



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting 27**

**March 2019**

**VOLUME OF MINUTES**

**From 13 December 2018 – 12 March 2019**

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

**Present**

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

Caroline Whyte, Chief Finance and Transformation Officer  
David MacRitchie, Chief Social Work Officer  
Dr. Calum Morrison, Acute Services Representative  
Alistair Reid, Lead Allied Health Professional Adviser  
Dr. Louise Wilson, GP Representative

David Donaghey, Staff Representative (NHS Ayrshire and Arran)  
Louise McDaid, Staff Representative (North Ayrshire Council)  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Nigel Wanless, Independent Sector Representative

**In Attendance**

Thelma Bowers, Head of Service, Mental Health  
Michelle Sutherland, Strategic Planning Lead  
Pam Milliken (East Ayrshire Council)  
Peter Omer (East Ayrshire Council)  
Karen Andrews, Team Manager (Governance)  
Hayley Clancy, Committee Services Officer

**Apologies for Absence**

Stephen Brown, Director of Health and Social Care Partners  
Alistair McKie, NHS Ayrshire and Arran  
Dr Paul Kerr, Clinical Director  
Vicki Yuill, Third Sector Representative  
Fiona Thomson, Service User Representative  
Sam Falconer, (Chair) IJB Kilwinning Locality Forum

## **1. Apologies**

Apologies were noted.

## **2. Declarations of Interest**

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

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

The accuracy of the Minute of the meeting held on 15 November 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

The report, presented by Caroline Whyte, highlighted the "Charter for Change" sessions that communicate a consistent message to managers about what is planned and to get their valuable input into how to maximize the benefits of staff sessions.

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

## **5. Audit Scotland Report: Health and Social Care Integration: Update on Progress**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer, on the Audit Scotland report on Health and Social Care Integration in Scotland with the report on progress with integration provided at Appendix 1 to the report.

Members asked a question and were provided with clarification on North Ayrshire Council's position in the financial performance 2017/2018 table at Appendix 4.

The Board agreed to note (i) the Audit Scotland report and the findings therein and (ii) an action plan outlining the actions for the North Ayrshire IJB would be presented at a future meeting.

## **6. Budget Monitoring – Month 7 (October 2018)**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer on the projected financial outturn for the financial year. Appendix A provided a detailed financial overview of the Partnership budgetary position while Appendix B gave a detailed variance analysis. Appendix C presented full detail on savings, with Appendix D detailing progress against the approved recovery plan and Appendix E highlighting the movement in the overall budget position.

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

- primary care prescribing and general medical services projected to be underspent due to the reduction in drug costs; and
- the projected underspend due to part year vacancies.

The Board agreed to (a) note the projected year-end overspend of £0.481m; (b) approve the changes in funding as detailed in section 2.12 and Appendix E to the report; and (c) note the impact of the financial recovery plan and the progress being made in delivering financial balance.

## **7. Implementation on the Charter for Involvement**

Submitted report by Thelma Bowers, Head of Service (Mental Health) on actions to take forward the 12 statements within the Charter.

Members asked a question and were provided with clarification that review work to be undertaken in the Garnock Valley would be reported back to the IJB.

The Board agreed to support the existing actions outlined and undertake to promote the relevance of the Charter across all aspects of the North Ayrshire Health and Social Care Partnership.

## **8. Primary Care Services Update**

Submitted report by East Ayrshire providing a Primary Care Services update with an appendix for each workstream provided.

The report highlighted the following:-

- the Primary Care and Out of Hours Services strategic direction and implementation of the Ambitious for Ayrshire Programme from 2016-2018;
- the Primary Care Improvement Plan (PCIP) that was signed off on 28 June 2018 by the three Integration Joint Boards (IJBs), GP Sub Committee, and NHS Board in Ayrshire; and
- the progress and future strategic direction of the Public Dental Service (PDS).

Members asked a question and were provided with information on primary dental care fees.

The Board also commended all involved in achieving significant progress with primary care services.

Noted.

## **9. Strategic Planning Group Minutes**

Submitted Minutes of the Strategic Planning Group meeting held on 10 October 2018.

Noted.

The Meeting ended at 10.55 a.m.

Licensing Committee  
6 February 2019

**IRVINE**, 6 February 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, John Easdale, Jean McClung and Donald L. Reid.

**Also Present**

Timothy Billings (Item 4.6)

**In Attendance**

W. O'Brien, Solicitor (Licensing), C. Pollock, Licensing Administration Officer and A. Toal, Administrative Assistant (Legal Services); S. Bodys, Enforcement Officer (Economy and Communities) (Items 1-4.3); E. Anderson, Team Manager (Private Sector Housing) and B. Ferry, Policy Officer - Private Sector (Place) (Item 5); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

PC Alan Kerr and Sergeant David Dougan (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson, Scott Gallacher, and Davina McTiernan.

