



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**19 December 2018**

**VOLUME OF MINUTES**

**From 15 June 2018 – 10 December 2018**

<b>Date</b>	<b>Committee</b>	<b>Pages</b>
15 June 2018	Ayrshire Shared Services Joint Cttee	<b>1</b>
7 September 2018	Ayrshire Shared Services Joint Cttee	<b>7</b>
11 October 2018	Integration Joint Board	<b>13</b>
31 October 2018	Planning Committee	<b>19</b>
31 October 2018	Local Review Body	<b>22</b>
2 November 2018	Appeals Committee (Special)	<b>24</b>
9 November 2018	Ayrshire Shared Services Joint Cttee	<b>26</b>
13 November 2018	Cabinet	<b>29</b>
15 November 2018	Integration Joint Board	<b>32</b>
20 November 2018	Audit & Scrutiny Committee	<b>38</b>
20 November 2018	Police & Fire & Rescue Committee	<b>43</b>
28 November 2018	Licensing Committee	<b>48</b>
30 November 2018	Education Appeal Committee	<b>55</b>
5 December 2018	Planning Committee	<b>56</b>
5 December 2018	Local Review Body	<b>65</b>
10 December 2018	Licensing Committee (Special)	<b>67</b>



## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 15th June 2018 at 10.00 a.m.

- Present: Councillors Ian Cochrane (Chair), Alec Clark, Bob Pollock and Philip Saxton (all South Ayrshire Council); Councillor Tom Cook (East Ayrshire Council); and Councillor Marie Burns (North Ayrshire Council).
- Apologies: Councillors John McGhee, Douglas Reid and Jim Roberts (all East Ayrshire Council); Councillors Joe Cullinane, Scott Gallacher and Alex Gallagher (all North Ayrshire Council).
- Attending: Donald Gillies, Director – Place; Catriona Caves, Head of Regulatory Services; and Carol Boyd, Service Lead - Risk and Safety (all South Ayrshire Council); Katie Kelly, Depute Chief Executive: Safer Communities; and Paul Whip, Group Finance Manager (both East Ayrshire Council); Jane McGeorge, Ayrshire Civil Contingencies Co-ordinator (Ayrshire Civil Contingencies Team); Stewart Turner, Head of Roads, and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Eillen Wyllie, Committee Services Officer (South Ayrshire Council).

### **1. Declarations of Interest.**

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

### **2. Minutes of previous meeting.**

The Minutes of 8th December 2017 ([issued](#)) were submitted and approved.

## **AYRSHIRE CIVIL CONTINGENCIES TEAM**

### **3. Ayrshire Civil Contingencies Team.**

There was submitted a report ([issued](#)) of 23rd May 2018 by the Director – Place, South Ayrshire Council, advising of the progress made against the 2018/19 Ayrshire Civil Contingencies Service Plan.

A Member of the Joint Committee raised a question in relation to the Safer Shores Response Plan to deal with large numbers of people travelling to Ayrshire beaches which worked effectively, however, were car parking issues taken into consideration as part of this approach. The Service Lead – Risk and Safety advised that she had been unaware of any car parking issues and the Ayrshire Civil Contingencies Co-ordinator informed of a debrief being arranged for the end of Summer 2018 and she would feedback this matter then.

A further question was raised by a member of the Joint Committee in relation to whether Community Councils could be involved with the External Emergency Plan for William Grant and Sons Distillers Ltd. and the Ayrshire Civil Contingencies Co-ordinator advised that they could be involved, if deemed necessary.

The Joint Committee

**Decided:** to approve the progress made by the Ayrshire Civil Contingencies Team against their Service Plan for 2018/19 as detailed in the updated Work Plan attached as Appendix 1 to the report.

**Councillor Marie Burns left the meeting at this point.**

## **AYRSHIRE ROADS ALLIANCE**

### **4. Minutes of previous meeting.**

The Minutes of 20th April 2018 ([issued](#)) were submitted and approved.

### **5. Update on Performance Scorecard.**

There was submitted a report ([issued](#)) of 28th May 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress made to date against the Performance Scorecard.

A Member of the Joint Committee raised a question in relation to the current position with WDM (Whole Data Management) and the timescales to implement the customer care package module and whether this was operational. It was noted that security issues were being tested by IT before going live. In response to a question relating to twitter account reporting, the Head of Roads advised that tweeting complemented other methods of communication to improve customer contact.

A further question was asked by a Member of the Joint Committee in respect of the number of complaints and the Head of Roads advised that these had reduced but there was ongoing work to improve response times. It was noted that in relation to whether a member of the public contacting South Ayrshire's Customer Service Centres for a matter relating to Ayrshire Roads Alliance could be linked via systems, the Head of Roads would look at this to see if possible. In respect of a complaint regarding a trunk road, it was noted that the Alliance would inform the complainer that this had been passed to Transerv. There was no requirement for these complaints to be recorded on the Alliance's system therefore did not affect performance.

In respect of performance indicators for the maintenance of A Class Roads in South Ayrshire in comparison with East Ayrshire Council's data, the Head of Roads advised that improvements were expected during the forthcoming year on A class roads as well as B, C and U roads due to the level of investment made by South Ayrshire Council.

In terms of information relating to deaths or serious injury and whether this related to trunk roads or local roads, the Head of Roads advised that statistics for all roads were available and that he had received the data for East Ayrshire Council but was awaiting South Ayrshire Council's statistics. He reassured that safety targets were being met.

