



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

29 March 2023

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AYRSHIRE ECONOMIC PARTNERSHIP BOARD

MINUTES OF MEETING HELD ON THURSDAY 8 DECEMBER 2022 AT 1500 HRS IN THE SIR ALEXANDER FLEMING ROOM, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK/MS TEAMS

PRESENT: Councillors Stephen Canning, Barry Douglas and Clare Maitland, East Ayrshire Council; Councillors Marie Burns and Anthony Gurney, North Ayrshire Council; Councillor Bob Pollock, South Ayrshire Council; Katie Kelly, Depute Chief Executive; David McDowall, Head of Economic Growth; Graham Saunders, Programme Manager - Ayrshire Growth Deal; and Dougal Watt, Senior Auditor, all East Ayrshire Council; Craig Hatton, Chief Executive; Caitriona McAuley, Head of Service - Economic Development; Marnie Ritchie, Regeneration Manager, Growth Investment; and Neale McIlvanney, Ayrshire Growth Deal, all North Ayrshire Council; Louise Reid, Assistant Director - Place; Jane Bradley, Director for Strategic Change and Communities and Michael O'Brien, Project Lead Space and Digital all South Ayrshire Council; Angela Cox, Ayrshire College; Gillian Docherty, Strathclyde University; Simon Foster, Spirit Aerospace; Morag Goodfellow, Highlands and Islands Enterprise; Kevin Kane, University of Strathclyde; Hisashi Kuboyama, Federation of Small Businesses; Derek McCrindle, Scottish Enterprise; Johnny Mone, University of West of Scotland; Rachel Phillips, Scottish Government; Claire Baird, Ayrshire Chamber of Commerce and Industry; and Paul Zealey, Skills Development Scotland.

ATTENDING: Christine Baillie, Democratic Services Team Leader and Sheryl Wilcox, Democratic Services Officer, both East Ayrshire Council.

APOLOGIES: Councillors Douglas Reid and Maureen McKay, Eddie Fraser, Chief Executive and Joe McLachlan, Chief Finance Officer and Head of Finance and ICT, East Ayrshire Council; Councillor Joe Cullinane; and Russell McCutcheon, Executive Director - Place; North Ayrshire Council; Councillors Martin Dowe and Peter Henderson; and Eileen Howat, Chief Executive; South Ayrshire Council; Malcolm Roughead, Visit Scotland; Jane Martin, Scottish Enterprise; and Milan Radosavljevic, University of West of Scotland;

CHAIR: Councillor Clare Maitland, Chair.

APPOINTMENT OF CHAIR

1. In the absence of Councillor Douglas Reid, it was unanimously agreed that Councillor Clare Maitland be appointed as Chair.
Councillor Maitland then took the Chair.

PREVIOUS MINUTES

2. There were submitted and approved as a correct record, the Minutes of the meeting held on 1 September 2022 (circulated).

WORKING FOR A HEALTHY ECONOMY - CHANGE REQUEST: TIME ALTERATION

3. There was submitted a report (circulated) by the Executive Director, Place, North Ayrshire Council which sought approval to a change request for the approved Ayrshire Growth Deal (AGD) Revenue Project, Working for a Healthy Economy (WfHE). The change request sought to amend the project end date from 30 April 2026 to 30 April 2027, extending the project delivery period by one year.

It was agreed to recommend to the Joint Committee:

- (i) to approve the time extension request; and
- (ii) to approve the submission of a formal Change Request to amend the timescales only for the project to be delivered over a six year period, ending on 30 April 2027, retaining the agreed financial outcome profile.

i3 FLEXIBLE ADVANCED MANUFACTURING SPACE, PHASE 1 - FULL BUSINESS CASE

4. There was submitted a report (circulated) by the Executive Director, Place, North Ayrshire Council which sought approval of the Full Business Case (FBC) for Phase 1 of the Flexible Advanced Manufacturing Space (flexible space) project at 13 Enterprise Area in Irvine.

It was noted that approval was only sought at this stage for Phase 1 of the project, utilising £3.753m of the £15m allocated from the AGD to the flexible space project. This was also supported by a grant of £810,000 from the Vacant and Derelict Land Fund. An application had also been made to the Levelling Up Fund (LUF) which, if successful, could replace the AGD funds in order that it was made available for future phases. The Full Business Case would be subject to further addendums as the programme progressed.

It was agreed:

- (i) to note the report and the FBC for Phase 1 of the i3 Flexible Advanced Manufacturing Space project as detailed at Appendix 1 of the report;
- (ii) to note that the Scottish Government had approved the Outline Business Case;
- (iii) to note that the Scottish Government and UK Government had provided feedback on the FBC for Phase 1 of the i3 Flexible Advanced Manufacturing Space project;
- (iv) to note that the outcome of a LUF 2 bid was imminent which, if successful, could replace the majority of AGD funds for Phase 1, leaving more AGD funds for future phases; and
- (v) to recommend to the Joint Committee that the FBC be approved and its activities implemented.

AYRSHIRE GROWTH DEAL - DIGITAL PROJECTS UPDATE

5. There was submitted a report (circulated) by the Project Lead - Space & Digital, Ayrshire Growth Deal which advised of the progress of the Ayrshire Growth Deal Digital projects as at 8 December 2022.

Having noted the updates provided in the report, it was agreed to recommend to the Joint Committee:

- (i) to approve the next steps proposed in this report, leading to a change request for the two AGD digital projects; Subsea Cable (£11 million); and Digital Infrastructure (£3 million);
- (iii) to agree that proposals are developed for the available AGD funds of £14 million to deliver a digital intervention to be consolidated into a single re-scoped project; and
- (iv) to seek an update from the Lead Authority on the outcome of the re-scoping exercise and approve an updated project scope and project title.

Angela Cox left the meeting during discussion of the above item.

AYRSHIRE GROWTH DEAL - UPDATE ON BENEFITS REALISATION PLAN

6. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which provided the first regular bi-annual update on the Benefits Realisation Plan (BRP) Update (Appendix 1 of the report) as part of the monitoring and evaluation of progress on the delivery of projects.

