



North Ayrshire Council

Comhairle Siorrachd Àir a Tuath

COMMITTEE MINUTES

14 September 2016

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**North Ayrshire Health and Social Care Partnership
Minute of Integration Joint Board meeting held on
Thursday 16 June 2016
at 10.00 a.m., Council Chambers, Cunninghame House, Irvine**

Present

Councillor Anthea Dickson, (Chair)
Bob Martin, NHS Ayrshire & Arran
Dr Carol Davidson, NHS Ayrshire & Arran
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
Louise Gibson, Lead Allied, Health Professional Adviser
Dr Kes Khaliq, GP Representative
Nigel Wanless, Independent Sector Representative
David Donaghy, 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

Thelma Bowers, Head of Mental Health
Jo Gibson, Principal Manager (Planning & Performance)
David Rowland, Head of Health & Community Care
Paul Doak, IJB Chief Internal Auditor
Eleanor Currie, Principal Manager (Finance)
Eleanor McCallum, Partnership Engagement Officer
Karen Andrews, Business Support Officer
Angela Little, Committee Services Officer

(Items 1 – 5) Kathleen McGuire, Long Term Conditions & Community Ward Manager

Apologies for Absence

Stephen McKenzie, NHS Ayrshire & Arran (Vice Chair)
Councillor Peter McNamara, North Ayrshire Council
Derek Barron, Lead Nurse/Mental Health Advisor
Dr Mark McGregor, Acute Service Representative
Dr Paul Kerr, Clinical Director
Sally Powell, Carers Representative

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 – 19 May 2016 The accuracy of the Minutes of the meeting held on 19 May 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 Development and Implementation of a North Ayrshire Social Enterprise Strategy - Greig Robson, Senior Employability and Skills Manager will attend the IJB in August. Volunteering Strategy – should be available for the August meeting. Official opening of Woodland View – consideration is being given to a joint opening of Woodland View and the new Leisure Centre in Irvine in 2017 by a senior public figure. Noted.	G. Robson J. Nicols
4.	National Clinical Strategy The Board noted that Dr Paul Kerr, Clinical Director would provide a presentation on the National Clinical Strategy to the meeting in August 2016.	Dr Paul Kerr
5.	Strategy for Technology Enabled Care (TEC) and Innovation Submitted report by Tim Eltringham, Chief Officer, South Ayrshire Health and Social Care Partnership on the development of a strategic approach to the use of TEC across the three partnerships in Ayrshire. The draft Strategy for Technology Enabled Care (TEC) and Innovation was attached at Appendix 1 to the report (presented by Kathleen McGuire, Long Term Conditions & Community Ward Manager).	

	<p>Discussion took place on a range of issues including:-</p> <ul style="list-style-type: none"> • The development of a business case that identifies the costs and sustainable funding sources; • Identification of how to reinvest in order to disinvest in other areas; • Training and support for carers that should be built into any further work; and • A further report that will be presented to the IJBs outlining the financial framework for TEC; • The reliability of technology and the use of Apps. <p>The Board agreed (a) to approve the Strategy; (b) that a paper outlining the financial framework for TEC be provided to a future meeting; and (c) to support the recommendations and approval of the draft TEC Strategy.</p>	T. Eltringham/ K. McGuire
6.	<p>Financial Management Report</p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on the current position of the North Ayrshire Council Health and Social Care Partnership and the outturn for 2015/16 as at period 12.</p> <p>Appendix 1 to the report provided information on the approved budget and actual outturn across the Partnership, with details of the main variances across all Partnership services provided at Appendix 1a. A summary of the actual spend on the Change Fund was outlined at Appendix 2 to the report. An Action Plan resulting from the investigation into the reasons for the overspend was provided at Appendix 3 to the report. Appendix 4 to the report detailed a full list of 2015/16 savings removed from the 2015/16 budgets and provided the year end position in delivering those savings.</p> <p>Members asked questions and were provided with further information in relation to work that will be undertaken to investigate the overspend in Prescribing.</p> <p>The Board agreed to (a) note the report; and (b) approve the Action Plan as detailed in Appendix 3 to the report, to improve the budget monitoring process.</p>	

<p>7.</p>	<p>Unaudited Annual Accounts 2015/16</p> <p>Submitted report by the Section 95 Officer which provided an overview of the Unaudited Annual Accounts 2015/16, including the £2.109m additional funding provided by North Ayrshire Council to fully meet expenditure in 2015/16. The Management Commentary, Statement of Responsibilities, Annual Governance Statement, Remuneration Report, the Financial Statements and Notes to the Financial Statement were appended to the report.</p> <p>The Board noted that the columns on P106 of the agenda pack and P15 of the report should read 2015/16 and not 2016/17.</p> <p>The Board agreed to (a) approve, subject to audit, the IJB's Annual Accounts for 2015/16; and (b) note (i) that Audit Scotland plan to complete their audit of the Accounts by the end of August 2016 and present their annual audit report to the IJB on 8 September 2016; and (ii) the unaudited position of breakeven being reported within the IJB Annual Accounts.</p>	
<p>8.</p>	<p>Final Budget</p> <p>Submitted report by the Section 95 Officer on the final proposed budget for the Social Care element of the 2016/17 Partnership budget, with a revised interim budget proposed for Health Services. The following papers were appended to the report:-</p> <ul style="list-style-type: none"> • Paper 1 – a summary of the core Partnership funding streams and the interim budget for 2016/17; • Paper 2 – details of the Partnership pressures; • Papers 3a and 3b– details of the savings which have already been approved, totalling £3.316m (Paper 3a) and details of the removal of two savings totalling £0.062m which are no longer deliverable (Paper 3b); • Paper 4 – provides a breakdown of the Integrated Care Fund (ICF) funding commitments and the final proposed use of the fund; • Paper 5 – outlines the proposed use of the 2016/17 allocation for Delayed Discharge; • Paper 6 – outlines all confirmed non core funding amounting to £1.767m; and • Paper 7 – details of one savings proposal that required a full Equality Impact Assessment 	

	<p>The Board agreed to (a) approve the proposed budget for 2016/17 for Social Care including all savings and pressures; (b) approve the recommendation that a formal request is made to the Council for additional funding of £0.387m to meet the cost of implementation of the living wage which exceeds the level of Scottish Government funding; (c) note the indicative budget for 2016/17 for Health Services; (d) approve the development of savings for Health Services which reflect options (i) and (ii) outlined in section 5.4 of the report; (e) note the proposed timeline for approval of the 2016/17 budget; (f) approve the final ICF project funding for 2016/17; (g) approve the proposals for the delayed discharge funding for 2016/17; and (h) note the non core funding awarded to date of £1.767m.</p>	
9.	<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 that has been underway in the following areas:-</p> <ul style="list-style-type: none"> • Purchase of the former Red Cross House premises; • Equipment, aids and adaptations; • Integrated addictions service; • Brooksby Health and Therapy Team; • Family Nurse Partnership Annual Review; • Alcohol Brief Interventions; • Nursing in Partnership; • Bad entertainment; and • Visit by Chief Nursing Officer (Scotland) and Director of Children Services (Scottish Government). <p>The Board was also advised that Derek Barron, Lead Nurse would be leaving the Partnership to take up a new post. The Board extended their thanks and appreciation to Derek for his contribution to the North Ayrshire Health and Social Care Partnership.</p> <p>Noted.</p>	

<p>10.</p>	<p>Delivering the Living Wage Commitment</p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on the impact of implementing the Living Wage commitment as part of a positive approach to fair work practices. Information in respect of sleepovers where being present is itself part of the job and where it is not was provided at Appendix 1 to the report. Appendix 2 to the report detailed a breakdown of a fair hourly rate for care at home and housing support services. Appendix 3 provided information on the time 'bands' recalculated based on revised rates in respect of the Care at Home Providers who make use of CM2000 Call Monitoring System. Payments for sleepovers, which included pension reform and travel /time costs was outlined in Appendix 4. Appendix 5 detailed how the hourly rate was calculated for personal assistants employed via self-directed support.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • The involvement of the NAHSCP Director in a group that is examining the National Care Home Contract (nursing home side); • No existing national contract for care at home and discussions that can take place with Providers if required; • Pressures for providers as differential are not recognised between staff groups. <p>The Board agreed to (a) note the steps taken over recent weeks to ensure contractual terms which support Providers to pay the National Living Wage from April 2016 and the Living Wage from October 2016; (b) retrospectively agree the increases in rates applied at 4 April 2016 through to 25 September 2016; and (c) the proposed rate increases from 26 September 2016.</p>	
<p>11.</p>	<p>Refresh of the Strategic Plan – First Draft</p> <p>Submitted report by Jo Gibson, Principal Manager (Planning and Performance) on (a) the core content of the plan refresh that had been agreed at a joint session of the IJB and Strategic Planning Group (SPG); (b) a review of progress and the production of the first draft, drawing on the work already underway in the four service development areas and in the Locality Forums; and (c) a range of consultations that will take place to obtain feedback and inform the final draft of the plan.</p>	

	<p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> • The reporting mechanism for the production of the Strategic Plan; • Extensive consultation has already taken place to inform the plan; • The final draft that will be circulated for comment and brought back to the IJB for approval; • Reporting mechanisms in place for the three Ayrshire Mental Health Public Reference Groups and discussions that will take place to ensure consistency; and • Presentation to the IJB in August of the finalised plan and Annual Performance Report. <p>Noted.</p>	
	The meeting ended at 11.40 a.m.	

AYRSHIRE SHARED SERVICES JOINT COMMITTEE

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 17th June 2016 at 2.00 p.m.

- Present: Councillors Alec Clark, Peter Convery, John McDowall and Nan McFarlane, South Ayrshire Council; Councillors Tom Cook, Bobby McDill, Maureen McKay and Douglas Reid, East Ayrshire Council; and Councillor Alan Hill, North Ayrshire Council.
- Chair: Councillor John McDowall, South Ayrshire Council.
- Apologies: Councillors Alex Gallagher, Willie Gibson, and Donald Reid, North Ayrshire Council.
- Attending: Lesley Bloomer, Executive Director – Economy, Neighbourhood and Environment, Ralph Riddiough, Head of Legal and Democratic Services and Carol Boyd, Risk and Safety Manager, South Ayrshire Council; Chris McAleavey, Depute Chief Executive (Safer Communities); and John Davidson, Senior Accountant, East Ayrshire Council; Jane McGeorge, Ayrshire Civil Contingencies Co-ordinator, Ayrshire Civil Contingencies Team; Stewart Turner, Head of Roads, Kevin Braidwood, Operations Manager and Alasdair Sneddon, Programme Manager, Ayrshire Roads Alliance; and Lauren Sands, Committee Services Officer, South Ayrshire Council.