**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 ordinary meeting held on 9 and the special meeting held on 30 January 2019 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 Item 3 (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 Second Hand Dealer's Licence: SHDL/132 (Renewal)- MLD Zambonini Ltd**

The Solicitor (Licensing) advised the Committee that this case would be resolved by officers under delegated powers and that no action was required.

Noted.

#### **4.2 Second Hand Dealer's Licence: SHDL/202 (New) - Dean Nimmo**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

## **Decision**

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

### **4.3 Second Hand Dealer's Licence SHDL/203 (New) - Lyndsey McSkimming**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

## **Decision**

Councillor Reid, seconded by Councillor McNicol, moved that the application be refused in terms of the following grounds stated in Schedule 1 to the Civic Government (Scotland) Act 1982:

- (a) that the Applicant is not a fit and proper person to be the holder of the Licence (Paragraph 5(3)(a)(ii)); and
- (b) that the activity to which the Licence relates would be managed by or carried on for the benefit of a person, other than the Applicant, who would be refused the Grant or Renewal of such a Licence if he made the Application himself (Paragraph 5(3)).

There being no amendment, the motion was declared carried.

### **4.4 Taxi Driver's Licence TDL/01168 (New) - Paul McPherson**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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



## **Decision**

Councillor Easdale, seconded by Councillor Barr, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **4.5 Window Cleaner's Licence WCL/015 (New) - George Kearney**

The applicant, having been duly cited, was present and was accompanied by his solicitor. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

## **Decision**

Councillor McClung, seconded by Councillor Easdale, moved that the Committee 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. There being no amendment, the motion was declared carried.

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

### **4.6 Private Hire Car Licence PHCL/368 (New) - Dean Coulson**

The applicant, having been duly cited, was present and was accompanied by his local Elected Member, Councillor Billings.

The Civic Government (Scotland) Act 1982, Section 10(2) prohibits the Licensing Authority from granting or renewing a Licence for the operation of a Taxi or Private Hire Car unless it is satisfied that the proposed vehicle is suitable in type, size and design for use as a Taxi or Private Hire Car, as the case may be. Accordingly, the Council has a Policy, the "Vehicle Approval Specification", which sets out the Council's requirements. These requirements include the use of a "wheelchair-accessible vehicle" (WAV). The Applicant invited the Council to treat his proposed vehicle, Vauxhall Astra Registration Number FJ64 WYY, as an exception to that part of the Policy.

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

The applicant then addressed the Committee on the issues raised and responded to questions. He had provided the Committee with photographs of the vehicle and also letters of support and comment from third parties. Councillor Billings, as the applicant's local Elected Member, also addressed the Committee in support of the application.

## **Decision**

Councillor Reid, seconded by Councillor Easdale, moved that the Committee treat the particular vehicle Vauxhall Astra Registration Number FJ64 WYY as an exception to the "wheelchair-accessible vehicle" (WAV) requirement of the Council's "Vehicle Approval Specification", and that accordingly that vehicle should be accepted as complying in that respect with Civic Government (Scotland) Act 1982, Section 10(2). There being no amendment, the motion was declared carried.

Councillors Easdale and Billings left the meeting at this point.

### **4.7 Taxi Driver's Licence TDL/01565 - Douglas Howat (Renewal)**

The licence holder, having been duly cited, was not present or represented.

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

## **Decision**

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

(a) that within 14 days after the Licence-Holder's 70th birthday, and within 14 days of each later birthday, the Licence-Holder must give the Licensing Office evidence that he/she continues to have a driving entitlement under the Road Traffic Acts (for example, by producing to the Licensing Office the current photocard part of the 'ordinary' Driving Licence issued by DVLA).

There being no amendment, the motion was declared carried.

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

### **4.8 CARAVAN CAR/033 (variation) - Robin Bell**

The Committee unanimously agreed that the conditions of the Site Licence applied under Section 5 of the Caravan Sites and Control of Development Act 1960 should be varied as requested, so as to permit occupation of holiday or touring caravans (but not residential caravans) for 12 months of the year.

#### **4.9 STREET TRADER OPERATOR LICENCE STL/O//490 (New) - Tracey Martin**

The Solicitor (Licensing) advised the Committee that this case would be resolved by officers under delegated powers and that no action was required.

#### **4.10 TAXI DRIVER'S LICENCE TDL/01615 (Renewal) - Kevin Kyle**

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

#### **4.11 TAXI DRIVER'S LICENCE TDL/01935 (New) - Andrew Watt**

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

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

Submitted report by the Chief Executive on the circumstances relating to an application for Landlord Registration under the 2004 Act.

#### **5.1 CW**

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

The Solicitor (Licensing) addressed the Committee on the background to the hearing and the terms of a letter submitted by the applicant. The applicant addressed the Committee on the issues raised and responded to questions.

The Committee heard from officers of the Private Sector Housing section.

#### **Decision**

The Committee unanimously agreed to (a) grant the application for Landlord Registration; and (b) remove the Rent Penalty Notice in force at one of the applicant's properties.

The meeting ended at 12.15 p.m.