It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee:

- (i) on the minor amendments proposed to the BRP and associated appendices; and
- (ii) to note the monitoring and progress made on projects highlighted in the BRP update.

AYRSHIRE GROWTH DEAL - GOVERNANCE GUIDANCE UPDATE

7. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which (i) advised of the proposed changes to the Ayrshire Growth Deal (AGD) Governance Guidance (Appendix 2 of the report); (ii) explained the reasons for the current changes and highlighted potential further changes to the AGD Governance Guidance; and (iii) highlighted the proposed changes currently seeking approval and which would form part of the suite of Deal documents that would frame future management of the AGD.

It was agreed to note the content of the report and recommend approval to the Ayrshire Economic Joint Committee of the revised Governance Document and its status as set out in Appendix 1 of the report.

AYRSHIRE GROWTH DEAL - PROGRAMME UPDATE

8. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised of the progress of the Ayrshire Growth Deal and the development of its component projects as at 28 October 2022 (Appendix 1 of the report),

It was agreed to note the content of the report and recommend that the Ayrshire Economic Joint Committee -

- (i) note the updates provided in the report;
- (ii) note the progress across the Ayrshire Growth Deal Programme;

- (iii) note the anticipated slippage of business case milestones and risk to financial drawdown;
- (iv) note the main strategic and operational risks; and
- (v) agree to consider amending the Risk Register in respect of the drawdown of full AGD funding this financial year from amber to red, reflecting that project slippage was inevitable in the current climate;

2023 MEETING DATES

9. There was submitted and approved meeting dates for the Ayrshire Economic Joint Partnership Board for 2023 as follows:- 26 January 2023, 27 April 2023, 7 September 2023 and 16 November 2023.

The meeting terminated at 1549 hrs.



North Ayrshire Health and Social Care Partnership

**Minute of Integration Joint Board meeting held on
Thursday 15 December 2022 at 10.00 a.m.**

**involving participation by remote electronic means and physical attendance
within the Council Chambers, Irvine.**

Present (Physical Participation)

Voting Members

Bob Martin, NHS Ayrshire and Arran (Chair)
Councillor Margaret Johnson, North Ayrshire Council (Vice Chair)
Councillor Anthea Dickson, North Ayrshire Council

Professional Advisers

Caroline Cameron, Director of Health and Social Care Partnership
Paul Doak, Head of Service (HSCP Finance and Transformation)/Section 95 Officer
Scott Hunter, Chief Social Work Officer – North Ayrshire

Present (Remote Participation)

Voting Members

Councillor Timothy Billings
Christie Fisher, NHS Ayrshire and Arran
Marc Mazzucco, NHS Ayrshire and Arran

Professional Advisors

Iain Jamieson, Clinical Director

Stakeholder Representatives

Louise McDaid, Staff Representative (North Ayrshire Council)/Chair, North Coast
Locality Forum
Pamela Jardine, Carers Representative
Louise Gibson, IJB Irvine Locality Forum (Chair)
Vicki Yuill, Third Sector Representative

In Attendance (Physical Participation)

Alison Sutherland, Head of Service (Children, Families and Criminal Justice)
Thelma Bowers, Head of Service (Mental Health)
David Thomson, Head of Service (Health and Community Care)
Craig Stewart, Committee Services Officer
Karen Andrews, Team Manager, Governance
Karen Campbell, Administrative Assistant to CSWO

In Attendance (Remote Participation)

Billy Brotherston, Independent Chair of ADP
Peter McArthur, Senior Manager (Addictions)
Michelle Sutherland, Partnership Facilitator, HSCP
Eleanor Currie, Principal Manager – Finance
Ruth Wilson, Team Manager (Democratic Services)

Apologies

Thelma Bowers, Head of Service (Mental Health), HSCP

1. Apologies and Chair's Remarks

Apologies for absence were noted.

2. Declarations of Interest

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

3. Minutes/Action Note

The accuracy of the Minutes of the meeting held on 17 November 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973. It was noted that all matters arising from the action note were on track.

4. Director's Report

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

The report provided an update on the following areas:-

- National developments that included the NHS 24 Strategy Development Survey, Trauma is Everybody's Business (Online event scheduled for 17 January 2023) and National Winter Response Structure, outlined in more detail in the report;
- Ayrshire wide developments that included Caring for Ayrshire Launch planned for 16 January 2023 and Learning Disability Nursing Celebration Event; and
- North Ayrshire Developments that included Mental Health and Wellbeing Support Survey, Suicide Prevention, SAMH Suicide Prevention Campaign, Official Opening of Harper House (a new family rehabilitation service, accepting referrals from across Scotland, based in Saltcoats, Care at Home Recruitment, Breastfeeding Rates across North Ayrshire and link to the latest Foxgrove Newsletter (the new national adolescent secure unit), set out in more detail in the report.

Noted.

5. 2022-23 – Month 7 Financial Performance

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation) on the IJB's financial performance. Appendix A to the report provided the financial

overview of the partnership position, with the full Transformation Plan for 2022/23 provided in Appendix B. Appendix C provided an overview of those service changes with financial Savings attached to them and the current BRAG status around the deliverability of each saving. Appendix D outlined the movement in the overall budget position for the Partnership following the initial approved budget. The local finance mobilisation plan submission was provided at Appendix E to the report with Appendix F showing the IJB reserves position in detail.

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

- the projected overspend on employee costs relating to covering vacancies and sickness of the Anam Cara dementia respite service in Kilbirnie; and
- the underspends in relation to fostering placements, staffing vacancies, Care homes and dental services.

The Board agreed to (a) note (i) the overall integrated financial performance report for the financial year 2022-23 and the current overall projected year-end underspend of £0.077m, (ii) the progress with delivery of agreed savings, (iii) the remaining financial risks for 2022-23, including the impact of remaining Covid-19 estimates and costs; and (b) approve the budget reduction which was detailed at paragraph 2.11 of the report. It was also noted that a report on dental services would come to a future meeting of the Board for Members' consideration.

