient grounds to treat the case as an exception to the Council's policy on street collections; and (b) to refuse the application under Section 119 of the Civic Government (Scotland) Act 1982.

Part B: Applications for Licences/Renewal of Licences

5.8 Gordon McGregor: TDL/00456 (Renewal)

Councillor Marshall, seconded by Councillor Reid, moved that the application be granted for a period of one year. There being no amendment, the motion was declared carried.

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

6. Urgent Items

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

6.1 Paul Cumming: TDL/01295 (Renewal)

The Solicitor (Contracts and Licensing) provided background information in relation to the application and invited the Committee to consider whether it would wish to proceed to a hearing.

Decision

The Committee agreed, Councillor McMillan dissenting, to (a) note the information presented; and (b) grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

6.2 Vehicle Specification

The Solicitor (Licensing) advised the Committee of a request from a local taxi operator, that consideration be given to a reduction in the minimum engine size within the Vehicle Specification, from a 1.6L model to a 1.4L model. The Committee was advised that the Enforcement Officer (i) had no objection to the proposed reduction, subject to the inclusion of an age restriction for the 1.4L model given advancements/improvements in vehicle manufacturing in recent years, subject to the inclusion of an age restriction for the 1.4L model and (ii) suggested that a date of first be specified within the amended Specification.

The Committee unanimously agreed to amend the Vehicle Specification to provide for a reduction in the minimum engine size from a 1.6L model to a 1.4L model, applicable to vehicles first registered on 1 September 2012.

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

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

Noted.

The meeting ended at 11.00 a.m.

Cabinet
18 October 2016

IRVINE, 18 October 2016 - At a Special Meeting of the Cabinet of North Ayrshire Council at 2.40 p.m.

Present

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

Also Present

Anthea Dickson.

In Attendance

E. Murray, Chief Executive; I. Colvin, Director and S. Brown, Head of Service (Children, Families & Criminal Justice) (Health and Social Care Partnership); A. Fraser, Head of Democratic Services, M. Sugden, Communications Officer (Media and Internal Communications) and D. McCaw, Committee Services Officer (Chief Executive's).

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. Chief Social Work Officer Annual Report

Submitted report by the CSWO who is required to prepare an annual report for the Council on all statutory, governance and leadership functions of the CSWO role. The annual report, covering the period April 2015 to March 2016, was detailed at Appendix 1 to the report.

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

- monitoring the impact in relation to domestic abuse figures following the re-introduction of Old Firm football matches;
- the challenge faced by Community Justice Ayrshire to continue to make communities safer given public insecurities in relation to crime;
- the importance of educating young people and parents on the dangers associated with social media; and
- addressing the 22% rise in people presenting as destitute.

The Cabinet agreed to endorse the report as detailed at Appendix 1.

The meeting ended at 3.05 p.m.

Appeals Committee
21 October 2016

IRVINE, 21 October 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.40 a.m.

Present

Alan Munro, Alex Gallagher and John Easdale.

In Attendance

A. Craig, Solicitor (Team Manager) (Litigation)(Democratic Service); and A. Young, HR Operations Manager (Finance and Corporate Support).

Also In Attendance

H. McArthur, Senior Manager (Community Care) (Health and Social Care Partnership); T. Drain, Senior HR Advisor (Human Resources and Organisational Development) (Finance and Corporate Support); and the appellant.

Chair

Councillor Munro in the Chair.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 26 August 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 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 Health and Social Care.

To reflect the Equality Act 2010, the procedure was adjusted to facilitate the participation of the appellant in the proceedings.

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

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short period. The meeting reconvened with the same Members, officers and parties to the appeal present.

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

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

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

The Meeting ended at 1.10 p.m.

Cabinet
25 October 2016

IRVINE, 25 October 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.00 p.m.

Present

Joe Cullinane, John Bell, Alex Gallagher, Louise McPhater, Jim Montgomerie, Very Reverend Matthew Canon McManus (Agenda Items 1-6) and David Dunlop and Amy Cowan (Youth Representatives) (Agenda Items 1-15).

Also Present

Anthea Dickson and Willie Gibson.