Cabinet  
12 February 2019

**IRVINE, 12 February 2019** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher and Louise McPhater.

**Also Present**

Shaun Macauley, Scott Davidson, Davina McTiernan, Jean McClung (Agenda Items 1 -3) and Donald L Reid.

**In Attendance**

C.Hatton, Chief Executive; L. Friel, Executive Director and A. Lyndon, Senior Manager (Corporate Procurement) (Finance and Corporate Support); A. Sutton, Head of Service (Connected Communities) (Economy and Communities); R. McCutcheon, Head of Service (Commercial) (Place); and M. Sugden, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

L. Campbell, C. Glencorse, L. Barrie and S. Morrison (North Ayrshire Leisure Limited).

**Chair**

Joe Cullinane in the Chair.

**Apologies**

Jim Montgomerie.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 15 January 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. North Ayrshire Leisure Limited (NALL) Performance and Impact Report incorporating the 2019-20 Budget**

Submitted report by the Executive Director (Economy and Communities) on the North Ayrshire Leisure Limited (NALL) Performance and Impact Report. The Impact Report was set out at Appendix 1 to the report. The Cabinet also received a presentation by North Ayrshire Leisure Limited providing information on opportunities and developments taking place across KA Leisure venues and the views of customers and partners on paths to maintain success.

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

- the use of public spaces for fitness activities and the Green Health initiative;
- North Ayrshire Active Communities Strategy 2016 – 2026;
- increasing the number of children in North Ayrshire learning to swim;
- the Girl Make Your Move initiative; and
- joint public transport and leisure access entry for families.

The Cabinet agreed to approve the North Ayrshire Leisure Limited (NALL) Performance and Impact Report incorporating the 2019-20 Budget.

### **4. Delivery of Transformation 2**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress and achievements of Transformation 2. A summary of the main achievements was set out at Appendix 1 to the report.

The Cabinet agreed to (a) note the deliverables from Transformation 2; and (b) approve the approach to the next phase of transformation.

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

Submitted report by the Executive Director (Economy and Communities) on the applications by the Locality Partnerships to allocate Community Investment Fund (CIF) funding to a range of proposed projects. The applications were set out at Appendices 1-2 to the report.

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

### **6. Joint Locality Planning Partnership – Arran Pilot**

Submitted report by the Executive Director (Economy and Communities) on the proposals to pilot an integrated Community Planning Partnership Locality partnership arrangement and HSCP Locality Planning Forum on Arran.

The Cabinet agreed to (a) amend the Schemes of Establishment for the Arran Locality Partnership and the Arran Health and Social Care Locality Partnership to allow the creation of a joint Locality Planning Partnership for the Arran locality for a pilot period of 12 months from 1 April 2019; and (b) receive a future report on the results of the Arran Joint Locality Planning Partnership pilot.

## **7. Award of Contract – Measured Term Contract for Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Measured Term Contract for Annual Inspection and Reactive Maintenance of Domestic Gas Central Heating Installations and Ancillary Equipment.

The Cabinet agreed to approve the award of the contract to James Frew Limited.

## **8. Award of Contract Corporate Insurance Services**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tendering exercise for Corporate Insurance Services.

The Cabinet agreed to approve the award of the contract to the following suppliers:-

<b>LOT NO.</b>	<b>DESCRIPTION</b>	<b>RECOMMENDED SUPPLIER</b>	<b>TOTAL CONTRACT VALUE</b>
1	Property Damage and Business Interruption including Money and Specified Property Insured	<b>No Award - included in Lot 12</b>	<b>No Award - included in Lot 12</b>
2	Property Owners Liability (Industrial/Commercial Leased Properties)	<b>Travelers Ins Co Ltd</b>	<b>£291,792.72</b>
3	Casualty including Employers Liability / Public and Products Liability / Libel & Slander / Officials Indemnity / Professional Negligence	<b>No Award - included in Lot 12</b>	<b>No Award - included in Lot 12</b>
4	Motor Fleet	<b>No Award - included in Lot 12</b>	<b>No Award - included in Lot 12</b>
5	Computer	<b>Zurich Municipal</b>	<b>£80,598.24</b>
6	Fidelity Guarantee & Crime	<b>Zurich Municipal</b>	<b>£208,000.00</b>
7	Contractors All Risks and Hired in Plant	<b>Zurich Municipal</b>	<b>£152,524.16</b>
8	Engineering Inspection Contract / Insurance and Contractors Plant	<b>Zurich Municipal</b>	<b>£752,194.80</b>
9	Group Personal Accident / Travel – Corporate and Offsite (Education)	<b>Chubb European Group SE</b>	<b>£197,178.64</b>

10	Medical Malpractice	<b>No bids received</b>	<b>No bids received.</b> (Liability Cover included within Lot 12)
11	Cyber Insurance	<b>No bids received</b>	<b>No bids received</b> (A separate Procurement exercise to be
12	Package Lot – Property Damage / Business Interruption (incl. Money and Specified Property), Casualty and Motor Flee	<b>Zurich Municipal</b>	<b>£6,463,866.40</b>
	<b>TOTAL CONTRACT VALUE</b>		<b>£8,146,154.96</b>

**9. Award of Measured Term Contract 2019/2022 Maintenance, Servicing and Repair of Fire Alarms & Emergency Lighting, Intruder Alarm Systems, CCTV, Access Control Systems, Disabled Refuge Systems, Nurse & Personal Alarm Systems**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tendering exercise for the Measured Term Contract 2019/2022 Maintenance, Servicing and Repair of Fire Alarms & Emergency Lighting, Intruder Alarm Systems, CCTV, Access Control Systems, Disabled Refuge Systems, Nurse & Personal Alarm Systems.