1. Declarations of Interest.

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

2. Minutes of previous meeting.

The Minutes of 1st April 2016 (issued) (**link attached**) were submitted and approved.

3. Future Meeting Schedule, Standing Orders and Deputy Chair Arrangements.

There was submitted a report (issued) of 11th May 2016 (link attached) by the Executive Director – Economy, Neighbourhood and Environment, South Ayrshire Council, seeking approval for a new meetings schedule; confirmation of Standing Orders; and an alteration to arrangements for the Deputy Chair.

The Executive Director – Economy, Neighbourhood and Environment, South Ayrshire Council, advised on the reasons for submitting this paper to the Joint Committee, namely, that North Ayrshire Council would shortly be taking over the Chairing, hosting and clerking of the Joint Committee meetings and clarification was required by Joint Committee members on how this would be provided as not all meetings would have business that included North Ayrshire Council.

Concerns were raised on how scrutiny would be affected if the frequency of the meetings was reduced; and in relation to implementing changes to the Chairing, hosting and clerking of the Joint Committee meetings at this stage and the general consensus was that the status quo should remain until at least the Local General Elections in May 2017.

Decided:

- (1) to maintain the status quo with regards to the programme of meetings, with the programme remaining at 6 meetings per year;
- (2) to approve the proposed changes to the Standing Orders as set out in Appendix 2 of the report; and
- (3) not to implement the proposals outlined in Appendix 3 of the report, relating to the chairing, hosting and clerking of meetings, at this time.

AYRSHIRE CIVIL CONTINGENCIES TEAM

4. Ayrshire Civil Contingencies Team.

There was submitted a report (issued) of 7th June 2016 (link attached) by the Head of Property and Risk, South Ayrshire Council, providing updated planning and budgetary information on the integration of the Ayrshire Civil Contingencies Team (ACCT) into South Ayrshire Council as the lead authority.

A member of the Joint Committee raised a question in relation to whether the ACCT had contacted Community Councils to discuss providing Civil Contingencies services at a more local level and the Ayrshire Civil Contingencies Co-ordinator, Ayrshire Civil Contingencies Team, advised that all Community Councils had been approached offering information, however not all were willing to take up the offer.

Decided:

- (1) to agree to 6 monthly reporting on service planning and progress updates from the Ayrshire Civil Contingencies Team;
- (2) to note the current work plan of the Ayrshire Civil Contingencies Team for 2016-17 and the overarching requirements; and
- (3) to agree that the Ayrshire Civil Contingencies Team closely liaise with representatives from each of the Ayrshire Authorities on matters relating to Business Continuity Management.

Councillor Alan Hill left the meeting at this point.

AYRSHIRE ROADS ALLIANCE

5. Fleet Review.

There was submitted a report (issued) of 8th June 2016 (**link attached**) by the Head of Roads, Ayrshire Roads Alliance, advising the Joint Committee on the outcome of the review of the fleet within Ayrshire Roads Alliance and making recommendations for the future management arrangements for the service.

A number of questions were raised regarding the review relating to winter maintenance vehicles, whether the proposed savings were firm amounts, how the proposed changes would affect advertising on vehicles and the reduction in the number of tower wagons owned by Ayrshire Roads Alliance by 2019/20. Having heard the Head of Roads', Ayrshire Roads Alliance, explanation the Joint Committee noted the position of the review.

A member of the Joint Committee raised concerns regarding the lack of housekeeping at roads sides affecting the condition of the roads and Ayrshire Roads Alliance's review and although this area was not Ayrshire Roads Alliance's responsibility the Depute Chief Executive (Safer Communities), East Ayrshire Council, advised that he would raise this with East Ayrshire Council as general maintenance tied in with the erosion of the roads.

Decided:

- (1) to approve the proposed Ayrshire Roads Alliance fleet review as outlined within the report;
- (2) to approve the firm proposal and recommendation to proceed on the basis of Option 3; and
- (3) otherwise, note the contents of the report.

6. Property and Accommodation Review.

There was submitted a report (issued) of 7th June 2016 (**link attached**) by the Head of Roads, Ayrshire Roads Alliance, advising the Joint Committee on the proposed approach to the review of property and accommodation within the Ayrshire Roads Alliance.

A member of the Joint Committee raised the question as to whether the proposals within the report was propriety work for the rationalisation of departments and the Head of Roads, Ayrshire Roads Alliance, advised that the purpose of the review was to improve the service and make it more efficient and that staff were aware of this. He further advised that initial discussions had taken place with the trade unions, however, no final decisions in relation to the review had been made yet.

Decided:

- (1) to approve the proposed approach to the Ayrshire Roads Alliance property and accommodation review as outlined within the report;

- (2) to agree to specific proposals on the outcome from the Ayrshire Roads Alliance property and accommodation review to be presented to the September meeting of the Joint Committee; and
- (3) otherwise, to note the contents of the report.

7. Update on Performance Scorecard.

There was submitted a report (issued) of 8th June 2016 (**link attached**) by the Head of Roads, Ayrshire Roads Alliance, advising the Joint Committee regarding the progress made to date against the Performance Scorecard.

A question was raised regarding the deterioration in South Ayrshire Council figures in relation to the percentage of A class roads that should be considered for maintenance and if the figures could be improved on. The Head of Roads advised that it should be possible for the figures to be improved on and that this was currently being addressed.

It was advised that figures for April 2016 were missing from PS 4.4 and 4.6 as the data was still being validated but that this would be passed on once finalised.

Decided:

- (1) to note the performance scorecard and performance metrics presented in the report;
- (2) to continue to receive performance scorecard and performance metrics updates; and
- (3) otherwise, to note the contents of the report.

8. Risk Report and Register.

There was submitted a report (issued) of 6th June 2016 (**link attached**) by the Head of Roads, Ayrshire Roads Alliance, advising the Joint Committee on the management of risk associated with the Ayrshire Roads Alliance.

Decided:

- (1) to note the risk register presented in the report;
- (2) to continue to receive updates on the progress; and
- (3) otherwise, to note the contents of the report.

9. Revenue Financial Monitoring Report.

There was submitted a report (issued) of June 2016 (**link attached**) by the Depute Chief Executive and Chief Financial Officer Economy and Skills, East Ayrshire Council, updating the Joint Committee on the revenue budget monitoring position for the year to 31st March 2016, for the Ayrshire Roads Alliance.

Questions were raised regarding the variances on spend for both East and South Ayrshire Councils. Having heard the Head of Roads', Ayrshire Roads Alliance,

explanation, the Joint Committee noted the financial management position of the Ayrshire Roads Alliance.

A member of the Joint Committee requested a breakdown of the variances by area in order to better interpret the information in future and the Head of Roads, Ayrshire Roads Alliance, advised that this would be provided.

Decided:

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

10. Roadworks Programme 2016/17.

There was submitted a report (issued) of 8th June 2016 (**link attached**) by the Head of Roads, Ayrshire Roads Alliance, advising the Joint Committee of the progress made with the road improvement programmes within the geographical boundaries of East Ayrshire and South Ayrshire for financial year 2016-2017.

Clarification was sought and provided on roads that it was felt should be included in the Roadworks Programme, deteriorating roads that required to be addressed, underspend within East Ayrshire Council's footways and delayed start dates for works. Having heard the response from the Head of Roads, Ayrshire Roads Alliance, the Joint Committee noted the position of the Roadworks Programme.

Decided:

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

The meeting ended at 3.20 p.m.

Cabinet
21 June 2016

Irvine, 21 June 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Willie Gibson, John Bruce, Marie Burns and Anthea Dickson .

Also Present

Alan Munro (Item 4 only).

In Attendance

E. Murray, Chief Executive; J. Butcher, Executive Director (Education and Youth Employment); G. MacGregor, Head of People and Transformation, C. McCourt, Team Manager (Corporate) and M. McTeague, Category Manager (Corporate Procurement) (Finance and Corporate Support); C. Hatton, Executive Director, L. Cree, Senior Manager (Property Management and Investment) (Place); K. Yeomans, Executive Director, C. McAuley, Head of Service (Economic Growth), A. Sutton, Head of Service (Connected Communities) and L. Kirk, Access Officer (Economy and Communities); I. Colvin, Director of North Ayrshire Health and Social Care Partnership, A. Fraser, Head of Democratic Services, L. McEwan, Corporate Communications Manager, A. Todd, Senior Policy and Performance Officer, M. Sugden, Communications Officer (Media and Internal Communications) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Gibson in the Chair.

Apologies for Absence

Alan Hill and Tony Gurney.

Chair's Remarks

In terms of Standing Order 9.3, the Chair agreed to vary the order of business to allow earlier consideration of Item 10 - Future Delivery of a Range of Connected Communities Services and Item 13 - Roofing Works at 157 New Street, Stevenston.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Burns, as a member of KA Leisure Board, declared an interest in Agenda Item 4 - Future Delivery of a Range of Connected Communities Services.

2. Minutes

The accuracy of the Minutes of the meeting held on 7 June 2106 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Future Delivery of a Range of Connected Communities Services

Please note - this item has been call-in by Elected Members and will be heard by the Scrutiny & Petitions Committee on 24 August. No action can be taken meantime.

submitted report by the Executive Director (Economy and Communities) on the alternative options for the delivery and management of a range of Connected Communities services, which were outlined in Appendix 1 to the report and included the recommendation of progression of Option 1 - creating a new arms-length organisation to deliver cultural services and lease the relevant properties and Option 2 - commissioning the delivery and management of the services from and leasing properties to KA Leisure to a detailed business analysis.

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

- the existing legal agreement and Service Level Agreement with KA Leisure;
- the potential delivery of Non Domestic Rates (NDR) savings of £450,000;
- detailed assessments that will be undertaken in respect of Human Resource and TUPE implications of any proposals and that a further report to Cabinet would report on any HR implications.