In Attendance

E. Murray, Chief Executive; J. Butcher, Executive Director, S. Quinn, Head of Service (Schools), C. Amos, Head of Service (Inclusion), A. McClelland, Senior Manager and L. Cook, Education Development Co-ordinator (Youth Employment and Enterprise) (Education and Youth Employment); L. Friel, Executive Director and S. Humphries, Chief Revenues and Benefits Officer (Finance and Corporate Support); R. McCutcheon, Head of Service (Commercial Services), Y. Baulk, Head of Physical Environment, T. Reaney, Senior Manager (Streetscene), L. Cree, Senior Manager (Property Management and Investment), C. Dempster, Team Manager (Network Management), C. Forsyth, Team Manager (Traffic and Transportation) (Place); M. Davison, Senior Manager, Democratic Services, A. Todd, Senior Policy and Performance Officer, M. Sugden, Communications Officer and D. McCaw, Committee Services Officer (Chief Executive's).

Chair

Councillor Cullinane in the Chair.

Apologies for Absence

Peter McNamara, Mark Fraser and Elizabeth Higton (Church Representatives).

Please note - the decisions contained in the Minutes are subject to call-in by Elected Members until 12.00 noon on Tuesday 1 November. No action can be taken meantime.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting held on 27 September 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Scottish Qualifications Authority (SQA) Examination Results 2016

Submitted report by the Executive Director (Education and Youth Employment) on the performance of North Ayrshire schools in the Scottish Qualifications Authority (SQA) examinations of 2016. A presentation on the key issues arising from the report was also provided to Members.

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

- methods to be taken forward within schools to tackle numeracy and literacy;
- actions to improve the performance of the highest attaining 20% in S6;
- reasons for the dip in performance levels in S6 and how to motivate students; and
- whether data in relation to looked-after school leavers is correlated with social well-being data to they are supported

The Cabinet agreed (a) to note the content of the report and the achievements of the pupils in this year's examinations; and (b) to receive a further report in the first quarter of 2017 when the full set of performance measures becomes available which will comment on the overall performance of the 2016 leavers cohort in North Ayrshire as highlighted in the INSIGHT annual report.

4. Annual Participation Measure for 16-19 year olds

Submitted report by the Executive Director (Education and Youth Employment) on the progress being made with the introduction of the annual participation measure for 16-19 year olds which will help shape future policy and better inform targeted interventions by the Council and its partners.

The Cabinet (a) noted the data, with the proviso that this is still an experimental set of statistics; and (b) agreed the proposed actions set out in section 3 of the report.

5. Education Scotland Validated Self-Evaluation of Psychological Services

Submitted report by the Executive Director (Education and Youth Employment) on the outcomes from the Education Scotland Validated Self-Evaluation of Psychological Service which was detailed at Appendix 1 to the report.

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

- the number of Educational Psychologists within the service; and
- actions to be taken forward to pilot a new service delivery model in all schools to ensure early and effective intervention.

The Cabinet agreed to support the next stage of service development, which involves piloting a new service delivery model.

6. Children and Young People Support Review

Submitted report by the Executive Director (Education and Youth Employment) on the progress made by the Children and Young People Support Review Board and to seek direction on the implications of some of the planned service improvements.

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

- clarification on future support for budget realignment;
- interim arrangements for requesting resources which will be established when Partnership Forums cease to exist to ensure no young person is disadvantaged; and
- the future introduction of the Named Person Service.

The Cabinet agreed to (a) note the progress made by each of the 9 workstreams; and (b) receive a further paper for approval, detailing the plan for the consultation on proposed service changes and improvements.

7. Social Impact Pledge

Submitted report by the Chief Executive on the production of a North Ayrshire Council Social Impact Pledge which is aimed at increasing the social impact of public sector organisations across Scotland.

The Cabinet agreed (a) that North Ayrshire Council produces a social impact pledge; and (b) to the proposed three commitment pledges to take forward for the next six months as detailed in the report.

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

Submitted report by the Chief Executive on the Directorates' priorities identified following the publication of the latest LGBF report.