The Cabinet agreed to approve the award of the contract to Fortress Security Ltd.

The Meeting ended at 3.45 p.m.

**Planning Committee  
20 February 2019**

**Irvine, 20 February 2019** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

J. Miller, Senior Manager (Planning) and T. Ledingham, Planning Officer (Economy and Communities); J. Law, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Christina Larsen.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 5 December 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 18/00968/PPM - Middleton Depot, Lochlibo Road, Burnhouse**

William Tracey Limited have applied for planning permission for the manufacture of soil from waste including treatment operations at Middleton Depot, Lochlibo Road, Burnhouse. One letter of representation was received and detailed in the report.

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

1. That only non-hazardous and inert waste, as defined by SEPA, be brought to the site for the purposes of the permitted waste treatment and soil manufacture operations.
2. That the permitted waste treatment and soil manufacture operations shall take place only on the areas identified on 'Existing Site Layout' drawing 120084/PA18/03 as Existing Concrete Slab.



3. That the operations at the site shall take place only between the following times:-  
Mondays to Fridays: 0700hrs - 1900hrs (except Bank Holidays)  
Saturdays: 0700hrs - 1300hrs

and at all other times, including all day on Sundays, no operations shall be carried out except routine maintenance tasks, all to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the operator shall seek to ensure that no loose material is carried out onto the A736 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
5. In the event of the permitted waste treatment and soil manufacture operations ceasing for a consecutive period of at least 6 months, any plant brought onto the site for the purposes of waste treatment and soil manufacture operations will be removed within 3 months of North Ayrshire Council, as Planning Authority, giving notification that the use has ceased.

#### **4. 18/01067/ALO - Dalziel House, Beith**

Mr D. Young has applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission 07/01160/OPP at Dalziel House, Beith. No objections were received.

Planning permission was granted on 25 March 2008 for the erection of a dwellinghouse following the signing of a legal agreement which stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

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

#### **5. Master Planning Update**

The Committee received a presentation from the Planning Officer on work undertaken by the Council's Strategic Planning Team on the Local Development Plan 2 and the use of master planning.

Members were invited to visit the Planning team following the meeting for a demonstration of the new tools which are used to showcase sites, including videos and fly-throughs, which it is hoped will help attract developers.

Noted.

The meeting ended at 2.30 p.m.

## **Local Review Body 20 February 2019**

**Irvine, 20 February 2019** - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

### **Present**

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

### **In Attendance**

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

### **Chair**

Councillor Marshall in the Chair.

### **Apologies for Absence**

Christina Larsen.

### **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 Local Review Body held on 5 December 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Notice of Review: 18/00780/PP - Site to the East of Scotthaven, Park Terrace, Lamlash, Isle of Arran**

Submitted report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the demolition of an existing storey and a half workshop building and the erection of new storey and a half dwelling.

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

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

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

Members asked questions and were provided with further information about the workshop currently on the site, the siting and orientation of the proposed development and the pictures included in the applicant's submission.

Councillor McMaster, seconded by Councillor Barr, moved that the Local Review Body uphold the review request and grant the application for planning permission.

As an amendment, Councillor McNicol, seconded by Councillor Foster, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission.

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

Accordingly, the Local Review Body agreed to uphold the Planning Officer's decision to refuse planning permission on the following ground:

The proposed development would be contrary to Criteria (a) and (b) of the General Policy of the Local Development Plan, in that by reason of its siting, scale and design, it would: (i) represent overdevelopment of the site and not offer an acceptable level of residential amenity for the proposed dwellinghouse; (ii) conflict with the existing linear pattern of development in the area which would not be in the interests of the proper planning of the area; (iii) would be out of character with the design and appearance of the surrounding residential properties; and (iv) if approved, establish an undesirable precedent for other similar developments, to the detriment of the character and amenity of the residential area.

The Meeting ended at 2:40 p.m.

## Appeals Committee

25 February 2019

**IRVINE, 25 February** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

### **Present**

Councillors John Easdale, Jimmy Miller and Alex Gallagher.

### **In Attendance**

E. McLaren, Team Manager (Litigation) (Democratic Services) and J. Smillie, Senior Manager (Human Resources & Organisational Development) (Finance and Corporate Support).