6. HSCP Locality Engagement Approach

Submitted report by Michael McLennan, Partnership Engagement Officer on the planned approach to improving locality engagement through redevelopment of the Locality Planning Forum structure.

Members asked questions and were provided with further information in relation to widening out locality engagement to ensure that engagement was as positive and meaningful as possible.

The Board agreed to endorse the proposed approach for implementation across all mainland North Ayrshire localities.

7. North Ayrshire Health Children's Services Plan 2020-2023: Progress Report 2021-22

Submitted report by Caroline Cameron, Director HSCP presenting the draft North Ayrshire Children's Services Plan 2020-23: Progress Report covering 2021-22. on the annual progress report in terms of the Children Services Plans. The North Ayrshire Children's Services Plan 2020-23: Progress Report 2021-22 was attached at Appendix 1 to the report.

Members asked questions and were provided with further information in relation to progress in achieving objectives and outcomes and how these were demonstrated in terms of qualitative and quantitative evidence.

The Board agreed (a) to approve the draft North Ayrshire Children's Services Plan 2020-23: Progress Report 2021-22 set out at Appendix 1 to the report; and (b) that the Progress Report be submitted to the Scottish Government and published on the North Ayrshire HSCP website, subject to sign-off by relevant governance groups.

8. Update Report on Prevention Actions for Drug and Alcohol Related Deaths

Submitted report by Thelma Bowers, Head of Mental Health, providing an update on prevention actions for drug and alcohol related deaths.

Members asked questions and were provided with further information in relation to how quickly improvements, showing a decrease in terms of drug and alcohol related deaths, would come through in terms of evidence and demonstrable outcomes.

The Board agreed to note the content and assertive improvement actions contained within the report.

9. Support for Unpaid Carers in North Ayrshire

Submitted report by Kimberley Mroz, Manager, Professional Standards (SDS/Carers) providing an update on developments to improve support for unpaid carers in North Ayrshire.

Members asked questions and were provided with further information in relation to the messaging contained within the report, which showed the considerable work and effort that had been put in in terms of implementation and also showed the breadth and range of support arrangements in place for unpaid carers in North Ayrshire.

The Board agreed to (a) note and support the work ongoing for unpaid carers and (b) endorse the routes for resource release.

10. Improving the Cancer Journey

Submitted report by Clair McCamon, Senior Manager, Primary Care on proposals for partnership working to meet the needs of people affected by cancer across Ayrshire and Arran. The Macmillan Improving Cancer Journey (ICJ) Ayrshire & Arran (AA) Programme Board Terms of Reference was set out at Appendix 1 to the report.

The Board agreed to (a) note the vision and aim for the Macmillan ICJ within North Ayrshire; (b) support the development and delivery model proposed; (c) approve the proposed governance and oversight arrangements; and (d) issue a Direction to NHS Ayrshire & Arran to recruit staff for Programme delivery.

11. Chair's Closing Remarks

Bob Martin, Chair, took the opportunity to thank everyone involved for their valued help and support during the year and wished all a Merry Christmas and Happy New Year.

The meeting ended at 11.30 a.m.

Police and Fire and Rescue Committee
7 February 2023

At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Donald Reid, Donald L. Reid, Angela Stephen and John Sweeney.

Present (Remote Attendance)

Nairn McDonald and John Glover.

In Attendance

W. Turpie, Senior Manager (Waste Operations) (Place); R. Lynch, Senior Manager Legal Services, D. McCaw, C. Stewart and S. Wilson, Committee Services Officers (Chief Executive's Service).

Also In Attendance

Superintendent D. Frew and Chief Inspector G. Grant (Police Scotland); Area Commander I. McMeekin, Station Commander M. Spence and D. Wilson, Local Authority Liaison Officer (Scottish Fire and Rescue Service).

Chair

Councillor Donald Reid in the Chair.

Apologies

Scott Davidson, Jean McClung and Davina McTiernan.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting of the Police and Fire and Rescue Committee held on 14 November 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Scottish Fire and Rescue Service Performance and Service Update

Submitted report by the Scottish Fire and Rescue Service (SFRS) which provided information on progress against the North Ayrshire Local Fire and Rescue Plan for the period 1 April 2022 – 31 December 2022. Appendix A to the report provided an analysis of the performance across six indicators, using the rolling three-year average as a basis of measuring performance.

The statistical information identified a 1.9% decrease in activity levels across the local authority when compared to the corresponding period in 2021. A further

review of the three-year average indicated a 1.7% increase in overall operational activity during a similar timeframe. Data on false alarms accounted for 58% of all demand within North Ayrshire, with fire related and special service activity accounting for 25.4% and 16.6% respectively. The Service also carried out 711 home safety visits across the period.

Updates were also provided in relation to a review of high reach vehicle deployments across Scotland resulting in one vehicle being located within the Ayrshire region, the development of business continuity measures to enable a form of response to be provided to local communities as a result of a decision in favour of industrial action, the hosting of a 'Conservation Station' competition in support of the climate change emergency, and the recruitment process for a new Chief Officer.

Area Commander McMeekin further advised that an update would be provided to the Committee on deployment of resources during any period of industrial action, to allow a more informed position to be given on arrangements for Ayrshire.

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

- monitoring systems within Fire Stations utilised to measure savings;
- the various unions represented across the Fire Service workforce and engagement with non-union members of staff;
- communications updates to the public in connection with prevention measures during any industrial action period;
- operational demand in connection with high reach units;
- partnership working measures to reduce deliberate fire setting;
- the transition to new Ward boundaries resulting in some crossover data;
- non-domestic fire category descriptors; and
- support provided on the Isle of Arran.

Area Commander McMeekin offered to meet with local Members for the Garnock Valley area to further discuss concerns around deliberate fire setting.

Noted.