The Cabinet agreed (a) the LGBF priorities identified by Directorates; (b) that further work will be undertaken within Directorates to identify improvement activity in the priority areas; (c) that further use of the Framework will be used as the Improvement Service develop the Framework, and (d) to submit the report to the Audit and Scrutiny Committee.

9. Public Performance Reporting 2015/16

Submit report by the Chief Executive on the Council's public performance reporting and the draft Annual Performance Report 2015/16.

Members asked a question and were provided with further information in relation to possible improvements to ensure data is more readily available.

The Cabinet agreed to (a) note the status of the Council's performance indicators at Appendices 1 and 2; (b) approve the draft Annual Performance Report 2015/16 set out at Appendix 3; and (c) notes that the report will be referred to the Audit and Scrutiny Committee for further consideration.

10. Consultation on Social Security in Scotland

Submitted report by the Executive Director (Finance and Corporate Support) on Council's response to the Scottish Government's consultation on Social Security in Scotland. The full response was attached at Appendix 1 to the report.

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

- the likelihood of the delivery of Social Security being devolved and integrated at a local level; and
- the definition of a memorial headstone or plaque and on whether it relates to a cremation or burial.

The Executive Director (Finance and Corporate Support) undertook to check the current situation in relation to plaques and unmarked graves.

The Cabinet agreed to approve the Council's response to the consultation on Social Security in Scotland, as detailed in Appendix 1 to the report.

11. Corporate Asset Strategy

Submitted report by the Executive Director (Finance and Corporate Support) on the updated Corporate Asset Strategy and advising on the revised governance arrangements for the capital programme.

The Cabinet agreed to (a) approve the Corporate Asset Strategy; and (b) note the review of governance of the capital programme.

12. Future Cemetery Provision

Submitted report by the Executive Director (Place) on the future provision of cemeteries in North Ayrshire.

Members asked a question and were provided with further information in relation to the site owned by the Council off the B785 as a potential site for extending the capacity for Kilwinning cemetery provision.

The Cabinet agreed (a) to note the proposals to (i) consolidate the number of cemeteries on Arran due to the lack of suitable, available land and that public consultation will take place on this matter; (ii) continue to pursue options, including additional funding requirements, for Brodick, Arran and report back to a future Cabinet meeting; (iii) extend the existing cemeteries at Kilbride Cemetery (Arran), Knadgerhill Cemetery (Irvine), High Road (Stevenston), Dalry Cemetery and West Kilbride Cemetery; (iv) realise additional burial capacity at Kilbirnie New by utilising appropriate parcels of land not currently allocated for burials through the removal of trees, shrubs and the removal of a redundant outbuilding to extend the burial capacity from 2 years up to potentially 7 years; and (v) create new cemeteries in Kilwinning and Kilbirnie; and (b) to note that the current allocation of Capital Funding includes provision for the proposals listed with the exception of the creation of a new cemetery in Kilbirnie and extensions to Dalry and West Kilbride cemeteries; and (c) that the provision of the required additional funding, both Capital and Revenue, be considered by Council as part of the 2017/18 budget setting process.

13. Roads Winter Service and Weather Emergencies Plan 2016/17

Submitted report by the Executive Director (Place) on the Roads Winter Service and Weather Emergencies Plan 2016/17, in support of the Council's statutory duties under the Roads (Scotland) Act 1984.

Members asked a question and were provided with further information in relation to Priority 1 footways which would be cleared on one or both sides depending on the severity of the weather.

The Cabinet agreed to (a) approve the Roads Winter Service and Weather Emergencies Plan 2016/17; and (b) note the preparations and developments contained in the Winter Action Preparation Plan.

14. Dubbs Road, Stevenston/Kilwinning Prohibition of Driving Order (Page 322)

Submitted report by the Executive Director (Place) on a Traffic Regulation Order to prohibit driving on a section of Dubbs Road.

The Cabinet agreed to (a) notes the findings in the report; and (b) approve (i) the proposal to promote a Traffic Regulation Order to prohibit driving on a section of Dubbs Road, and (ii) its implementation if no objections are received.

15. Exclusion of the Public

The Cabinet 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 items of business on the grounds indicated in terms of Paragraphs 9 and 10 of Part 1 of Schedule 7A of the Act.