### **Also In Attendance**

R. McCutcheon, Head of Service (Commercial) (Place); J. Irvine, Fraud Investigator, F. Carlyle, HR Adviser (Finance and Corporate Support); and the appellant's representative's.

### **Chair**

Councillor John Easdale in the Chair.

## **1. Declarations of Interest**

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

## **2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 2 November 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

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

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

The appellant's representative raised a preliminary point advising that the appellant was not present and seeking a postponement to another date. After hearing from the appellant's representative and the service representative, the Committee agreed that the hearing should go ahead in the appellant's absence.

The service representative presented the grounds for dismissal as previously advised to the appellant in writing.

The appellant's representatives were 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's representative 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's representative. Members of the Committee were also given the opportunity to ask questions of the appellant's representative.

After summing up their respective cases, the service representative together with the appellant's representatives withdrew from the hearing to allow the Committee to deliberate.

Following deliberation, the Committee agreed (a) that the grounds of appeal had not been upheld; (b) to confirm the decision previously imposed on the appellant; and (c) that the appellant be so advised within 14 days.

The Meeting ended at 3.40 p.m.

Licensing Committee  
6 March 2019

**IRVINE**, 6 March 2019 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, Scott Gallacher, Jean McClung, Davina McTiernan, Donald L. Reid and Angela Stephen (Items 1 – 5.8).

**In Attendance**

W. O'Brien, Solicitor (Licensing), D. Robertson, Civic Licensing Standards Officer, A. Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector David Cameron and Sergeant David Dougan (Police Scotland) (Items 1 – 5.9), Hector McLeod and Alex Clayton (Pennyburn Tenants and Residents Association) (Item 5.8 only) and caravan site residents (Item 6 only).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson and John Easdale.

**1. Chair Remarks**

In terms of Standing Order 9.4, the Chair agreed to vary the order of business to allow earlier consideration of the Caravan Site Licensing report.

The Chair further agreed, in terms of Standing Order 9.5, to consider applications for Public Entertainment Licences from Cardona (Kilwinning Sports Club) and Taylors Funfair Ltd (Irvine Moor), at Item 5.8 and 5.9 respectively, as a matter of urgency to allow the matters to be actioned without delay.

**2. Declarations of Interest**

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

**3. Minutes**

The Minutes of the meeting held on 6 February 2019 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Exclusion of the Public**

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

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

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

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

Submitted report by the 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**

#### **5.1 Taxi Driver's Licence TDL/01615 (Renewal) - Kevin Kyle**

The Committee at its meeting on 6 February 2019 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited, was present and accompanied by his employer. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

The licence holder and his employer then addressed the Committee on the issues raised and responded to questions.

The licence holder, his employer and representatives from Police Scotland then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor McClung, seconded by Councillor Reid, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **5.2 Taxi Driver's Licence TDL/01935 (New) - Andrew Watt**

The Committee at its meeting on 6 February 2019 agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

## **Decision**

Councillor Reid, seconded by Councillor McTiernan, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year. There being no amendment, the motion was declared carried.

### **5.3 Window Cleaner's Licence WCL/042 (New) - James Affleck**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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



## **Decision**

Councillor Gallacher, seconded by Councillor Reid, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years. There being no amendment, the motion was declared carried.

### **5.4 Window Cleaner's Licence WCL/043 (New) - David Frew**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

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

## **Decision**

Councillor Gallacher, seconded by Councillor McClung, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years. There being no amendment, the motion was declared carried.

### **5.5 Window Cleaner's Licence WCL/062 (New) - Andrew S McKenna**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application.

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

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

## **Decision**

Councillor Reid, seconded by Councillor Gallacher, moved that the Committee grant the application, subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years. There being no amendment, the motion was declared carried.

### **5.6 Public Entertainment Licence PEL/581 (Temp) - William Newsome**

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

Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

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

## **Decision**

Councillor Reid, seconded by Councillor McTiernan, moved that the Committee delegate authority to the Solicitor (Licensing) to grant the application for:-

Wednesday 13 March 2019	6.00 p.m. - 9.00 p.m.
Thursday 14 March 2019	6.00 p.m. - 9.00 p.m.
Friday 15 March 2019	6.00 p.m. - 9.00 p.m.
Saturday 16 March 2019	1.00 p.m. - 9.00 p.m.
Sunday 17 March 2019	1.00 p.m. - 6.00 p.m.

subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982, on receipt of a satisfactory report from Environmental Health. There being no amendment, the motion was declared carried.

### **5.7 Public Entertainment Licences PEL/579 & PEL/580 - ANI Leisure Funfairs**

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

Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

## **Decision**

The Committee unanimously agreed to grant the application for 30 March until 22 April 2019 (Monday - Sunday, noon until 9.00 p.m.), subject to (i) the Council's standard conditions in terms of Paragraph 5 (1)(a) of Schedule 1 of the Civic Government (Scotland) Act 198,; (ii) payment by the applicant within 7 days of an additional £90 inspection fee to Protective Services, and (iii) the provision of stewarding.