The Cabinet agreed (a) that the options relating to a non-profit distributing body, being a charity or company limited by guarantee should be progressed to a detailed business analysis; (b) to remit to officers to enter into discussions with the Board and management of KA Leisure as part of the process of developing the detailed business cases; and (c) that a further report on the analysis of the agreed options and recommendations for the future delivery of the services in scope be presented to a future Cabinet meeting.

4. Roofing Work at 157 New Street, Stevenston

Submitted report by the Executive Director (Finance and Corporate Support) on essential roofing works, estimated to cost approximately £75,000, that are required to the building at 157 New Street, Stevenston, which is owned by Stevenston Common Good Fund.

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

- localised timber decay that requires to be addressed; and
- the replacement of roof coverings in some areas, as well as an overhaul of rainwater goods.

The Cabinet agreed to approve the procurement of essential roofing works at 157 New Street, Stevenston at an estimated cost of £75,000.

5. End of year 15/16 Council Plan Progress Report

Submitted report by the Chief Executive on (a) the progress of the Council Plan 2015/20; and (b) that 81% of the 58 measures were on target or slightly adrift of target, as detailed in Appendix 1 to the report. A summary sheet of the red and amber performance indicators (PIs) was provided to Cabinet and further information was provided in relation to:-

- Modern Apprentices supported through Council sponsored initiatives;
- Town Centre footfall has increased;
- employment rate for age 16 - 24 year olds;
- Capital Expenditure - General Fund;
- Capital Expenditure - HRA;
- percentage of capital projects completed on time;
- percentage of complaints handled on time; and
- Freedom of Information requests responded to in 20 working days.

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

- the setting of realistic targets and the ambition to achieve 100%;
- the use of narrative within the report to highlight progress when PIs are categorised as red or amber;
- the measurement of footfall in Irvine Town Centre and methods that could be used to record footfall in other locations within Irvine

The Cabinet agreed to (a) approve the progress made in implementing the Council Plan 2015/20; (b) note that detailed progress on the Council Plan indicators will be incorporated into the Public Performance Reporting report to Cabinet on the 27 September 2016; and (c) refer the report to the Scrutiny and Petitions Committee for its consideration.

6. Directorate Plan 2015/18 Performance Reports as at 31 March 2016

Submitted report by the Chief Executive which gave details of (a) the performance of all Directorates as at 31 March 2016 against the priorities outlined in the Directorate Plans, as set out in appendices 1 - 6 of the report; and (b) a Members' Seminar on 27 June 2016 that will provide a update on the performance of all Directorates.

The Executive Directors reported on the performance of their directorates during 2015/16, highlighting progress, priorities and challenges.

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

- a contingency plan that has been put in place in respect of Corriedoon Care Home;
- meetings that have been arranged with services users and the public to provide information in relation to the purchase of Red Cross House, Irvine for development as a Learning Disability Day Centre and Residential Supported Accommodation for the rehabilitation of learning disability and mental health clients; and
- an examination of the implications of the withdrawal of some hospital transportation services by the Red Cross.

The Cabinet agreed to (a) approve the performance of all Directorates as at 31 March 2016 against the priorities in the 2015/18 Directorate Plans; and (b) refer the Directorate Plan Performance Reports for the consideration of the Scrutiny and Petitions Committee on the 24 August 2016.

7. Performance Management Update

Submitted report by the Chief Executive on (a) the progress of Performance Management arrangements within the Council; (b) detailed progress on the Performance Management Forum (PMF) work plan 2015/16 (Appendix 1); and (c) an updated workplan for 2016/17, reflecting the outputs from the workshop with the Improvement Service and the change of focus for the PMF (Appendix 2).

Members asked questions and were provided with further information in relation to the membership of the small panel, chaired by the Chief Executive, where Executive Directors present their six monthly performance reports.

The Cabinet agreed to (a) approve (i) the changes to the Performance Management Forum; (ii) the progress on the Performance Management Forum (PMF) work plan 2015/16 and Recognised for Excellence; and (iii) the work plan for 2016/17; and (b) refer the report to the Scrutiny and Petitions Committee for its consideration on the 24 August 2016.

8. Communications Strategy

Submitted report by the Chief Executive on (a) the review of the Council's Communications Strategy; and (b) the development of a new Strategy and supporting Operational Plan which detailed the strategic communications objectives; and (c) how the Council will deliver communication in future across each of the main areas of the Council's communications functions.

Members asked questions and were provided with further information in relation to the Digital Engagement Strategy that provides guidance to services on the use of social media.

The Cabinet agreed to approve the new Communications Strategy, including the Vision, Commitments and Standards to be adopted by the Council.

9. Planning Performance Framework

Submitted report by the Executive Director (Economy and Communities) which provided information on (a) the Planning Performance Framework (PPF) launched in April 2012 by Heads of Planning Scotland, in conjunction with the Scottish Government; (b) feedback from the Scottish Government on the Council's PPF4 and the Action Programme that informed the development of PPF5; and (c) the proposed submission to the Scottish Government of North Ayrshire's PPF5, as detailed at Appendix 1 to the report.

The Cabinet agreed to approve the content of the Planning Performance Framework 5 for submission to the Scottish Government and publication on the Council's website.

10. Inclusive Growth Pilot

Submitted report by the Executive Director (Economy and Communities) on North Ayrshire Council's participation in an Inclusive Growth pilot with Scottish Government which will undertake a diagnostic assessment of the factors that are holding back long term sustainable inclusive growth in the local economy.

Members asked questions and were provided with further information in relation to the gathering of information at a local level as part of the diagnostic stage of the process.

The Cabinet agreed (a) to support the Council's participation in an Inclusive Growth pilot with the Scottish Government; and (b) that the results of the pilot are reported to Cabinet as part of the Council's measures to reduce inequality in North Ayrshire.

11. Grant Offers for Outdoor Access Projects in the Financial Year 2015/16

Submitted report by the Executive Director (Economy and Communities) on (a) a range of projects to improve the outdoor path network; and (b) details of the fully and partially funded capital projects, successful revenue projects and unsuccessful projects, totalling £1,524,617, as outlined at Appendix 1 to the report.

The Cabinet agreed to (a) note the grant funding submissions made; (b) approve the acceptance and expenditure of the grant offers; (c) note the process made in relation to the submission of an application to the European Regional Development Fund Green Infrastructure Programme; and (d) receive a further report regarding potential projects for 2017/18 for approval.

12. Housing Repairs Policy

Submitted report by the Executive Director (Place) on (a) revisions to the current Housing Repairs Policy to reflect regulatory and legislative changes, detailed in at 2.6 of the report; and (b) the revised Housing Repairs Policy attached at Appendix 1 to the report.

The Cabinet agreed to approve the revised Housing Repairs Policy, as outlined in Appendix 1 to the report.

13. Change and Transformation Portfolio

Submitted report by the Executive Director (Finance and Corporate Support) on (a) the activity in delivering the Transformation Change Programme; and (b) details of the high level themes each Directorate is responsible for delivering and the size and scale of the transformation work (Appendix 1).

The Cabinet agreed to (a) note the progress of the Change and Transformation activity; and (b) receive a further update in six months.

14. Award of Contract - Supply of a Managed Fleet Stores Service

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the contract for Supply of a Managed Fleet Stores Service.

The Cabinet agreed to approve the award of the contract to Flying Penguin Enterprise Limited at a cost of £3,325,000.

The meeting ended at 4.10 p.m.

Planning Committee
4 July 2016

Irvine, 4 July 2016 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 11.00 a.m.

Present

Matthew Brown, Robert Barr, Ian Clarkson, Joe Cullinane, Ronnie McNicol and Robert Steel.

In Attendance

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

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bruce and Tom Marshall.

1. Declarations of Interest

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

2. Call In Request: Main Street, Largs

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

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

"Given that this premise is in the middle of Largs Main Street - a recognised retail shopping centre - then due consideration should be given to its impact on the viability of the retail offer. At present on the south side of the Main Street there are two banks and two estate agents. On the north side there are also two banks and two estate agents. Some of these businesses are double fronted and have a large presence on the street.

Local knowledge of Members would enable the best determination of this application".

Councillors Marshall, McLean and Gallagher were unable to be in attendance at the Special meeting of the Planning Committee which had been called within the 5 days as per the procedure, but held within the summer recess period.

The Committee unanimously agreed that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

3. Call In Request: Quarry Road, Irvine

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Clarkson, Cullinane and O'Neill that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"The Quarry Road development is a high profile project which was subject to public engagement events. Given this we believe it would only be right that the planning decision for all phases of the development should be made by the Planning Committee. We therefore wish to call in the first phase application".

Councillors Clarkson and Cullinane were in attendance and addressed the Committee in support of the call in request. Councillor Clarkson referred to the community engagement and consultation that had taken place. Given the level of public interest, the application would merit consideration and determination at a public meeting of the Planning Committee, rather than by officers under delegated powers.

The Committee unanimously agreed that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

The meeting ended at 11.05 a.m.

Appeals Committee
8 July 2016

IRVINE, 8 July 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

Present

Alan Munro, Grace McLean and Alex Gallagher.

In Attendance

Russell McCutcheon, Head of Service (Commercial Services) (Place); Ainsley Young HR & OD Operations Manager; Fiona Carlyle, HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support); C. Andrew, Senior Manager, Legal Services (Democratic Service); and the appellant.

Also In Attendance

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

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 his 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, withdrew from the hearing to allow the Committee to deliberate.

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

The Meeting ended at 4.35 p.m.

Licensing Committee
21 July 2016

Irvine, 21 July 2016 - At a special Meeting of the Licensing Committee of North Ayrshire Council at 09.30 a.m.

Present

Ian Clarkson, Robert Barr and Catherine McMillan.

In Attendance

C. Andrew, Senior Manager (Legal Services), W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing) and A. Little, Committee Services Officer (Chief Executive's Service).

Also In Attendance

Inspector J. McMillan (Police Scotland) and PC R Paterson.

Chair

Councillor Clarkson in the Chair.

Apologies for Absence

John Bruce, John Easdale, Tom Marshall, Grace McLean, Ronnie McNicol and Donald Reid.

1. Declarations of Interest

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

2. Exclusion of 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 on the grounds that otherwise "Exempt Information" of the type described in Paragraph 14 of Part 1 of Schedule 7A to the Act ("14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.") might be disclosed.