16. Sale of Surplus Property, 43-45 Ardrossan Road, Saltcoats

Submitted report by the Executive Director (Place) on the Council's heritable interest in the former Registration Office at 43-45 Ardrossan Road, Saltcoats.

The Cabinet agreed to approve the disposal of 43-45 Ardrossan Road, Saltcoats as detailed in the report.

17. Sportscotland Facilities Management Tender Opportunity

Submitted report by the Executive Director (Place) on the submission of two tenders to Sportscotland to provide facilities management services at their premises in Largs and Cumbrae.

The Cabinet (a) noted the submission during the October recess of two tenders to Sportscotland to provide facilities management services at their premises in Largs and Cumbrae; and (b) agreed, if the tenders are successful, to grant the Executive Director (Place) delegated authority to enter into the necessary contracts.

The Meeting ended at 3.35 p.m.

Planning Committee
26 October 2016

Irvine, 26 October 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

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

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 21 September 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 16/00852/PP: Eastland, Shiskine

Margaret M Currie, Sandwood, Blackwaterfoot, Arran has applied for the Removal of condition 1 of planning permission CH/01/98/0109 relating to occupancy restriction in respect of Eastland, Shiskine.

The Committee agreed to grant the application.

4. Garnock Valley

4.1 16/00814/PPP: Site to the East of 1 Kirkland Crescent, Dalry

At its meeting on 21 September 2016, the Committee considered an application from Mr W Ahmed, 17 Ayr Road, Glasgow for planning permission in principle for a residential development to the east of 1 Kirkland Crescent, Dalry. The Committee agreed to continue the application to the next meeting to allow the Committee to visit the site and surrounding area. The site familiarisation visit was held on 17 October 2016.

Councillor Barr, seconded by Councillor Bell, moved to refuse the application on the basis of loss of open space, road and pedestrian safety issues and the visual impact on the local area.

As an amendment, Councillor Ferguson, seconded by Councillor Brown, moved that the Committee approve the application, subject to the conditions within the report.

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

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. That the proposal would be contrary to Criteria 2 and 3 of Policy ENV12 of the Adopted North Ayrshire Local Development Plan as it would have an unacceptable impact on the amenity value of the passive area of open space and would set an undesirable precedent for further incremental loss of open space.
2. That the proposal would be contrary to Criteria a) and b) of the General Policy of the Adopted North Ayrshire Local Development Plan in that the loss of the landscaped area of open space at the visually prominent location would have a detrimental impact on the character, appearance and amenity of the surrounding area.
3. That the proposal would be contrary to Criterion d) of the General Policy of the Adopted North Ayrshire Local Development Plan in that it would have an adverse impact on road safety with the potential to conflict with the existing road configuration.

4.2 16/00855/ALO: Derrilin View, Gateside

Mr and Mrs J Maitland, Burnside Cottage, Gateside, Beith have applied for the Removal of Section 75 obligation relating to occupancy restriction in relation to Derrilin View, Gateside, Beith.

The Committee agreed to grant the application.

5. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 6 Perceton Gate, Irvine

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission.

Planning permission was granted on 13 May 2016 (ref: 16/00228/PP) for the extension to a shed, the siting of (non-residential) static caravan with viewing platform and a retrospective part change of use from agricultural land to equine use. The permission was granted subject to several conditions including Condition 3, which states that within 6 weeks of the date of the decision the first 5 metres of the access road shall be hard surfaced in order to prevent loose material and surface water issuing from the access onto the public road, in the interest of road safety.

The Council received a complaint following the expiry of the 6 week period, that several conditions attached to the permission had not been met. Inspections in July and September 2016 revealed that conditions, including Condition 3, had not been complied with. The first 5 metres of the access had not been hard surfaced. The owner was again written to and advised that it was now the Council's intention to seek authority for the issue of a Breach of Condition Notice. There was again no response received.

The Committee agreed to approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission 16/00228/PP.