At 11.50 a.m., in terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened at 12 noon with the same Members and Officers present and in attendance.

### **5.8 Public Entertainment Licence PEL/583 - Cameron Codona**

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

Representatives from Police Scotland and Pennyburn Tenants and Residents Association were also in attendance.

The Committee had written representations from:-

- (a) Pennyburn Tenants and Residents Association (PTARA)
- (b) Kilwinning Community Council
- (c) Hector Macleod, PTARA
- (d) a constituent to Councillor Donald Reid
- (e) Pennyburn Regeneration Youth Development Enterprise (PRYDE)
- (f) Police Scotland

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out an objection in respect of the application. Representatives from Pennyburn Tenants and Residents Association also expressed their objections to the application.

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

The applicant, his wife, representatives from Police Scotland and Pennyburn Tenants and Residents Association then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Reid, seconded by Councillor Gallacher moved that the Committee (a) grant the application for:-

Thursday 21 March 2019	3.00 p.m. - 6.00 p.m.
Friday 22 March 2019	3.00 p.m. - 6.00 p.m.
Saturday 23 March 2019	12.00 noon - 6.00 p.m.
Sunday 24 March 2019	12.00 noon - 6.00 p.m.

subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (b) that any future applications for Public Entertainment Licences for that location should be referred to the Committee. There being no amendment, the motion was declared carried.

Councillor Stephen left the meeting at this point.

### **5.9 PEL/584 – Taylor's Funfair**

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

Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on a letter setting out a representation in respect of the application.

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

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

### **Decision**

The Committee unanimously agreed to grant the application for:-

Thursday 21 March 2019	6.00 p.m. - 9.00 p.m.
Friday 22 March 2019	6.00 p.m. - 9.00 p.m.
Saturday 23 March 2019	1.00 p.m. - 9.00 p.m.
Sunday 24 March 2019	1.00 p.m. - 9.00 p.m.
Monday 25 March 2019	6.00 p.m. - 9.00 p.m.
Tuesday 26 March 2019	6.00 p.m. - 9.00 p.m.
Wednesday 27 March 2019	6.00 p.m. - 9.00 p.m.
Thursday 28 March 2019	6.00 p.m. - 9.00 p.m.
Friday 29 March 2019	6.00 p.m. - 9.00 p.m.
Saturday 30 March 2019	1.00 p.m. - 9.00 p.m.

subject to the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

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

## **6. Caravan Site Licensing**

Submitted report by the Head of Democratic Services on Caravan Site licensing matters.

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

Residents from the caravan site were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Mrs S, a resident of the caravan site and spokesperson for a number of residents expressed concerns relating to the application. Mr H, also a resident of the caravan site and spokesperson for a number of residents expressed support for the application.

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

The applicant's Solicitor gave the Committee undertakings:

- (a) that there would be gritting of the roads and footpaths on the Site;
- (b) that if 50% of the residents wanted a "Qualifying Residents' Association" under the Mobile Homes Act 1983, Schedule 1, Paragraph 31 (as that Schedule is amended by The Mobile Homes Act 1983 (Amendment of Schedule 1) (Scotland) Order 2013 No. 219) there would be one;
- (c) that the Owner's obligations under Paragraph 25 to consult Occupiers, to consult a "Qualifying Residents' Association", and to provide the Occupiers with information would apply; and
- (d) that the site would now apply the energy resale rules.

### **Decision**

Councillor Reid, seconded by Councillor Barr moved that the Committee grant the application for grant of a "Part 1A Site Licence" under the Caravan Sites and Control of Development Act 1960, as amended by the Housing (Scotland) Act 2014, subject to the conditions made by the Council on 2 January 2019 (which, in relation to this site, were to be qualified by a dispensation in respect of the requirement for a public telephone within the grounds of the site). There being no amendment, the motion was declared carried.

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

### **5.9 TDL/02073 (Renewal) - David Patton**

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

### **5.10 TDL/02156 (New) - James Cantillon**

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

### **5.11 TDL/02159 (New) - Andrew Vost**

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

### **5.12 WCL/038 (New) - Gareth McBride**

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

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

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

The meeting ended at 1.45 p.m.

## Appeals Committee

8 March 2019

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

### **Present**

Councillors Marie Burns, Davina McTiernan and Angela Stephen.

### **In Attendance**

E. McLaren, Team Manager (Litigation) (Democratic Services) and J. Smillie, Senior Manager (Human Resources & Organisational Development) (Finance and Corporate Support).

### **Also In Attendance**

R. McCutcheon, Head of Service (Commercial) (Place); J. Irvine, Fraud Investigator, F. Carlyle, HR Adviser (Finance and Corporate Support); and the appellant and appellant's representatives.

### **Chair**

Councillor 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 Cabinet held on 25 February was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

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

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

The service representative presented the grounds for dismissal as previously advised to the appellant in writing.