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

(a) Taxi Driver Licence

The Committee unanimously agreed to refuse the application in terms of Paragraph 5 (1) (c) of Schedule 1 of the Civic Government (Scotland) Act 1982, on the grounds set out in Section 13(3) of the Act and Paragraph 5 (3) (d) of the said Schedule, given that the Committee did not know that the Applicant had held a Driving Licence for a continuous period of 12 months immediately before making the Application, or that the Applicant currently held such a Licence, and that that was a good reason for refusing the Application.

(b) Street Trader's Licence

The Licensing Authority had previously granted the Licence, but had later received information from the Chief Constable. Accordingly the Committee held a hearing to consider questions under the Civic Government (Scotland) Act 1982, Schedule 1, Paragraphs 11 and 12.

The Police and the Licence Holder (who was represented by a Solicitor) presented their cases and answered questions from Members.

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

The Committee unanimously agreed:

- (1) that the ground for Suspension stated in Paragraph 12(1) ("the carrying on of the activity to which the Licence relates is causing or is likely to cause a serious threat to public order or public safety") was not established;
- (2) that the ground for Suspension stated in Paragraph 11(2)(b) ("the activity to which the Licence relates is being managed by or carried on for the benefit of a person, other than the Licence holder, who would have been refused the Grant or Renewal of the Licence under Paragraph 5(3) above") was established;
- (3) that the Licence should be Suspended under Paragraph 11(1);
- (4) that the period of Suspension should be the unexpired portion of the duration of the Licence;

Further, the Committee considered the possible application of Paragraph 11(10) and unanimously were satisfied that the circumstances of the case justified immediate Suspension, and ordered that the Licence should be Suspended immediately.

The meeting ended at 11.10 a.m.

Planning Committee
10 August 2016

Irvine, 10 August 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); C. Andrews, Senior Manager (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Cullinane, as one of the complainers regarding the site at 61 Glenapp Place, Kilwinning, declared an interest in Agenda Item 7 (Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 61 Glenapp Place, Kilwinning) and took no part in its determination.

2. Minutes

The accuracy of the Minutes of meeting of the Committee held on 1 June and the Special Meeting held on 4 July 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Isle of Arran

3.1 15/00768/PP: Carradale, Shiskine

Mr Galbraith, Carradale, Shiskine, Isle of Arran has applied for the removal of condition 1 of planning permission N/01/96/0713/PP relating to occupancy restriction in respect of Carradale, Shiskine, Isle of Arran.

The Committee agreed to grant the application.

3.2 16/00545/PP: Cottages 1, 3 & 4, Kilmichael Country House Hotel, Brodick

Mr Botterill, Kilmichael Country House Hotel, Brodick, Isle of Arran has applied for an amendment to planning permission N/05/00248/PP for a change of use from holiday letting cottages (cottages 1, 3 and 4) to permanent dwellinghouses in respect of condition 7 of planning permission N/05/00248/PP. One letter of support was received as detailed in the report.

Councillor Brown, seconded by Councillor Ferguson, moved that the application be continued to the next meeting to allow for further discussion to take place with the applicant on a range of options in respect of the application.

As an amendment, Councillor Bruce, seconded by Councillor Marshall, moved that in addition to the motion, a site visit take place prior to the next meeting to allow the Committee to observe the site and surrounding area.

Councillor Brown agreed to accept the amendment. There being no further amendment, the amendment was declared carried.

The Committee agreed to continue the application to the next meeting to allow a site visit to take place and for further discussion to take place with the applicant on a range of other options in respect of the application.

4. Ardrossan, Saltcoats and Stevenson

16/00350/PPM: Ardrossan Marina, Dock Road, Ardrossan

Irvine Bay URC, Ayrshire Innovation Centre, 13 Irvine Innovation and Industry, 2 Cockburn Place, Irvine have applied for a renewal of unexpired planning permission 11/00766/PPM to extend Ardrossan Marina, comprising a new breakwater, marina facilities building, improved access arrangements, car parking and boat storage, a new pedestrian link bridge and a drop off car park facility. One letter of objection was received as detailed in the report.

Councillor Barr, seconded by Councillor McNicol, moved that the application be refused.

As an amendment, Councillor Ferguson, seconded by Councillor Cullinane, moved that the application be granted subject to the conditions detailed in the report.

On a division, there voted for the amendment 6 and for the motion 4 and the amendment was declared carried.

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

1. That, unless otherwise provided for by the terms of this permission, the applicant shall construct and operate the development in accordance with the provisions of the application, the submitted plans and, where necessary, shall implement recommended mitigation measures contained in the Environmental Statement and ES Addendum to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a customer and staff parking management plan with the aim of preventing the use of adjacent and nearby public roads, and parking bays within Mariners View by vehicles associated with the Marina use. The management plan should also include details of enforcement measures to secure compliance.
3. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of (i) the proposed facilities building, (ii) the pedestrian link bridge, (iii) the proposed fencing around the secure compound within the drop-off car park, and (iv) provision for storage of refuse containers within the drop-off car park.
4. That prior to the commencement of the development the applicant shall submit information to demonstrate to the satisfaction of North Ayrshire Council as Planning Authority that the proposed facilities building has been designed to be protected against a 1:200 year extreme still water level derived from the Coastal Flood Boundary Method (3.61mAOD).
5. That no construction shall take place during the bird breeding season unless the use of nest sites within the application site is prevented prior to the commencement of the bird breeding season
6. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority (i) details of alternative nest sites, comprising a minimum of 5 nest boxes, to be provided in locations unaffected by the development, and (ii) proposals for the incorporation of new black guillemot nest sites within the breakwater structure.
7. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the applicant shall ensure that vehicular access is maintained to the 'Inner Roll-on/Roll-off berth' at Winton Pier at all times and that prior to the commencement of the development shall submit for the written approval of North Ayrshire Council as Planning Authority an amended layout plan of the car park/boat storage area to indicate the proposed vehicular route between the berth and the main harbour access road.
10. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed drop-off car park, including surface treatment, ground levels, access control barrier, and drainage proposals, and that prior to the use of the berths hereby approved, the drop-off car park shall be fully constructed to the satisfaction of North Ayrshire Council as Planning Authority.

5. Irvine and Kilwinning

16/00510/PP: East Park, Quarry Road

North Ayrshire Council, Cunninghame House, Irvine has applied for the erection of a 2 storey office building to include the formation of an access road and the provision of parking at East Park, Quarry Road, Irvine. Representations were received as detailed in the report.

At its meeting on 4 July 2016, the Planning Committee agreed that this application be determined by the Committee and not by officers under delegated powers.

Discussion took place on a number of areas in relation to the application, including:-

- the availability of existing office accommodation throughout North Ayrshire;
- no further requirement for neighbour notification for people living on Quarry Road, Irvine about future development proposals as they would be more than 20m from the next application site;
- the phased masterplan which identified a number of community, business and leisure opportunities;
- proposals for cycle paths, walkways and road safety measures, such as a pelican crossing at the junction of East Road and Quarry Road that had been highlighted during the community consultation process; and
- consideration of the masterplan as a whole and not in a piecemeal manner.

Councillor Barr, seconded by Councillor McNicol, moved that the application be refused.

As an amendment, Councillor Marshall, seconded by Councillor Steel, moved that the application be continued to a future meeting to allow the application to be considered in light of the whole plan for the site.

In light of the amendment, Councillor Barr withdrew his motion. The amendment then became the substantive motion.

As an amendment to the motion, Councillor Ferguson, seconded by Councillor Bruce, moved that the application be granted, subject to the conditions as detailed in the report.

On a division, there voted for the amendment 6 and for the motion 4 and the amendment was declared carried.

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

1. That, prior to the commencement of the development hereby approved, details of the external finishes to be used on the building, car park and pedestrian areas shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That visibility splays of 4.5 metres by 35 metres, in both directions, shall be provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level shall be located within these sightline triangles.
3. That, prior to the commencement of civil engineering and building operations, the applicant shall implement the recommendations made within Section 6 of the 'Ground Investigation Interpretive Report, Quarry Road, Irvine 117448/JAS/230316 v2' by Grontmij and dated 29th April 2016, which shall be certified by a suitably qualified person upon completion, all to the satisfaction of North Ayrshire Council as Planning Authority.

6. North Coast and Cumbrae

6.1 16/00559/PP: 38 Main Street, Largs

James McGonigle, 2 Warrenpark Road, Largs has applied for a change of use from Class 1 (retail) to Class 2 (financial and professional) in respect of 38 Main Street, Largs. One letter of objection was received as detailed in the report.

At its meeting on 4 July 2016, the Planning Committee agreed that this application be determined by the Committee and not by officers under delegated powers.

Councillor Marshall, seconded by Councillor Barr, moved that the application be refused on the grounds that there are sufficient Class 2 businesses in Largs town centre.

As an amendment, Councillor Ferguson, moved that the application be granted. There being no seconder, the amendment fell. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the grounds that the proposed development would be contrary to Policy TC2 of the Adopted North Ayrshire Council Local Development Plan in that it would be prejudicial to the vitality and viability of the Core Shopping Area due to an over-provision of non-retail uses in the Town Centre.

6.2 16/00268/PP: Hunterston Construction Yard, Fairlie

Clydeport Operations Limited, 16 Robertson Street, Glasgow have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 1 of planning permission 11/00230/PPM to remove the temporary restriction on the use of the site at Hunterston Construction Yard, Fairlie. Three objections and a representations were received, as detailed in the report. A letter of support was received and circulated at the meeting.

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

Councillor Marshall, seconded by Councillor Steel, moved that the application be continued to a future meeting to allow the Committee to visit the site. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to continue consideration of the application to a future meeting to allow for a site visit to take place to Hunterston Construction Yard.

7. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 61 Glenapp Place, Kilwinning

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 Council has received several complaints regarding the site. An inspection of the land in June 2016, revealed that the residential property has an accumulation of refuse and waste in the garden ground and the rear ground floor window has been smashed. The owner of the property was requested in writing to clear the site and confirm intentions for the site. No response was received. Further correspondence has been sent to the owner, but to date, there has been no response.

It is considered that the condition of the property is having a significant adverse impact on the amenity of the area. The area where the refuse is located is visible from the public footpath and adjacent residential properties.

The Committee agreed to (a) approve the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the removal of all refuse from the grounds of the property; and (b) request the Executive Director (Place) to make safe and board up the smashed window of the property.