4. Police Scotland Performance Update

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Policing Plan for the period 1 April 2022 – 31 December 2022 together with an overview of year end performance. A summary of current local policing plan priorities was also detailed.

The report provided information on North Ayrshire's performance, including a 4.3% decrease in the total number of crimes. The report further outlined progress in the areas of serious crime, safer communities, acquisitive crime, community wellbeing, road safety and public confidence with additional contextual information being provided by Superintendent Frew to the meeting.

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

- partnership working in connection with community wellbeing and measuring outcomes;
- monthly figure variances in connection with domestic crimes;
- any trends recognised by Campus Officers in connection with disablist/abelist and misogynistic hate crime;
- Specialist Crime Division Analysts, including 4 dedicated to Ayrshire;
- the forthcoming use of quad bikes by Police Scotland to tackle anti-social behaviour;
- ongoing work nationally to highlight prevention advice and encourage reporting in terms of online fraud;
- partnership work with North Ayrshire Trading Standards to tackle the sale of illegal vapes;
- the attendance by Campus Officers at Locality Partnership meetings;
- links with Community Planning in connection with the 6-monthly survey of householders in North Ayrshire; and
- transparency in connection with complaint handling.

Superintendent Frew encouraged Members to advise Police Scotland on local areas where the use of the quad bikes would be beneficial to tackle anti-social behavior.

Noted.

5. Local Policing Plan 2023-26

Submitted report by the Head of Service (Democratic) in relation to the North Ayrshire Local Policing Plan 2023-26 which has been updated following feedback from the Elected Member Briefing Session held on 12 January 2023. The full draft of the Plan was detailed at Appendix 1 to the report.

Information was provided on the five policing priorities detailed within the Plan, namely, Serious Crime, Violence Against Women and Girls, Safer Communities, Community Wellbeing and Road Safety. The Plan reflects Community Planning Partner priorities and is also aligned with the Police Scotland and Scottish Police Authority Joint Strategy for Policing.

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

- the promotion of the Philomena and Herbert protocols to support the response to young people and those with dementia at risk of going missing; and
- the inclusion of 'development of engagement strategies for young carers' within the Youth Engagement Area of Focus section of the Plan.

The Committee agreed to remit to the Senior Manager, Legal Services, in consultation with the Chair, the final consultation response in terms of the North Ayrshire Local Policing Plan for submission by the deadline of 13 February 2023.

6. Elected Member Briefings: The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 and Operation Moonbeam

Submitted report by the Head of Service (Democratic) providing updates in relation to (i) recent and upcoming legislative changes relating to fireworks; and (ii) North Ayrshire's approach to Operation Moonbeam. Appendix 1 to the report detailed legislation surrounding the provision of fireworks. Appendices 2, 3 and 4 provided briefing notes by Streetscene, Police Scotland and the Scottish Fire and Rescue Services, respectively, on the North Ayrshire approach to Operation Moonbeam.

The Committee agreed to (a) note the content of the briefings set out in the Appendices to the report; and (b) receive a further report in terms of firework control zones and other parts of the Legislation which are not yet in force to a future meeting.

The meeting ended at 4.15 p.m.

Licensing Committee
8 February 2023

IRVINE, 8 February 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Eleanor Collier, Nairn McDonald, John Bell, Cameron Inglis, Christina Larsen, Matthew McLean, Ronnie Stalker and Angela Stephen.

In Attendance

D. Grier, Solicitor, D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

Also in Attendance

Sergeant S. Syme (Police Scotland)

Chair

Councillor Collier in the Chair.

Apologies

Jean McClung and Donald L. Reid

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 11 January 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

3. "Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority."
6. "Information relating to the financial or business affairs of any particular person (other than the authority)."
14. "Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime."

15. "The identity of a Protected Informant" - where "Protected Informant" is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance."

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

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

Appendix A: Hearings

4.1 Taxi Driver's Licence: TDL/02353 (New): Hasher Murad

The Licence holder and Licence holder's Solicitor, having been duly cited to attend, were present. A representative from Police Scotland was also in attendance.

A representative from Police Scotland addressed the Committee on the terms of a letter setting out their representation. Thereafter the Licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

The Licence holder, Licence holder's Solicitor and representative from Police Scotland then withdrew to allow the Committee to deliberate. Thereafter the Licence holder, Licence holder's Solicitor and representative from Police Scotland re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

Decision

Councillor Stalker, seconded by Councillor Larsen moved that (a) the complaint be upheld on the following grounds (i) Paragraph 11(2)(a): that the licence-holder is not or is no longer a fit and proper person to hold the licence; and (ii) Paragraph 11(2)(c): that the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; (b) the Licence be revoked under Paragraph 11(1); and (c) the Committee determine under Paragraph 11(10) that the circumstances of the case justified immediate Suspension, on the basis that there was an immediate and substantial risk to public safety.

There being no amendment, the motion was duly carried. On the advice of the Solicitor (Licensing), this was further confirmed by a roll call vote, whereby there voted for the motion Councillors Collier, McDonald, Bell, Inglis, Larsen, McLean, Stalker and Stephen (8) and, in there being no amendment, the motion was carried unanimously.

4.2 Private Hire Car Licence: PHCL/371 (Substitute): Craig Dobbin

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

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

Decision

The Committee unanimously agreed (a) the proposed vehicle be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the Application for the Council's consent to allow the use of the proposed vehicle should be allowed, under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 9(2).

4.3 Taxi Licence: TL/438 (New): Colin Bennett

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

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

Decision

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the Application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

4.4 Taxi Licence: TL/439 (New): Hugh O'Neill

The applicant and applicant's Solicitor, having been duly cited to attend, were present.

The applicant's Solicitor then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the Application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 11.40 a.m. for a short comfort break, reconvening at 11.55 a.m. with the same Members and officers present and in attendance.