The appellant and appellant's representative were 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's representative 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's representative. Members of the Committee were also given the opportunity to ask questions of the appellant's representative.

After summing up their respective cases, the service representative together with the appellant and appellant's representatives withdrew from the hearing to allow the Committee to deliberate.

Following deliberation, the Committee agreed (a) that the grounds of appeal had not been upheld; (b) to confirm the decision previously imposed on the appellant; and (c) that the appellant be so advised within 14 days.

The Meeting ended at 12.15 p.m.



Cabinet  
12 March 2019

**IRVINE, 12 March 2019** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Robert Foster, Alex Gallagher, Jim Montgomerie, Louise McPhater and Ian Haining (Church Representative) (Agenda Items 1-3).

**Also Present**

Jean McClung, Davina McTiernan and Donald L Reid.

**In Attendance**

C. Hatton, Chief Executive; L. Friel, Executive Director, M. Boyd, Head of Service (Finance), D. Forbes, Senior Manager - Strategic Business Partner, P. Doak, Senior Manager (Internal Audit and Corporate Fraud) and A. Fitzharris, Team Manager (Risk and Insurance) (Finance and Corporate Support); K. Yeomans, Executive Director, A. Sutton, Head of Service (Connected Communities), M. Ritchie, Regeneration Manager, D. Anderson, Youth Participation and Democracy Officer (Agenda Items 1-3) and Angela Morrell, Community Empowerment Manager (Agenda Items 1-3) (Economy and Communities); Y. Baulk, Head of Service (Physical Environment), D. Hammond, Senior Manager (Housing Strategy and Corporate Sustainability), J. Barrett, Senior Manager (Homelessness and Community Safety), C. Dempster, Team Manager (Network Management), D. Mackay, Senior Manager (Waste Resources – Strategy and Contracts); L. Cree, Senior Manager (Property Management and Investment (Place); J. Hutchison, Communications Officer and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Emily Nix, Aaran McDonald, Nicole Tait and David Dunlop (Year of Young People Ambassadors) (Agenda items 1-3).

**Chair**

Joe Cullinane in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 12 February 2019 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Year of the Young People 2018 Legacy**

Submitted report by the Executive Director (Economy and Communities) on North Ayrshire's Year of the Young People (YoYP) (2018) legacy proposals and the work which has emerged from the YoYP Strategic Group. The YoYP 2018 Action Plan was set out at Appendix 1 to the report and Appendix 2 detailed the YoYP calendar of events and activities. Appendices 3 and 4 to the report detailed the Health Foundation – A Place to Grow learning report and the YoYP Legacy and Engagement Themes, respectively. The Cabinet also received a presentation and video by YoYP Ambassadors showing highlights from the 2018 year and outlining workstreams, activities and benefits and skills gained through involvement in YoYP.

Members of the Cabinet thanked the YoYP Ambassadors, for their contribution throughout the year, including the work of the Strategic Group.

The Cabinet agreed that young people in North Ayrshire be supported to progress the proposed Year of Young People legacy actions as detailed in section 2.19 of the report.

### **4. Revenue Budget 2018/19: Financial Performance to 31 January 2019**

Submitted report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 31 January 2019. Financial Performance details by Service were set out at Appendices 1 – 7, the Housing Revenue Account at Appendix 8 and the Health and Social Care Partnership financial performance at Appendix 9 to the report.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the earmarking of £0.063m identified at Section 2.6 of the report to meet future year commitments; and (c) note the current financial projection for the Health and Social Care Partnership at Section 2.7 of the report.

### **5. Capital Programme Performance to 31 January 2019**

Submitted report by the Executive Director (Finance and Corporate Support) on progress in delivering the Capital Investment Programme as at 31 January 2019. The progress of all projects was set out at Appendix 1 and the Housing Revenue Account set out at Appendix 2 to the report.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the General Services and HRA expenditure and revised budgets to 31 January 2019; and (ii) the forecast of expenditure to 31 March 2019.

### **6. Strategic Risk Register 2019/20**

Submitted report by the Executive Director (Finance and Corporate Support) on the Strategic Risk Register for 2019/20 which was set out at Appendix 1 to the report.

The Cabinet agreed to approve the Strategic Risk Register for 2019/20 as detailed at Appendix 1 to the report.

## **7. Private Sector Housing: North Ayrshire Scheme of Assistance**

Submitted report by the Head of Service (Physical Environment) on the North Ayrshire Scheme of Assistance for Home Owners and the Private Rented Sector, which was set out at Appendix 1 to the report.

The Cabinet agreed to the publication and implementation of the North Ayrshire Scheme of Assistance as detailed at Appendix 1 to the report.

## **8. Acquisition of Land for Council House Building**

Submitted report by the Head of Service (Physical Environment) on the transfer of the sites at Flatt Road, Largs; Harbourside, Irvine; and Springvale Depot, Saltcoats from the General Fund to the Housing Revenue Account. The development programme plans for the sites were set out at Appendix 1 to the report.