8. North Ayrshire Local Development Plan: Action Programme

Submitted report by the Executive Director (Economy & Communities) on the revised Local Development Plan Action Programme which listed actions to deliver the proposals of the Local Development Plan, the lead agencies to undertake and actions and the timescales for completion, as outlined in Appendix 1 to the report.

The Committee agreed to (a) note progress on the implementation of North Ayrshire Local Development Plan to date; and (b) adopt and publish the Action Programme as detailed at Appendix 1 to the report.

The meeting ended at 3.45 p.m.

Appeals Committee
12 August 2016

IRVINE, 12 August 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 R. Lennon, Senior HR Adviser (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); the appellant and the appellant's representative.

Chair

Councillor Munro in the Chair

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Munro declared an indirect, non-financial interest in the case, having some years previously employed a relative of the appellant. As the interest was remote and insignificant, and having given parties the opportunity to object to his chairing the meeting, Councillor Munro did not consider that the nature of the interest required him to withdraw from the meeting.

2. Minutes

The accuracy of the Minutes of the meeting of the Committee held on 8 July 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 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

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.

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 her representative, withdrew from the hearing to allow the Committee to deliberate.

The Committee agreed (a) that the grounds of appeal had been substantiated and the appellant should be reinstated; and (b) that the appellant be so advised within 14 days.

The Meeting ended at 2.15 p.m.

Police and Fire and Rescue Committee
15 August 2016

IRVINE, 15 August 2016 - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

Present

Catherine McMillan, John Bell, Grace McLean and Irene Oldfather .

In Attendance

A. Fraser, Head of Democratic Services and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

Also In Attendance

Chief Superintendent G. MacDonald, Chief Inspector T. Ross and Chief Inspector B. Shaw (Police Scotland); and J. Scott, Local Senior Officer and A. Lindsay, Watch Manager) (Scottish Fire and Rescue Service).

Chair

Councillor McMillan, Vice-Chair in the Chair.

Apologies for Absence

Marie Burns and 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 of the Committee held on 16 May 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Matters Arising

3.1 Review of Local Police Plan

Reference was made to the decision taken at the last meeting to seek to establish whether an alternative descriptor might be applied to the category 'youths causing annoyance.'

Chief Superintendent MacDonald advised that the category 'youths causing annoyance' had been discontinued, with incidents previously falling within this category now attributable to other categories, such as 'public reported incidents of disorder'.

Noted.

3.2 Police Scotland Performance Report

Reference was made to the decision taken at the last meeting to (i) establish whether further detail might be provided on the Ayrshire figures for complaints against the Police to allow the Committee to scrutinise this area more thoroughly and (ii) include in future performance reports on complaints more narrative to accompany the figures provided.

Chief Superintendent MacDonald advised that, whilst it would not be possible to incorporate the requested detail for North Ayrshire within future performance reports, a copy of the wider report submitted to the Scottish Police Authority (SPA) could be routinely circulated, albeit that the data included would relate to the quarter prior to that cited in the Police Scotland Performance Report.

The Committee agreed that the SPA report in question be circulated to Members of the Committee as a background paper in future.

4. Performance Reports

4.1 Scottish Fire and Rescue Service

Submitted report by the Scottish Fire and Rescue Service on progress against North Ayrshire's Local Fire and Rescue Plan 2014/17 and which provided other key Fire and Rescue updates. A copy of the North Ayrshire Performance Report from 1 April 2016 to 30 June 2016 was set out at Appendix 1 to the report.

The Local Senior Officer (Scottish Fire and Rescue Service) advised of a minor typographical error within Appendix 1 to the report, clarifying that, with regard to the figures for deliberate fire raising incidents, there had been an increase, rather than a decrease, of 3.6% when compared with the corresponding 3-year average.

Section 2.1 of the report provided an analysis of operational activity for the period 1 April to 30 June 2016, which identified a 32% increase in activity levels across the local authority area, compared with the corresponding activity period in the previous year. Performance during the year showed five indicators currently adrift of the three-year average target and one indicator unchanged from the previous three-year average. It was noted that three indicators have seen a reduction in activity from the corresponding year on year figure.

The report also provided updates in respect of personnel changes, and invited the Committee to consider the appropriate timescale for the introduction of the next Local Fire and Rescue Plan for North Ayrshire.

Members asked questions, and received further information, on the following:-

- the type of incidents which might fall within the category of 'deliberate fire setting';
- the nature of 'other sleeping accommodation' cited as part of the outcome of fire safety audits; and

- factors which might influence the timing of work in preparation for the next local Fire and Rescue Plan for North Ayrshire, including Locality Planning and the timing of local government elections.

The Committee agreed (a) to note (i) the content of the performance summary and associated report for the period 1 April 2016 to 30 June 2016 and (ii) the appointment of Deputy Assistant Chief Officer Peter Heath as the new Head of West Service Delivery Area; and (b) that the Local Senior Officer (i) seek to provide further information on the nature of the 'other sleeping accommodation' referred to within the fire safety audit information set out at Appendix 1 to the report; and (ii) submit to the next meeting of the Committee some pre-consultation proposals, to allow the Committee to determine the most appropriate timescale for the introduction of the next Local Fire and Rescue Plan for North Ayrshire.

4.2 Police Scotland

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April 2016 to 30 June 2016. Appendix 1 to the report provided detailed information on performance against the Plan's priorities and associated objectives, and gave information on complaints against the Police.

Section 3 of the report provided information on Police Scotland's current review of supervisory structures and deployment across all of its Local Policing and Specialist Divisions, including a reduction in North Ayrshire of one Chief Inspector, Director of Community Safety post, one Community Policing Inspector post and one Sergeant post.

Members asked questions, and received further information, on the following:-

- the likely impact of Old Firm football fixtures on rowdy and drunken behaviour in public areas and incidents of domestic violence, and work to address this;
- the mechanism for testing those who might be guilty of driving under the influence of drugs;
- whether the reduction in supervisory roles within Police Scotland would result in a reduction in frontline police officers;
- work being carried out within the Council to address any gaps arising from the reduction in terms of the Director of Community Safety post;
- whether child abuse data formed part of the local policing priority information presented; and
- the potential inclusion of child and vulnerable adult abuse as future local policing priorities.

The Committee agreed (a) to note the performance information set out in the report; and (b) that Chief Superintendent MacDonald would submit to the next meeting of the Committee (i) a report on the work of the Multi-Agency Risk and Concern Hub and (ii) proposals in respect of the preparation of the next Local Police Plan for North Ayrshire.

5. Police Scotland - Update on National/Local Policing Matters

Submitted report by Police Scotland on local and national policing matters which fall outwith the local Policing Plan progress update, namely the Quarter 1 update on Your View Counts, the end of the i6 contract, Scottish Government consultations on Policing, the Air Weapons Surrender campaign, an increase in the number of armed officers in Scotland, the Psychoactive Substances Act 2016, the introduction of a Procurator Fiscal Liaison Officer, the Police Scotland Supervisory Structures/Development Review, and the Open Golf Championship.

Noted.

6. Consultation Papers

6.1 Draft Strategic Police Priorities for Scotland

Submitted report by the Chief Executive on the terms of the Council's response to the consultation paper on Draft Strategic Police Priorities for Scotland. The consultation paper was attached at Appendix 1 to the report and a proposed response set out at Appendix 2.

Members discussed including within the consultation response a reference to data and indicators in support of the Committee's scrutiny role and the value and importance of comparator information.

The Committee agreed to approve the draft response set out at Appendix 2 to the report as the Council's response to the consultation paper, subject to the inclusion of a reference to the importance of data and indicators, including comparator data, to support the Committee's scrutiny role.

The Meeting ended at 3.15 p.m.

Cabinet
16 August 2016

IRVINE, 16 August 2016 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Alan Hill, John Bruce, Marie Burns, Anthea Dickson and Tony Gurney.

In Attendance

E. Murray, Chief Executive; C. McAuley, Head of Service (Economic Growth) and G. Robson, Senior Employability and Skills Manager (Economy and Communities); L. Friel, Executive Director and A. Lyndon, Team Manager (Corporate Procurement) (Finance and Corporate Support); M. Gilmour, Senior Communications Officer (Media and Internal Communications) and D. McCaw, Committee Services Officer (Chief Executive's).

Chair

Councillor Hill in the Chair.

Apologies for Absence

Willie Gibson.

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 21 June 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Consultation on Apprenticeship Levy and the call for evidence as part of the review of Enterprise Development and Skills Agencies

Submitted report by the Executive Director (Economy and Communities) on the responses to the consultation on the Apprenticeship Levy and the call for evidence in relation to the review of Enterprise and Skills Agencies, which were detailed in the Appendices to the report.

The Cabinet was advised that in the fourth bullet point within section 2.6 of the report the text should end with the word "Scotland" and that remainder of the text should be deleted as it was duplication from the next page.

The Cabinet agreed to approve the responses for submission to Government as detailed in the Appendices to the report.

4. Award of Contract - Framework Agreement for the supply and delivery of quality fresh fruit and vegetables

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Framework Agreement for the supply and delivery of quality fresh fruit and vegetables, salad ingredients and prepared fruit and vegetables, to Council locations across North Ayrshire (including the Island of Arran), East Ayrshire and Inverclyde.

The Cabinet agreed to approve the award of the Framework Agreement (Lot 5) to George Carruthers and Sons for an initial period of three years with an option to extend for up to one year, at an anticipated annual spend cost of £187,000 to North Ayrshire Council.

5. Award of Contract - Framework Agreement for the provision of Day Education Services for Children with Additional Support Needs

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Framework Agreement for the provision of Day Education Services for Children with Additional Support Needs and seek approval to award.

The Cabinet agreed to approve the award of the Framework Agreement to Ardfarn, Aspire, Common Thread, CrossReach, Mirren Park Ltd, Spark of Genius and the National Autistic Society for an initial period of two years with an option to extend for up to two further periods of one year at a cost of £4,428,000 over the maximum duration of the framework.

6. Award of Contract - Nursery Extension to Loudoun Montgomery Primary School, Irvine

Submit report by the Executive Director (Finance and Corporate Support) on the tender exercise for the contract for a Nursery Extension to Loudoun Montgomery Primary School, Irvine.

The Cabinet agreed to approve the award of the contract to Fleming Buildings Ltd.

7. Exclusion of the Public

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

7.1 Social Work Complaint Review Committee: Social Work Complaints Review Committee: Complaint by Mrs R

Submitted report by the Chief Executive on the findings and recommendations arising from the Social Work Complaints Review Committee meeting held on 30 June 2016.