4.5 Taxi Driver Licence: TDL/00773: James McKerrell

At a previous meeting on 11 January 2023, the Committee considered two complaints against the licence-holder and agreed to continue consideration until a Hearing of the complainers and the licence-holder to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder and licence holder's Solicitor, having been duly cited to attend, were present. The complainants were also in attendance.

The complainants then addressed the Committee and responded to questions. Thereafter, the licence holder's Solicitor addressed the Committee on the issues raised and responded to questions.

Decision

The Committee unanimously agreed (i) that neither complaint was upheld; and (ii) to take no further action.

5. Urgent Items

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

5.1 Preliminary Consideration of Complaint Against a Licence-holder: TDL/01837

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

5.2 Preliminary Consideration of Complaint Against a Licence-holder: TDL/00121 AND TL/180

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

5.3 Preliminary Consideration of Complaint Against a Licence-holder: TDL/02177

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

The meeting ended at 2.15 p.m.

Staffing and Recruitment Committee
9 February 2023

IRVINE, 9 February 2023 - At a Meeting of the Staffing and Recruitment Committee of North Ayrshire Council at 8.45 a.m.

Present

Marie Burns, John Bell, Joe Cullinane, Todd Ferguson, Tony Gurney, Shaun Macauley and Tom Marshall.

In Attendance

C. Hatton, Chief Executive, R. McCutcheon, Executive Director (Place) and F. Walker, Head of Service (People and ICT).

Chair

Marie Burns in the Chair.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the meeting of the Staffing and Recruitment Committee held on 17 January 2023 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public and Press

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

4. Head of Service (Economic Development, Growth & Regeneration)

At its meeting held on 17 January 2023, the Committee agreed to progress five candidates to interview. Two candidates, however, withdrew prior to interview.

The Committee, therefore, interviewed the remaining three candidates for the post of Head of Service (Economic Development, Growth & Regeneration).

Thereafter, the Committee agreed as follows:

- (a) not to appoint into this post; and
- (b) that the Chief Executive and Executive Director should (i) agree interim arrangements and (ii) seek to recruit into this post at a future date.

The Meeting ended at 2.00 p.m.

Cabinet
21 February 2023

IRVINE, 21 February 2023 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Marie Burns, Tony Gurney, Alan Hill, Margaret Johnson, Christina Larsen and Shaun Macaulay; Elizabeth Turbet, Rev Mark Goodman (Church Representatives); and Jackie MacKenzie (Teaching Representative) (Agenda Item 3).

Also Present

Cameron Inglis, Matthew McLean, Chloé Robertson and Davina McTiernan.

In Attendance

C. Hatton, Chief Executive and M. Boyd, Head of Service (Finance) (Chief Executive's Service); R. McCutcheon, Executive Director, D. Hammond, Head of Service (Sustainability, Corporate Property and Transport), N. McIlvanney, Interim Head of Service (Growth, Investment and Employability) and L. Neill, Senior Manager (Employability) and (Place); A. Sutton, Executive Director and R. Leith, Head of Service (Connected Communities) (Communities and Education); C. Cameron, Director (Health and Social Care Partnership); R. Lynch, Senior Manager and C. Cochrane, Solicitor (Legal Services), J. Hutcheson, Senior Communications Officer, and C. Stewart, D. McCaw and S. Wilson, Committee Services Officers (Democratic Services).

Also In Attendance

M. McPhail, L. Barrie and C. Glencorse (North Ayrshire Leisure Limited).

Chair

Marie Burns in the Chair.

1. Minutes

The Minutes of the Meeting of the Cabinet held on 24 January 2023 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

2. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors, Councillor Gurney, as an employee of UWS, made a declaration during consideration of Agenda Item 6 (Apprenticeship Proposal). Having applied the objective test, the nature of the interest was such that Councillor Gurney did not require to leave the meeting for this item of business.

3. Educational Trust Funds

Submitted a report by the Executive Director (Communities and Education) on the anticipated annual income and expenditure of the Charitable Trusts administered by the Education Service and seeking approval for the level of funding to be made available for disbursement during 2022/23 academic session.

The Cabinet agreed to (a) approve the 2022/23 revenue estimates for the Charitable Trusts detailed in section 2.3 of the report; (b) approve the amounts available for disbursement noted at section 2.3 of the report; and (c) the capital spend from the dormant and low value Trusts.

4. Consultation on a Proposed Freedom of Information Reform (Scotland) Bill

Submitted a report by the Head of Service (Democratic Services) seeking approval for the proposed formal consultation response to the Katy Clark MSP's Consultation on the proposal for a bill to reform Freedom of Information legislation in Scotland. The Consultation paper and proposed response were set out at Appendices 1 and 2, respectively, to the report.

The Cabinet agreed to approve the submission of the proposed consultation response as set out at Appendix 2 to the report.

5. North Ayrshire Leisure Limited (NALL) Performance and Impact Report incorporating the 2023-24 Budget

Submitted a report by the Executive Director (Communities and Education) seeking approval for the North Ayrshire Leisure Limited (NALL) Performance and Impact Report incorporating the 2023-24 Budget. The NALL Performance and Impact Report incorporating the 2023/24 Budget was attached at Appendix 1 to the report.

The Cabinet also received a presentation from KA Leisure detailing the performance and impact work undertaken by the organisation to date to take the organisation forward and bring about recovery and improvements.

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

- the significant work and effort that had been put in with regard to achieving a balanced budget position given the scale of challenge in terms of post-Covid recovery, together with collaborative working in order to achieve this;
- the measures that had been taken, or were proposed to be taken, in relation to energy management and efficiency, to reduce cost thresholds as much as possible; and
- the impact of various initiatives, such as the health and wellbeing service, were making in terms of bringing forward improvements and positive differences in promoting health and wellbeing, etc. to the community of North Ayrshire.

The Cabinet agreed to (a) note (i) the North Ayrshire Leisure Limited (NALL) Performance and Impact Report incorporating the 2023-24 budget as set out at Appendix 1 to the report and (ii) the projected balanced budget position in 2022-23; and (b) authorise officers to continue to progress the recovery of the business, including the Recovery and Renewal Plan.