6. Consultation On Proposed Removal of Various Public Call Boxes

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

The Council was notified on 5 September 2016 by British Telecom of their intention to remove thirty two public payphone call boxes in the North Ayrshire Council area which they have identified as being no longer required given low numbers of calls made over the preceding 12 month period and the increasing provision of the emergency services network coverage by mobile phone network providers. BT would not remove any phone box where there is a reasonable need, including where it is the last payphone within 800m and has had at least 12 calls within the last 12 months.

A list of the affected locations was attached as an appendix to the report. The Council has the right to object to any removals, although there is no prescribed list of grounds of objection in the OFCOM regulations. The overall closing date for the 90 day consultation period is 3 December 2016 and there is no further right of objection following this date.

It was noted that amongst the 32 call boxes proposed for removal, some appeared to have had a reasonable level of use in the last 12 months including 8 which had over 100 calls. No information was supplied giving details of locations of alternative phone boxes within an 800m radius of these, which would remain available.

The Committee agreed to continue consideration to seek further information from BT on the location of alternative call boxes within 800m of those proposed to be removed, which could absorb the volume of calls had in the last 12 months in the event of removal.

The meeting ended at 2.35 p.m.

Local Review Body
26 October 2016

Irvine, 26 October 2016 - At a Meeting of the Local Review Body of North Ayrshire Council at

Present

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

In Attendance

R. Middleton, Planning Adviser to the Local Review Body, J. Law, Legal Adviser to the Local Review Body; and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 27 April 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 16/00290/PP - Site to the South of River Cottage, Montgreenan, Kilwinning

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for erection of a log cabin at the site to the south of River Cottage, Montgreenan, Kilwinning.

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

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

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

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

Councillor McNicol, seconded by Councillor Steel, moved to uphold the officer's decision to refuse planning permission on the grounds specified in the decision notice.

As an amendment, Councillor Bruce, seconded by Councillor Ferguson, moved that the application be granted.

On a division, there voted for the amendment 2 and for the motion 7, and the motion was declared carried.

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

1. The proposal would be contrary to Policy ENV 1 of the Adopted North Ayrshire Local Development Plan, in that the development is not necessary non-residential development associated with agriculture, forestry operations or other established rural business and no need for the development has been demonstrated at this location.
2. The proposal would be contrary to criterion (a) of the General Policy of the Adopted North Ayrshire Local Development Plan and Supplementary Guidance 'Rural Design Guidance' (2009), in that the siting, design and external appearance of the development has an adverse visual impact on the surrounding area and rural landscape due to its incongruous design and suburban character, all to the detriment of the character and amenity of the countryside.

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

Councillor Steel left the meeting at this point.

4. Notice of Review: 16/00544/PP - 29a Eglinton Street, Irvine

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of Condition 1 (operating hours) imposed on planning application 16/00544/PP - Change of use of vacant office (Class 2) to cafe (Class 3) with takeaway facility and installation of external flue at 29a Eglinton Street, Irvine, approved by officers under delegated powers.

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

The Planning Adviser to the Local Review Body introduced the matter under review confirming that the Notice of Review had been submitted timeously by the applicant.

The Local Review Body agreed that it had sufficient information before it to determine the matter without further procedure. The Planning Adviser thereafter summarised the Notice of Review for the Applicant and the Report of Handling of the Appointed Officer. Photographs and plans of the site were displayed.

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

Accordingly, having considered all of the information, the Local Review Body agreed to amend the condition 1 in respect of the maximum opening hours, as follows:-

1. That the maximum hours of operation for the use hereby approved shall be between the hours of 10am and 11pm on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

The meeting ended at 3.00 p.m.

Appeals Committee
28 October 2016

IRVINE, 28 October 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Alan Munro, Grace McLean and John Easdale.

In Attendance

S. Montgomery, Solicitor (Litigation)(Democratic Services); and T. Drain, Senior HR Adviser (Finance and Corporate Support).

Also In Attendance

W. Turpie, Senior Manager (Waste Resources)(Operations) (Place); and R. Lennon, Senior HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support); and the appellant.

Chair

Councillor Munro in the Chair.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 21 October 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

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

4. Disciplinary Procedure: Appeal Against Dismissal

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Place.

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

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

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

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

The Meeting ended at 11.20 a.m.