The Cabinet agreed (a) to uphold the complaint; (b) that the Chief Executive provide a further written apology to Mrs R; and (c) that the report should also be referred to the Integration Joint Board for their information.

7.2 Social Work Complaint Review Committee: Social Work Complaints Review Committee: Complaint by Mr B and Ms C

Submitted report by the Chief Executive on the findings and recommendations arising from the Social Work Complaints Review Committee meeting held on 15 July 2016.

The Cabinet agreed to accept the Committee's recommendations to (a) not uphold areas 1, 2 and 4 of the complaint; (b) partially uphold area 3 of the complaint; (c) uphold area 5 of the complaint; and (d) request that the Partnership (i) examine file management practices and version control of correspondence; and (ii) undertake a review of the systems in place to ensure the minutes of meetings/Case Conferences are circulated to all relevant parties within 15 calendar days as per the National Guidance for Child Protection in Scotland.

The meeting ended at 2.55 p.m.

Licensing Committee
17 August 2016

Irvine, 17 August 2016 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

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

In Attendance

A. Wyllie, Trading Standards Officer and C. Boyd, Team Manager (Food/Health and Safety) (Economy and Communities); and 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 Clarkson in the Chair.

Apologies for Absence

John Bruce.

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 ordinary meeting of the Committee held on 15 June 2016 and the Special meeting on 21 July 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of Public

The Committee resolved, in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 6 and 14 of Part 1 of Schedule 7A of the Act.

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

Part A: Hearings

4.1 Metal Dealer's Licence : Lowmac Alloys : MDL/055 (New)

The applicants, having been duly cited to attend, were represented by their solicitor, who was accompanied by four directors of the applicants. 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 observation in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant's solicitor addressed the Committee on the issues raised in the Police observation and, together with the directors, responded to questions.

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

Decision

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

Accordingly, the Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.2 Metal Dealer's Licence : Jason McKinney : MDL/051 (Itinerant) (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 observation in relation to the application, as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised in the Police observation 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 McMillan, moved that the application be granted for a period of three years. As an amendment, Councillor McNicol, seconded by Councillor Barr moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a metal dealer's licence.

On a division, there voted for the amendment 2 and for the motion 6, and the motion was declared carried.

Accordingly, the Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

4.3 Public Charitable Collection : Royal British Legion (Largs)

The applicant, having been duly cited to attend, was present. The applicant has applied for a Charitable Collection on 27-28 August 2016 and on 3-4 September 2016, which is outwith the Council's policy.

The Solicitor (Licensing) advised that a permission for the above-mentioned charitable collection had been granted by the Committee at its meeting on 15 June 2016, but had been surrendered by the then applicant, who had applied on behalf of the Royal British Legion (Largs), with the current application having been submitted by another applicant on behalf of the Royal British Legion (Largs).

Members asked questions and received clarification from the Solicitor (Licensing) and the applicant in respect of the application.

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

Decision

Councillor Marshall, seconded by Councillor McLean, moved that there were sufficient grounds to treat the case as an exception to the Council's policy on street collections and that the application should be granted, subject to conditions. There being no amendment, the motion was declared carried.

Accordingly, the Committee 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 (i) the Council's standard conditions; and (ii) subject to an additional condition applied under Section 119(5) to limit the collection to the immediately vicinity of the applicant's gazebo.

4.4 Taxi Driver's Licence : John Graham TDL/02001 (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 observation 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 McLean, seconded by Councillor McMillan, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence. As an amendment, Councillor Easdale, seconded by Councillor Marshall, moved that the application be granted for a period of one year.

On a division, there voted for the amendment 4 and for the motion 4 and, on the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee agreed to (a) 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; and (b) note that the applicant would be required to submit a current photograph in connection with the issue of his licence.

4.5 Street Trader Operator's Licence (Static): William Kerr STL/O/437

The applicant, having been duly cited to attend, was present. An objector was also in attendance in respect of her objection to the application and representatives of Police Scotland.

The objector withdrew to allow the representatives from Police Scotland to address the Committee on the terms of a letter setting out an observation 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 objector then re-joined the meeting to address the Committee on the terms of her objection and respond to questions. The Team Manager (Food/Health and Safety) also addressed the meeting on Environmental Health matters relating to the application and responded to questions.

Thereafter, the applicant addressed the Committee on the issues raised by the objectors and Team Manager (Food/Health Safety) and responded to questions.

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

Decision

Councillor McNicol, seconded by Councillor Barr, moved that the application be refused for two reasons, name (a) as the applicant did not hold the required Environmental Health certificate, the Committee was obliged by the Civic Government (Scotland) Act 1982, Section 39(4) to refuse the application and (b) the number and proximity to the application site of similar businesses selling hot food, meant that there was "other good reason for refusing the application" in terms of the 1982 Act, Schedule 1, Paragraph 5(3)(d). There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Section 39(4) of and Paragraph 5(1)(d) of Schedule 1 of the Civic Government (Scotland) Act 1982.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened with the same Members and officers present and in attendance.

4.6 Taxi Driver's Licence: Ravinder Singh TDL/02003

The applicant, having been cited to attend, was not present or represented. The Solicitor (Licensing) referred to a letter submitted by the applicant to advise that he was unable to attend the hearing.

Decision

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

Part B: Applications for Licences/Renewal of Licences

4.7 Certas Energy UK Ltd: LHCL/109 (Renewal)

The Solicitor (Licensing) advised that the applicant has request fewer hours than currently licensed, namely until midnight and not 1.00 a.m. as at present.

The Committee agreed to grant the application in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982.

4.8 Carolyn Ann Wright: TDL/00937 (New)

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

4.9 Robert McBride : TDL/01851 (Renewal)

The Committee unanimously agreed 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.

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

Submitted report by the Chief Executive on Landlord Registration and a matter relating to the Tenancy Deposit Scheme obligations of an agent in terms of the Housing (Scotland) Act 2006 and Tenancy Deposit Schemes (Scotland) Regulations 2011 (number 176).

The Registered Person, having been cited to attend, was not present or represented.

The Trading Standards Officer and Solicitor (Licensing) addressed the Committee on the issues raised and the background to the case and responded to questions.

Decision

Councillor McNicol, seconded by Councillor Marshall, moved that (a) the Registered Person be removed from the Register of Landlords under Section 89 on the grounds that they were not fit and proper persons; and (b) the Solicitor (Licensing) (i) write to the landlords represented by the Registered Person to advise of the outcome of this matter and (ii) liaise with the Council's Corporate Communications service on the preparation of an appropriate press release. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed that (a) the Registered Person be removed from the Register of Landlords under Section 89 on the grounds that they were not fit and proper persons; and (b) the Solicitor (Licensing) (i) write to the landlords represented by the Registered Person to advise of the outcome of this matter and (ii) liaise with the Council's Corporate Communications service on the preparation of an appropriate press release.

6. Wheelchair-Accessible Vehicles - Taxi and Private Hire Car vehicle specification under Civic Government (Scotland) Act 1982, Section 10(2)

Submitted report by the Chief Executive on the draft "Taxi and Private Hire Car Vehicle Approval Specification".

At its meeting on 25 May 2016, the Committee agreed (a) in principle, the Vehicle Specification should be amended to allow the use as taxis of rear-loading Wheelchair Accessible Vehicles; and (b) that the Solicitor (Licensing) submit a list of vehicles to a future meeting of the Committee for approval. The draft specification, including the list of vehicles, was attached at Appendix 1 to the report.

The Committee agreed to approve the Vehicle Specification set out at Appendix 1 to the report, with an implementation date of 1 October 2016.

The meeting ended at 1.20 p.m.

Audit Committee
22 August 2016

IRVINE, 22 August 2016 - At a Meeting of the Audit Committee of North Ayrshire Council.

Present

Peter McNamara, Tom Marshall, Catherine McMillan, David O'Neill and Robert Steel.

In Attendance

L. Friel, Executive Director, P. Doak, Senior Manager (Internal Audit, Risk and Performance) and K. O'Hara, Team Leader (Corporate Fraud) (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); A. Sutton, Head of Service (Connected Communities) (Economy and Communities) and D. McCaw, Committee Services Officer (Chief Executive's).

Chair

Councillor McNamara in the Chair.

Apologies for Absence

John Ferguson and Joan Sturgeon.

1. Declarations of Interest

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

2. Minutes

The Minutes of the meeting of the Committee held on 23 May 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

Members were advised that a progress report on item 3 School Funds would be submitted to a future meeting of the Audit Committee.

3. Internal Audit and Corporate Fraud Action Plans: Quarter 4 update

The Committee received a verbal update from the Executive Director (Education and Youth Employment) on the progress in allocating time for teachers to attend the Corporate Acceptable Computer Use training. Members were advised that one third of staff have now completed training with the balance of staff being progressed through the training with an estimated completion of January 2017.

Members asked questions and were provided with further information in relation to the advance scheduling of future in-service day training events.

The Committee agreed to receive a further update from the Executive Director (Education and Youth Employment) on training levels on Corporate Acceptable Computer Use to the next ordinary meeting of the Committee on 14 November 2016.

4. National Fraud Initiative in Scotland 2014/15

Submitted report by the Executive Director (Finance and Corporate Support) on the outcome of the recently completed 2014/15 National Fraud Initiative (NFI) exercise in which 104 bodies participated and 585 data sets were submitted for matching. The Committee also received a presentation on the work of the Corporate Fraud Team.

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

- the monetary value of fraud and error identified as a result of the 2014/15 NFI exercise in Scotland;
- how the Council will receive information in relation to Housing Benefit fraud now that the DWP has responsibility for these matches;
- the figure of 250 unregistered landlords who are claiming housing benefit and how the Council targets this number;
- success in relation to addressing the misappropriation of blue badges;
- how the Fraud Team keep up-to-date with regard to training of staff members;
- the pro-active work which the Fraud Team undertake;
- whether malicious complaints can be investigated without impacting on innocent parties; and
- how to demonstrate the financial benefit of the service to the Council and the difficulties in relation to comparison recording methods and benchmarking values.

The Executive Director (Finance and Corporate Support) undertook to follow up with the Chief Revenues and Benefits Officer of the Council the issue raised in respect of unregistered social landlords claiming housing benefit.