6. North Ayrshire Council's Apprenticeship Proposals

Submitted a report by the Executive Director (Place) providing an update on the North Ayrshire Council's Modern Apprenticeship Programme and seeking approval to develop the Council's apprenticeship offer and deliver an enhanced programme from April 2023 to include new entrants and support for existing employees. Feedback received from current and previous apprentices was sought to assist in the review, together with a refresh of the current apprenticeship offering, and this was set out in Appendix 1 to the report.

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

- the range of apprenticeships on offer including partnerships with Ayrshire College and the University of the West of Scotland (UWS); and
- partnership working to deliver on community wealth building opportunities in terms of good practice as well as being part of the Fair Work offer for employees.

The Cabinet agreed (a) to note the contents of the report and (b) the Council's apprenticeship programme on the basis set out in the report.

7. Lease Acquisition – Seabed at the Ardrossan Strategic Regeneration Site

Submitted a report by the Executive Director (Place) seeking approval to lease 1,478m² of seabed from Crown Estate Scotland to enable the development of the proposed revetment works at the Ardrossan Strategic Regeneration Site. The Site Plan was attached at Appendix 1 to the report.

On behalf of Members, Councillor Burns, Chair, thanked officers for bringing this report forward and noted that it was encouraging to see the pace of progress with the new campus development in accordance with the updated programme.

The Cabinet agreed to approve the lease acquisition of the seabed from Crown Estate Scotland for a period of 99 years at a grassum rent of £38,850, exclusive of VAT.

8. Electric Vehicle Charging Infrastructure Investment in Ayrshire

Submitted a report by the Executive Director (Place) on the findings from the Ayrshire Public Electric Vehicle Charging Business Case and the proposed next steps. Potential locations for North Ayrshire proposed EVCI and a Commercial Model Assessment were set out at Appendices 1 and 2, respectively, to the report.

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

- the anticipated tariff for the use of Electric Vehicle (EV) charge points, including confirmation that there would be a universal tariff across Ayrshire to assure consistency; and
- any influence which could be pursued by the Council in terms of the proposals, notwithstanding the preferred delivery mechanism for expansion of the public vehicle charging network.

The Cabinet agreed to (a) note the findings from the Ayrshire Public Electric Vehicle Charging Business Case including the identification of a new concession contract as the preferred delivery mechanism for expansion of the public vehicle charging network; (b) provide delegated authority to the Executive Director (Place) to develop and enter into an Inter Authority Agreement with East and South Ayrshire (represented by the Ayrshire Roads Alliance) to govern the specification, procurement, implementation and operation of the proposed concession contract; and (c) receive a further update report on completion of (b) above, prior to the procurement of the proposed concession contract.

The meeting ended at 3.40 p.m.

Planning Committee
22 February 2023

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Timothy Billings, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

Present (Remote Participation)

Scott Davidson, Jim Montgomerie, Ian Murdoch and Chloé Robertson.

Also Present (Physical Participation)

Todd Ferguson (Agenda Items 1-4).

In Attendance

J. Miller, Chief Planning Officer, A. Gemmell, Strategic Planning Manager and T. Ledingham, Planning Officer (Strategic Planning) (Economic Development and Regeneration) (Place); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services), D. McCaw, C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 25 January 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. National Planning Framework 4 (NPF4)

Submitted report by the Executive Director (Place) on the adoption of Scotland's fourth National Planning Framework (NPF4), which now formed part of the local development plan for North Ayrshire, sitting alongside the adopted Local Development Plan (LDP2).

The Strategic Planning Manager presented information in connection with the background to implementation of the plan, including spatial principles, regional priorities and national developments which aimed to contribute to creating places which were sustainable, liveable and productive. The Committee was advised that a Delivery Programme had been prepared setting out the approach for key short and medium term actions in relation to governance and collaboration, delivery mechanisms, infrastructure funding and finance, skills resources and performance, and monitoring and evaluation. This would be updated within 6 months and thereafter on an annual basis.

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

- the designation of Hunterston as a National Development within NPF4 to support repurposing;
- any unforeseen issues in connection with implementation of NPF4 in conjunction with LDP2 where matters may not accord; and
- the fit of Arran and Cumbrae within the Central Region and how this would be interpreted to sustain communities and pioneer investment in the blue economy.

The Chief Planning Officer advised that an Elected Member development session would take place on 20 March 2023 covering transitional arrangements in connection with implementation of NPF4 in conjunction with LDP2.

The Committee agreed to note (i) the adoption of National Planning Framework 4; and (ii) that the Framework was now part of the development plan for North Ayrshire.

4. Tree Preservation Order: Grouping of Trees adjacent to Wildcat Lane and Summerlea Road, West Kilbride

Submitted report by the Chief Planning Officer regarding confirmation of a Tree Preservation Order (TPO) for a group of trees located along Wildcat Road and Summerlea Road, West Kilbride.

The TPO, created in September 2022 following approval by the Planning Committee, was subject to a public consultation period in line with relevant legislation. The report summarised the representations made and provided recommendations on further action upon consideration of those recommendations. The report recommended that the TPO be confirmed unmodified as the grouping of trees contributed to wider public amenity.

Councillor Billings, seconded by Councillor Stewart Ferguson, moved confirmation of the TPO in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to confirm a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997 in the interests of protecting public amenity.

Councillor Todd Ferguson left the meeting at this point.

5. Tree Preservation Order: Grouping of Trees located at Stevenston High Kirk Manse

Submitted report by the Chief Planning Officer regarding the process and merits of protecting a group of trees located on the grounds of Stevenston High Kirk and the adjacent Manse.