The Cabinet agreed to approve the transfer of the sites at Flatt Road, Largs; Harbourside, Irvine; and Springvale Depot, Saltcoats from the General Fund to the Housing Revenue Account for the sum of £2,366,430, subject to the future deduction of abnormal development costs.

## **9. Review of Homeless Service Provision**

Submitted report by the Head of Service (Physical Environment) on the changes to the homeless service delivery model arising from the Homeless Service review and the draft Rapid Rehousing Transition Plan 2019-24, which was set out at Appendix 1 to the report.

The Cabinet agreed to approve (a) the recommendations resulting from the Homeless Service review and Rapid Rehousing Transition Plan as detailed in Sections 2.29 to 2.32 to the report; and (b) the North Ayrshire Rapid Rehousing Transition Plan for (i) submission to the Scottish Government; and (ii) implementation during the period 2019 to 2024.

## **10. Roads, Structures and Street Lighting Maintenance Programme 2019/20**

Submitted report by the Head of Service (Commercial) on the proposed Roads, Structures and Street Lighting Maintenance Programme 2019/20, with the Maintenance Programme set out at Appendices 1a and 1b to the report.

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

- the effect of the increase in traffic volumes following the introduction of Road Equivalent Tariff (RET) on road network conditions across North Ayrshire and on Arran and Cumbrae in particular;
- the Island Forums having raised awareness of the RET issue with the Scottish Government;
- the feasibility of using an asphalt road mix made from plastic waste for road surfacing; and
- the current lack of scientific evidence on the durability and sustainability of this asphalt road mix and the fact that this will continue to be monitored.

The Cabinet agreed to (a) note the approach taken to determining the asset maintenance programme for roads, structures and street lighting; (b) approve the maintenance programme for 2019/20, as set out at Appendices 1a and 1b to the report; and (c) note that the programme would be issued to the Locality Planning Partnerships for information.

#### **11. Zero Waste Strategy 2018-2022 Implementation Update**

Submitted report by the Head of Service (Commercial) on the Zero Waste Strategy 2018-2022 Implementation. The revised Waste Collection Policy was set out at Appendix 1 to the report.

The Cabinet agreed to (a) note the introduction of changes to the waste collection system including revised waste collection routes; (b) note the communications plan which has been developed to inform householders and other stakeholders of the revised waste collection system arrangements; and (c) approve the revised Waste Collection Policy as detailed in Appendix 1 to the report.

#### **12. Vacant and Derelict Land Funding 2019/20**

Submitted report by the Executive Director (Economy and Communities) on the expenditure of funds allocated by the Scottish Government through Vacant and Derelict Land Fund in 2019/20.

Members asked a question and were provided with further information in relation to the importance of maintaining a focus on the delivery of Lochshore, Kilbirnie as a major project for the Garnock Valley area.

The Cabinet agreed (a) to note the Vacant and Derelict Land Fund award of £2.14M for 2019/20 and progress made to date; (b) to the submission of a local delivery plan to the Scottish Government for the expenditure of funds in 2019/20 as detailed in the report; (c) that major changes to the delivery plan be agreed in consultation with the Portfolio Holder and Chief Executive; and (d) to note the creation of a Taskforce by SEPA and the Scottish Land Commission to transform Scotland's approach to vacant and derelict land to bring it back into productive use.

### **13. Award of Framework Agreement 2019 / 2021 Internal Alterations, Minor Extensions and Mechanical and Electrical Refurbishments to Non Domestic Properties**

Submitted report by the Executive Director (Finance and Corporate Support) on the tender exercise for the Framework Agreement 2019 / 2021 Internal Alterations, Minor Extensions and Mechanical and Electrical Refurbishments to Non Domestic Properties.

The Cabinet agreed to approve the award of the Framework Agreement to the recommended tenderers set out at section 3 of the report.

### **14. Urgent Items**

The Chair agreed that the following item be considered as a matter of urgency to allow the Cabinet to receive up-to-date information.

### **15. Ayrshire Growth Deal: Heads of Terms Agreement**

The Executive Director (Economy and Communities) provided a verbal briefing to update Cabinet Members on progress and the next steps in relation to the Ayrshire Growth Deal.

The Cabinet was advised that Heads of Terms were signed on 8 March 2019 for a total deal of £251m, £103m from UK and Scottish Governments and £45.5m from the Local Authorities. The North Ayrshire allocation of c£90m will support growth and life sciences, advanced manufacturing, digital technologies, low carbon/circular economy and tourism through a transformation programme over a 10 year period. It is anticipated that around 7,000 jobs will be created across a wide range of sectors.

Members of the Cabinet expressed their appreciation to Officers for their continued work in relation to the Growth Deal.

Noted.

### **16. Exclusion of the Public**

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 item of business on the grounds indicated in terms of Paragraph 8 of Part 1 of Schedule 7A of the Act.

### **17. Marress House, Irvine**

Submitted report by the Head of Service (Physical Environment) on Marress House, Irvine.

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

The Meeting ended at 16.05 p.m.