Noted.

5. Internal Audit and Corporate Fraud Action Plans: Quarter 1 update

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made by Council services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 June 2016. Appendix 1 to the report provided details of the 5 actions not completed within the agreed timescales.

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

Museums and Heritage Service

- refreshing the due date to October 2018 with regard to this action.

Review of Corporate Governance

- the drafting of a stakeholder model, with a second phase in relation to how the Council manage stakeholders now proceeding. A further update will be provided to the Audit Committee once this second phase has been completed.

Noted.

6. Internal Audit Reports issued

Submitted report by the Executive Director (Finance and Corporate Support) on the Internal Audit work completed between 1 May and 31 July 2016. Appendix 1 to the report provided information on 13 reviews completed together with any high priority actions arising. The report also detailed proposals to withdraw a number of assignments from the approved audit plan for 2016/17.

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

Serious and Organised Crime

- setting the due date in connection with the completion of high priority actions and service compliance with due dates.

Insurance

- employees and Members currently not being asked to provide their driving licence, MOT and insurance documents prior to claiming and being awarded mileage in connection with using their vehicle for business purposes.

NAHSCP - Procurement of Care Services

- contractual management arrangements which require to be established in relation to procurement of social care services and on any guidance which can be provided to the Partnership from the Procurement Service in relation to this; and
- controls which require to be enhanced around the payment of invoices.

The Senior Manager (Internal Audit, Risk and Performance) undertook to provide clarification on the issue raised in relation to controls around the payment of invoices to Elected Members.

ICT Assets

- responsibility for the management of the smoke detection systems and on whether Health and Safety should be reviewing this.

Agency Staff and Agency Workers

- NAHSCP compliance with the appropriate procurement framework for agency staff.

The Committee agreed (a) to note the outcomes from the Internal Audit work carried out; (b) to approve the proposed changes to the 2016/17 audit plan; (c) that the Executive Director (Finance and Corporate Support) issue a note to the Executive Leadership Team to remind them of the importance of compliance with due dates; and (d) to invite a representative from the North Ayrshire Health and Social Care Partnership to the next ordinary meeting on 14 November 2016 in connection with issues around procurement.

7. Corporate Fraud Reports issued

Submitted report by the Executive Director (Finance and Corporate Support) on the Corporate Fraud investigations completed between 1 May and 31 July 2016.

Members asked questions and were provided with further information in relation to whether staff reductions had been made at the site since the allegation had been made.

Noted.

The meeting ended at 11.25 a.m.

Scrutiny and Petitions Committee
24 August 2016

IRVINE, 24 August 2016 - At a Meeting of the Scrutiny and Petitions Committee of North Ayrshire Council at 2.00 p.m.

Present

John Hunter, Alex Gallagher, Robert Barr, Grace McLean, Catherine McMillan.

Also Present

Donald Reid (as signatory to the Call In request) and Alan Hill (as Cabinet Member).

In Attendance

E. Murray, Chief Executive; L. Friel, Executive Director and D. Miller, Complaint and Feedback Manager (Finance and Corporate Support); A. Sutton, Head of Service (Connected Communities); S. Brown, Head of Service (Children, Families and Criminal Justice) A. Fraser, Head of Democratic Services, A. Todd, Senior Policy and Performance Officer and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Hunter in the Chair.

Apologies for Absence

Matthew Brown and Alan Munro.

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 (i) the ordinary meeting of the Committee held on 18 May 2016; and (ii) the special meeting held on 7 June 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Call In: Future Delivery of a Range of Connected Communities Services

Submitted report by the Chief Executive on a Call In Request received in respect of the decision taken by the Cabinet at its meeting on 21 June 2016 in respect of the report on the Future Delivery of a Range of Connected Communities Services. A copy of the Cabinet report was provided at Appendix 1 to the report.

At its meeting on 21 June 2016, the Cabinet received a report by the Executive Director (Economy and Communities) on the alternative options for the delivery and management of a range of Connected Communities services, which were outlined in Appendix 1 to the report and included the recommendation of progression of Option 1 - creating a new arms-length organisation to deliver cultural services and lease the relevant properties and Option 2 - commissioning the delivery and management of the services from and leasing properties to KA Leisure, to a detailed business analysis. The Cabinet agreed (a) that the options relating to a non-profit distributing body, being a charity or company limited by guarantee should be progressed to a detailed business analysis; (b) to remit to officers to enter into discussions with the Board and management of KA Leisure as part of the process of developing the detailed business cases; and (c) that a further report on the analysis of the agreed options and recommendations for the future delivery of the services in scope be presented to a future Cabinet meeting.

Subsequently, a Call In request was received from Councillors Bell, Cullinane and Reid in the following terms:-

"Reason for Call in - that the due democratic process has not been followed allowing all members to understand the proposal and discuss it. An all member seminar was arranged and substantial notice was given but it was cancelled at less than a working days notice. Members were advised that it would be reconvened but to date this has not occurred. Members have not been provided or consulted on any of the specifics regarding this proposal or briefed on the services to be transferred either at an all member meeting or at an Advisory Panel.

Desired Outcome - To seek an all members briefing/meeting to appraise, inform members of the options available and detail all potential services that are being considered for transfer. Members should be consulted on the options at this meeting. All future decisions relating to the transfer of Connected Communities to a trust or other body following the options appraisal will require to be approved by full council."

The Head of Democratic Services summarised the procedure for considering the Call In request and set out the circumstances surrounding the Cabinet decision. He advised that a Members' Briefing in relation to the Future Delivery of a Range of Connected Communities Services had taken place on 16 August 2016.

The Chair then invited the Members who had requested the Call In to speak.

Councillor Reid addressed the Committee in support of the Call In request. He acknowledged that a Members' Briefing had taken place but that this briefing had been high level and had not provided detailed information on the options available and potential services that are being considered for transfer. Further dialogue is required with Members and organisations such as NAFCO.

The Chair then invited Councillor Hill to address the meeting on behalf of Councillor Burns as the relevant Cabinet Member. Councillor Hill made reference to the recent Members' Briefing that had taken place and engagement with a range of organisations, Trade Unions and employees. He advised that the work is currently at a high level and discussions will take place with Members and all relevant organisations when it progresses to a more detailed stage.

Members sought and received clarification that there was no conflict of interest arising from NAFCO lobbying Members at this high level stage.

Councillor Gallagher, seconded by Councillor Hunter, moved that the Committee accept the terms of the call in.

As an amendment, Councillor McLean, seconded by Councillor Barr, moved to reject the terms of the call in.

On a division, there voted for the amendment 3 and for the motion 2 and the amendment was declared carried.

Accordingly, the Committee agreed to reject the terms of the call in request.

4. End of year 15/16 Council Plan Progress Report

Submitted report by the Chief Executive on the progress made in implementing the Council Plan 2015/20 under the five strategic priorities from 1 April 2015 to 31 March 2016 for each of the 58 measures, as detailed at Appendix 1 to the report. A summary sheet of red and amber performance indicators was circulated.

Members asked questions, and received further information, on the following:-

- an overlap in some categories, such as the employment rate for 16 - 24 year olds and the percentage of working age population in employment;
- more work that is required to ensure Services' complete the scorecards in order that information on each value can be provided;
- future improvements that will be made to the presentation of information on performance measures;
- a range of initiatives that have been put in place to address sickness absence;
- processes in place to deliver the capital programme and work towards achieving the agreed targets of 100%;
- future Finance reports to Cabinet that will focus on how the Capital Programme is being delivered; and
- a report to the Physical Environment Panel in September on cemeteries and cemetery walls.

The Committee agreed to note (a) the progress made in implementing the Council Plan 2015/20; and (b) that progress on the Council Plan indicators will be incorporated into the Public Performance Reporting report to Cabinet on 27 September 2016 and Scrutiny and Petitions Committee on 19 October 2016.

5. Directorate Plan 2015/18 Performance Reports as at 31 March 2016

Submitted report by the Chief Executive providing an update on the performance of all Directorates as at 31 March 2016. Appendices 1-5 set out the Performance Reports for Democratic Services, Finance and Corporate Support, Education and Youth Employment, Economy and Communities and Place respectively. Appendix 6 detailed the Performance report for the Health and Social Care Partnership.

Members asked questions, and received further information, on the following:-

Democratic Services

- an overspend in Civil Contingencies that occurred as a result of a unbudgeted contribution to South Ayrshire Council and a delay in the deletion of one post;
- the management of staff turnover as a result of the closure of the Municipal Bank.

Finance and Corporate Support

- information that will be provided in September/October 2016 in respect of the cost of Council Tax;
- the implementation of the new Flexi Time Scheme as part of the worklife balance initiative;
- the collection of Council Tax that is marginally below the target but that all recovery action has been run on time;
- an improvement in staff engagement as a result of the implementation of an action plan centred on communication, management of change, visibility of the ECMT and opportunities for staff to contribute views before changes were made.

Education and Youth Employment

- a new Quality Improvement Framework that is now being used in all schools; and
- the inclusion of a glossary of terms in future reports

Place

- work on the Social Housing Solar Panel Retrofit that has paused until the outcome of the UK Government's consultation on changes to the Feed-In Tariff subsidy.

Health and Social Care Partnership

- the reduction in waiting times for care packages as a result of additional funding and increased capacity;
- a range of work being done in early intervention and prevention that has contributed to the reduction in the number of children being looked after and accommodated; and
- the increased costs for Kinship Care as a result of increased allowances to kinship carers to comply with new legislative requirements.

The Committee agreed to note the performance of all Directorates as at 31 March

2016 against the priorities in the 2015/18 Directorate Plans.

6 Performance Management Update

Submitted report by the Chief Executive providing an update on Performance Management arrangements within the Council and detailing proposed amendments to the purpose and remit of the Performance Management Forum (PMF). Detailed progress on the PMF work plan 2015/16 was attached at Appendix 1 to the report. Appendix 2 contained an updated Performance Management Forum workplan for 2016/17.

The Committee agreed to note (a) the changes to the Performance Management Forum (b) the progress on the Performance Management Forum (PMF) work plan 2015/16 and Recognised for Excellence; and (c) the work plan for 2016/17.

7. Complaint Report

Submitted report by the Executive Director (Finance and Corporate Support) on the volumes and trends of complaints from 1 April 2015 to 31 March 2016 and the improvement actions undertaken by Services. Appendix 1 to the report provided full details in relation to each indicator.