The report indicated that concerns had been raised by a member of the public in connection with a lack of protection for trees located within the grounds of Stevenston High Kirk and the adjoining Manse. Council Officers conducted a site visit and desk top analysis to assess the suitability of a TPO and relevant legislation. Following a preliminary assessment of the trees, it was considered that the trees added to the local landscape character and contributed to amenity. It was also noted that the trees were mostly located in the grounds of Stevenston High Kirk, a Category B-Listed Church and cemetery and designated within the Local Development Plan as Open Space. Further considerations included the existence of a core path located east of the Kirk which led to the Town Centre then down to the Coast. A subsequent site visit confirmed numerous tree species of note including a Tulip Tree normally found within botanical gardens. The trees were found to have met the criteria for a TPO and the report recommended that this be served in the interests of protection of public amenity and cultural heritage.

Members of the Committee expressed support for a TPO to preserve the heritage and character of the particular area of Stevenston.

Councillor Montgomerie, seconded by Councillor McTiernan, moved to support the serving of a TPO in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to the serving of a Tree Preservation Order (TPO) under Section 160 of the Town and Country Planning (Scotland) Act 1997.

6. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Tennox Farm, Kilbirnie

Submitted report by the Executive Director (Place) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act, 1997 requiring the removal of the unauthorised dwellinghouse, associated outbuildings and ancillary works at Tennox Farm, Kilbirnie and restoration of the land to its former condition prior to development.

The report advised that the Council had received a number of reports in recent years that land at Tennox Farm near Kilbirnie had been developed with a number of unauthorised buildings as well as formation of a large yard area. An Enforcement Notice under Section 33A of the Act was served on the owner of the land in March 2022. The Notice included the requirement for the submission of a planning application in respect of a dwellinghouse and ancillary outbuildings, which was subsequently refused planning permission during 2022. A review of the decision was undertaken by the Local Review Body on 25 January 2023. The review was dismissed with the consequence that the development remained unauthorised.

Councillor Foster, seconded by Councillor Billings, moved to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 in line with the report recommendation. There being no amendment, the motion was declared carried.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, requiring the removal of the unauthorised dwellinghouse, associated outbuildings and ancillary works at Tennox Farm (ref. 22/00331/PP) and the restoration of the land to its former condition prior to the development taking place.

The meeting ended at 2.35 p.m.

Local Review Body
22 February 2023

At a Meeting of the Local Review Body of North Ayrshire Council at 2.40 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Timothy Billings, Stewart Ferguson, Cameron Inglis and Davina McTiernan.

Present (Remote Participation)

Scott Davidson, Jim Montgomerie and Chloé Robertson.

In Attendance

A. Hume, Senior Development Management Officer (Planning); R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services), D. McCaw, C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

Chair

Councillor Foster in the Chair.

Apologies

Ian Murdoch.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 25 January 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 22/00454/PP- Dippenhead Farm, Whiting Bay, Arran

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, applicant's response to the request for further information, Planning Officer's Report of Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer, and the background to the continuation of the Review from the January meeting to request further information which had now been provided by the applicant. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit and hearing.

Members asked questions and were provided with further information in relation to conditions which could be appended to any Planning Application approval.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request and that a site visit and hearing were not required.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 3.00 p.m. for a short break. The meeting reconvened at 3.10 p.m. with the same Members and Officers present and in attendance.

Councillor Foster, seconded by Councillor Inglis, moved that the Local Review Body uphold the appeal and grant planning permission subject to relevant conditions and on the basis that while the proposal does not fully comply with the relevant provisions of the Local Development Plan, other material considerations indicate otherwise and planning permission should be granted for a temporary period as set out in condition 1.

There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to grant the application, subject to the following conditions:-

1. That the planning permission hereby approved for the siting of a static caravan within Dippenhead Farm shall expire within 3 years of the date of this consent, and the ground reinstated to its former condition.

Reason: To define the scope of this planning permission for a limited period to enable the business to be established.

2. That, within one month of the date of this planning permission, further details of siting, design and external appearance of the static caravan shall be submitted for the written approval of North Ayrshire Council as Planning Authority. These details shall take into account the means of access, surface and waste water drainage, water supply and power supply. Thereafter, the development shall be implemented in accordance with such details as may be approved within 12 months of the date of this planning permission.

Reason: In the interest of the amenity of the area.

The meeting ended at 3.20 p.m.

Staffing and Recruitment Committee
28 February 2023

At a Meeting of Staffing and Recruitment of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Garnock Committee Room, Irvine.

Present (Physical Participation)

Marie Burns.

Present (Remote Electronic Participation)

John Bell, Joe Cullinane, Todd Ferguson, Shaun Macauley and Tom Marshall.

In Attendance (Physical Participation)

C. Hatton, Chief Executive and F. Walker, Head of Service (People and ICT).

In Attendance (Remote Electronic Participation)

A. Sutton, Executive Director (Communities and Education).

Chair

Marie Burns in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the meeting of the Staffing and Recruitment Committee held on 9 February 2023 was confirmed and the Minute and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public and Press

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

4. Recruitment: Head of Service (Inclusion and Educational Support)

The Committee considered applications for position of Head of Service (Inclusion and Educational Support) and agreed not to proceed to the next stage of the recruitment process.

The Committee agreed that the Chief Executive would consider wider recruitment arrangements and report back in due course.

The meeting ended at 10.25 a.m.

Licensing Committee
8 March 2023

IRVINE, 8 March 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

Present

Eleanor Collier, Nairn McDonald, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Donald L. Reid, Ronnie Stalker and Angela Stephen.

In Attendance

D. Robertson, Enforcement Officer (Legal Services), W. O'Brien, Solicitor, A. Toal, Administration Assistant (Licensing) and H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Chair

Councillor Collier in the Chair.

Apologies

John Bell

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the Meeting held on 8 February 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Exclusion of the Public

The Committee resolved, under Section 50A(4) of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public, for Agenda Items 5 and 6 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that they involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

present or future crime, breach of statutory duty, breach of planning control, or nuisance."

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

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

Appendix A: Hearings

4.1 Private Hire Car Licence: PHCL/380 (New): Brian Taylor

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

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

Decision

The Committee unanimously agreed (a) to allow the proposed vehicle to carry the livery shown in photographs presented to the Committee; and (b) the vehicle should still have Private Hire Car licence plates visible from outside the vehicle and door decals showing that the vehicle was only available for pre-booked hires.