Members asked questions, and received further information, on the following:-

- the few justified occasions when timescales were extended with the agreement of the Head of Service and the customer;
- data that is shared with Services via Covalent and discussed at the Complaints Forum; and
- the Lagan system that allows complaints data to be categorised appropriately.

The Committee agreed to note the report and the improvements actions undertaken.

The Meeting ended at 3.55 p.m.

Appeals Committee
26 August 2016

IRVINE, 26 August 2016 - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.40 a.m.

Present

Alan Munro, Grace McLean and John Easdale.

In Attendance

S. Montgomery, Solicitor (Litigation)(Democratic Service); and R. Lightfoot, HR Adviser (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 12 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 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraph 1 of Part 1 of Schedule 7A of the Act.

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.

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 12.15 a.m.

Planning Committee
31 August 2016

Irvine, 31 August 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Robert Barr, John Bell, John Bruce, Joe Cullinane, 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

John Ferguson.

1. Chair's Remarks

The Chair agreed, in terms of Standing Order 9.3, to vary the order of business to allow earlier consideration of Agenda Item 6.2 (16/00561/PPPM: Site to the North West of Chapelton Mains, Seamill).

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 meeting of the Committee held on 10 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. 16/00561/PPPM : Site To North West Of Chapelton Mains, Seamill, West Kilbride

Hope Homes (Scotland) Ltd, have applied for planning permission in principle for the erection of a residential development with associated access roads, open space, landscaping and other required infrastructure at the site to the north west of Chapelton Mains, Seamill. Sixty letters of objection were received, as detailed in the report.

Ms K McCallum (objector) and Mrs D Murray (objector) addressed the Committee in support of their objections.

Ms McCallum advised that the existing infrastructure within the village would be unable to cope with the level of housing outlined within the Local Development Plan (LDP). Traffic congestion is already an issue within West Kilbride and the addition of 124 houses would exacerbate the congestion. The local school, Doctors Surgery and Dentist are at maximum capacity and would be unable to accommodate such an increase in population.

Mrs Murray commented that a long term Strategic Plan was required for West Kilbride. The village has adequate provision of 3 and 4 bedroom homes and requires affordable housing to meet the needs of the community. West Kilbride has a large elderly population who require ground floor flats and bungalows to allow them to downsize but remain within their community. She advised that a Housing Needs Assessment was required to ensure appropriate housing provision for West Kilbride. Mrs Murray added that the Council has made no budgetary provision to address traffic management in the Traffic Management Plan. The local primary school is already at capacity and the noise level in the open plan environment requires some pupils to wear ear defenders. Concerns in relation to drainage and flooding were also expressed.

Mr S Graham (McInally Associates Ltd) on behalf of the applicants, Hope Homes, then addressed the Committee in response to the issues raised.

He advised that the planning application accords with the Local Development Plan. A number of reports were provided in support of the application and included a Pre-Application Consultation Report, a Transport Assessment, an Outline Masterplan and Drainage Strategy Report. The objections raised have been acknowledged and addressed within the reports or by the conditions recommended by the planning officer. He stated that the proposal accords with the relevant policies and there are no sound planning reasons for refusal.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- objections were made from the community to the Local Development Plan's proposed allocation of land for housing;
- the view of the objectors that there had been a short period of time for consultation;
- the capacity of West Kilbride Primary School and roll projections for St. Peter's Primary School, and local secondary schools; and
- consultation with the local community on the range of housing for the site.

The Senior Planning Services Manager then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- that the Reporter did not find that there had been insufficient consultation in relation to the Local Development Plan;
- a late objection that had been received but already addressed in the report;
- Condition 4 that requires to be amended due to applicant having provided the investigative survey;
- the removal by the Council of areas previously allocated for housing in the LDP and the reinstatement of these areas by the Reporter;
- the capacity of local schools that required to be assessed in terms of the school roll and projections over future years;
- that no concerns were expressed by NHS Ayrshire and Arran in respect of the capacity of health services in West Kilbride during the LDP engagement process;
- the phasing of the development over a 9 year period; and
- subsequent applications in respect of the design and style of housing that would be presented to the Planning Committee for consideration.

Councillor Bruce, seconded by Councillor Barr, moved that the application be continued to allow for a site visit to the site and the village centre.

As an amendment, Councillor Steel, seconded by Councillor Bell, moved that the Committee approve the application, subject to the conditions within the report (with the exception of the reference within Condition 4, relating to the investigative survey).

On a division, there voted for the amendment 6 and for the motion 2, and the amendment was declared carried.

Accordingly, the Committee agreed (a) to grant planning permission in principle, subject to the following conditions:-

- 1 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
- 2 That prior to the submission of the first application for the approval of matters specified in conditions (MSC) a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

- 3 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 4. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.
- 4 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development. For the avoidance of doubt the detailed masterplan shall take into account archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2 and 3 respectively, and shall incorporate details in relation to:
 - the means of access to the site, including at least one vehicular connection from the public road network into the site and at least two multi-user links including links into the wider settlement of West Kilbride;
 - the street layout;
 - all hard and soft landscaping;
 - areas of open space; and
 - areas for children's play.

In addition, the detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

- 5 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), details of proposed affordable housing contributions shall be provided. For the avoidance of doubt a contribution rate of 25% will be applied to those units associated with the private housing site.
- 6 That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

- 7 That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 8 That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 9 The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

Councillor Cullinane left the meeting at this point.

5. Isle of Arran

16/00545/PP: Cottages 1, 3 & 4 Kilmichael Country House Hotel

Mr Botterill, Kilmichael Country House Hotel, Brodick, Isle of Arran has applied for an amendment to planning permission N/05/00248/PP for a change of use from holiday letting cottages (cottages 1, 3 and 4) to permanent dwellinghouses in respect of condition 7 of planning permission N/05/00248/PP. One letter of support was received as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continue the application to the next meeting to allow a site visit to take place and for further discussion to take place with the applicant on a range of other options in respect of the application. The applicant has since advised of their intention to withdraw the application. Therefore the arrangements for the site familiarisation visit were continued awaiting clarification of the applicants intentions with regard to the application.

The Committee was advised that the applicant had withdrawn the application.

Noted.

6. Garnock Valley

6.1 16/00632/PP: Lintseedridge Farm, Dalry

Mrs Sheena Harper per Bryce Boyd Planning Solutions, Ellersleigh, Castlehill Road, Kilmacolm has applied for the removal of Condition 4 of permission no. CH/82/0151 to allow occupancy of a non-agricultural worker at Lintseedridge Farm, Dalry.

The Committee agreed to grant the application.

6.2 16/00698/PP: 67 Stoopshill Crescent, Dalry

Mr James Taylor, 67 Stoopshill Crescent, Dalry has applied for planning permission for the formation of stairs to rear of semi-detached dwelling house, to include a reduced platform area and trellis screen at 68 Stoopshill Crescent, Dalry. A representation was received as detailed in the report.

The Committee agreed to (a) grant the application, subject to the following condition; and (b) to take Enforcement Action, if the unauthorised structure is not removed:-

1. That within 3 months of the date of this permission, details of the screen to be installed on the north-west elevation of the landing platform shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The screen as may be approved shall be erected as part of the modification works hereby approved and shall be retained permanently, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. Irvine and Kilwinning

16/00638/PP: Middleton Farm, Perceton Gate, Irvine

Mr Trevor Hamilton, Middleton Farm, Perceton Gate, Irvine has applied for the removal of Conditions 3 and 4 of permission ref. N/03/00035/PP (occupancy restrictions) at Middleton Farm, Perceton Gate, Irvine, as detailed in the report.

The Committee agreed to grant the application.

8. North Coast and Cumbrae

8.1 16/00268/PP: Hunterston Construction Yard, Fairlie

Clydeport Operations Limited, 16 Robertson Street, Glasgow have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 1 of planning permission 11/00230/PPM to remove the temporary restriction on the use of the site at Hunterston Construction Yard, Fairlie, as detailed in the report and outlined at Appendix 1a to the report. Three objections and a representations were received, as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continued consideration of the application to allow for a site familiarisation visit by the Members of the Committee. A letter in support of the application was received and circulated at the meeting on 10 August 2016. The site familiarisation visit was held on 25th August 2016.

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

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose.
2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction.
3. That all processes and activities shall be carried out in such a manner as to minimise nuisance by way of noise, dust, smell, vibration or pollution of the sea.
4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.
5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.
6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.

7. That the hours of operation of the site for vessel construction and/or repair and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.
8. That should the authorised use of the site, as detailed in Condition 1, be discontinued for a period in excess of one year, all redundant buildings or structures, including lighting columns and any scrap materials remaining on the site shall be removed and thereafter the site shall be maintained in a tidy and safe condition, to the satisfaction of North Ayrshire Council as Planning Authority.
9. **Notices under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 'Kirkton Touring Park,' Millport Holiday Park, Millport, Isle of Cumbrae KA28 0HB**

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permission (ref: CH/87/746/S), granted on 27 April 1988 for the change of use of waste ground to a caravan park and the formation of an associated access. The permission was granted subject to several conditions including Condition 1, which states that the site shall not be used as a caravan site between 1 October in any one year and 1 March in the succeeding year; and Condition 2 which states that the site shall be used for touring caravans and for no other purpose.

The Council received a complaint in 2015 that the static caravans were on site, in breach of Condition 2. It was also alleged that the land was used all year round in breach of Condition 1. Inspections of the site between 31 October 2015 and 1 March 2016 have revealed that the land is used as a caravan site in contravention of Condition 1 of the permission and that the site is used for static caravans and other associated structures, which is in contravention of Condition 2.

In the interests of the amenity of the area and to prevent permanent occupation of the site, it is proposed to issue a Breach of Condition Notice requiring the following actions, in respect of Condition 1 and 2 of the planning permission dated 27 April 1988 (ref: CH/87/746/S) to remove all static caravans and associated structures, including any decks, steps and underbuild and use the site only for touring caravans and no other purpose between 1st March and 31st October in any year. It is proposed that the compliance period be before 1st November 2016, which allow sufficient time for the removal of the non-touring caravans and associated structures and would align with the date on which the use of the site must cease each year.

The Committee agreed to (a) approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permission (ref: CH/87/746/S); and (b) that the compliance period be before 1 November 2016.

The meeting ended at 3.10 p.m.