4.2 Private Hire Car Licence: PHCL/381 (New): Cita Tapas

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

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

Decision

The Committee unanimously agreed (a) to allow the proposed vehicle to carry the livery shown in photographs presented to the Committee; and (b) the vehicle should still have Private Hire Car licence plates visible from outside the vehicle and door decals showing that the vehicle was only available for pre-booked hires.

4.3 Taxi Licence: TL/440 (New): Jamie Dorrans

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

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

Decision

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

4.4 Taxi Licence: TL/442 (New): Calvin Smith

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

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

Decision

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

4.5 Taxi Licence: TL/442 (New): Behzad Lorestani

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

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

Decision

The Committee unanimously agreed (a) the proposed vehicle should be treated in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) the application should be granted under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(1)(a).

4.6 Street Traders Operator's Licence: STL/O/530 (Temporary): Jane Gibb

The Solicitor (Licensing) advised the Committee that the application had been granted under delegated powers.

4.7 Taxi Driver's Licence: TDL/01837: Mohamed Asli

At a previous meeting on 8 February 2023, the Committee considered a complaint against the licence-holder and agreed to continue consideration until a Hearing to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder, having been duly cited to attend, was present. The complainant was also in attendance.

The complainant then addressed the Committee and responded to questions. Thereafter, the licence holder addressed the Committee on the issues raised and responded to questions.

The licence holder and the complainant then withdrew to allow the Committee to deliberate. Thereafter the licence holder and complainant re-joined the meeting, with the same Members and Officers present and in attendance, to hear the Committee's decision.

Decision

The Committee unanimously agreed (i) that the complaint was upheld; and (ii) to suspend the Taxi Driver's Licence for a period of 14 days starting from 28 days after the date of the meeting.

4.8 Taxi Driver's Licence: TDL/02177: Francis Clarke

At a previous meeting on 8 February 2023, the Committee considered a complaint against the licence holder and agreed to continue consideration until a Hearing to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder, having been duly cited to attend, was not present but was represented by a Solicitor. The complainant was also in attendance.

The complainant addressed the Committee and responded to questions.

Decision

The Committee unanimously agreed to continue consideration to a future meeting to allow the licence holder to be in attendance.

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 12.15 p.m. for a short comfort break, reconvening at 12.25 p.m. with the same Members and officers present and in attendance.

4.9 Taxi Driver's Licence: TDL/00121: Edward Walsh

At a previous meeting on 8 February 2023, the Committee considered a complaint against the licence holder and agreed to continue consideration until a Hearing to be held under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 11(7).

The licence holder and licence holder's solicitor, having been duly cited to attend, were present. The complainant was also in attendance.

The complainant addressed the Committee and responded to questions. The licence holder and licence holder's solicitor then addressed the Committee on the issues raised and responded to questions.

The licence holder, licence holder's solicitor and the complainant then withdrew to allow the Committee to deliberate. Thereafter the licence holder, licence holder's solicitor and complainant re-joined the meeting, with the same Members and officers present and in attendance, to hear the Committee's decision.

Decision

The Committee unanimously agreed (i) that the complaint was upheld; and (ii) to suspend the Taxi Driver's Licence for a period of 28 days starting from 28 days after the date of the meeting.

5. Urgent Items

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

5.1 King's Coronation: Saturday 6 May

The Solicitor (Licensing) gave a verbal update on the Draft Licensing Committee Coronation Statement for publication.

The Committee unanimously agreed to approve the Draft Licensing Committee Coronation Statement for publication as set out in Appendix LIC 1 to the Minute.

The meeting ended at 1.45 p.m.

Appendix LIC 1

Draft Licensing Committee Coronation Statement

"To mark the Coronation of King Charles on Saturday 6 May 2023, the Licensing Committee has agreed to a temporary change to the licensing arrangements in North Ayrshire. These will apply during the Coronation Period from Friday 5 May to Monday 8 May 2023.

Free Community Events

Celebration events linked to the Coronation which are wholly in that period – such as fairs in public parks - will **not** need Public Entertainment Licences, so long as the public can enter the event place and use the facilities (such as play on stalls or go on rides) **for free**.

Commercial operators will still need licences – for example:

- the same rules as usual will apply to vans selling fast food or ice cream. Both the vans and people working on them will still need Street Trader's Licences. The Council will **not** enforce any restriction on where Street Traders may operate if they are at a Coronation celebration event.
- Stalls or rides making a charge need to be covered by a Public Entertainment Licence, so the occupier of the land where that stall or ride needs to apply for one (even if the rest of the event is free-of-charge)

Public Charitable Collections

Also the Council's conditions on the days when Public Charitable Collections are permitted will not apply to collections held during the Coronation Period – the organisers will still have to apply to the Council for permission as usual.

Street Parties

Street parties can only happen if the street is closed under a Temporary Traffic Regulation Order issued by the Council's Roads Department. The Licensing Committee do not deal with TTROs.

Anyone wanting a TTRO should apply to the Council's Roads Department at least 28 days before the requested closure to:

roadspermits@north-ayrshire.gov.uk

using the application form on:

<https://www.north-ayrshire.gov.uk/roads-and-travel/road-maintenance-permits-and-services.aspx>

There will be no fee for applying for a TTRO for the Coronation.

The Council's Roads Department still require the standard TTRO form to be completed with as much information as possible. The closure of the public road for any reason is still a potentially hazardous undertaking, whether it is for a short cul-de-sac or a through road which requires a diversion route. Road signs must be installed by suitably qualified individuals.

Alcohol

The Licensing Board deal with the sale of alcohol and will separately be considering a policy for "Extended Hours" and "Occasional Licences" for the Coronation when they meet on Monday 27 March 2023. Anyone wanting to sell alcohol will still need a Premises Licence or an Occasional Licence.