In respect of public liability claims, the Head of Roads advised that due to some internal East Ayrshire IT difficulties there had been a short delay in detail being provided for South Ayrshire Council. This has now been resolved and this information will be circulated to Members of the Joint Committee.'

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (1) to note the performance scorecard and performance metrics presented in this report; and
- (2) to continue to receive the performance scorecard updates.

**6. Risk Report and Register.**

There was submitted a report ([issued](#)) of 31st May 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the management of risk associated with the Ayrshire Roads Alliance.

Following various questions by Members of the Joint Committee, the Officers responded as follows:-

- (1) that in relation to bridges and structures (risks 36 and 37), the Bridge of Coyle was inspected and not considered a risk;
- (2) that in relation to the road inspection system (risk 10), the relationship between timeframes and public liability claims were outlined. Inspections were currently sitting at 100% completed, however, if, for instance, a pothole appeared between inspection periods then this would be investigated; and
- (3) that 80% external grant funding was available through the Scottish Government for some flooding schemes (risk 40).

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (a) to note the risk register presented in the report; and
- (b) to continue to receive updates on progress.

**7. Code of Practice Well Managed Highway Infrastructure**

There was submitted a report ([issued](#)) of 24th May 2018 by the Head of Roads, Ayrshire Roads Alliance to advise the progress being made with meeting the requirements of the new Code of Practice – Well Managed Highway Infrastructure which would become National Policy in October 2018.

A question was raised regarding category defects and it was noted that current category defects of 1 to 4 were being reviewed in order to simplify the process by reducing to risk based category defects 1 and 2. This improved approach would make it clearer for the public to understand and easier for the workforce to manage with previous category 3 and 4 defects forming part of the planned maintenance programme.

In response to the timeframe for fixing emergency repairs and whether it was likely to increase to 24 hours, it was noted that this had been previously reduced to a 2 hour period across the Ayrshire Roads Alliance although local authorities could set their own timeframes in regard to this matter.

It was noted that the inspection process was currently being reviewed and this would be presented to the Joint Committee in September 2018.

The Joint Committee, having otherwise noted the content of the report

**Decided:** to note

- (1) the ongoing work in order to meet the requirements of the new Code of Practice – Well Managed Highway Infrastructure; and
- (2) that a full report on delivering the new Code of Practice - Well Managed Highway Infrastructure would be submitted to the meeting of the Joint Committee on 7th September 2018.

## **8. Revenue Financial Monitoring Report**

There was submitted a report ([issued](#)) of June 2018 by the Depute Chief Executive and Chief Financial Officer, Economy and Skills, East Ayrshire Council, providing an update on the revenue budgeting monitoring position for the year to 31st March 2018 for the Ayrshire Roads Alliance.

In response to a question relating to contingencies and overspends due to severe winter weather, the Group Finance Manager, East Ayrshire Council indicated that winter 2017/18 had been particularly extreme and that East Ayrshire Council had used its severe winter funding from the Scottish Government and South Ayrshire Council had used previous years' balances. In respect of the award of severe winter funding from the Scottish Government to South Ayrshire Council, Members of the Joint Committee asked about these funds for scrutiny purposes and it was noted that these funds showed up in the year-end accounts as part of South Ayrshire Council's financial accounting process.

A discussion took place in relation to the use of road salt and it was noted that the salt requirements for that winter had been way above the norm for both East and South Ayrshire Councils. A question was asked as to whether different solutions could be used on roads during icy conditions and the Operations Manager advised of a review being undertaken which would try out different treatments with the outcome reported to a future meeting.

In respect of the underspend in the strategic delivery relating to East Ayrshire Council, the Group Finance Manager commented that the main reason related to staff turnover and vacancies. A further question was asked about the filling of vacancies and it was noted that adverts had recently been placed for two operatives for the Girvan base and two for the Meadowhead base.

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (1) to note the financial management position of the Ayrshire Roads Alliance;
- (2) to note the analysis of budget movements between 2017-2018; and
- (3) to request a further financial update at the next meeting of the Joint Committee.

**9. Roadworks Programme 2018/19**

There was submitted a report ([issued](#)) of 28th May 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress being made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2018-2019.

The Operations Manager provided an update in relation to Timber Transport bids and indicated that the most recent bids had been unsuccessful. However, £1m had been ring-fenced for the south west Scotland area to allow the Operations Manager to submit bids by August 2018 for both Councils.

In relation to the maintenance programme, attached as Appendix 1 of the report, and some specific locations and treatments, various questions were asked by members of the Joint Committee regarding timescales. The Operations Manager provided details.

A request was made for timescales to be attached to the maintenance programme and the Operations Manager indicated that this information was updated on a fortnightly basis but he would circulate this detail.

A discussion took place in respect of a housing development in Troon and whether traffic would be controlled via a roundabout or traffic lights and it was noted that a survey was being undertaken and, whatever option was chosen, the cost would be met by the developers.

**Councillor Philip Saxton left the meeting at this point.**

A question was asked in relation to the timing of resurfacing work being carried out at Boswell Park, Ayr near the Gaiety Theatre and whether this interfered with parking arrangements for a forthcoming theatre event. The Operations Manager advised that a traffic management plan had been agreed with the Theatre. However, he would clarify the position with the relevant members.

In relation to a question regarding external funding for the Access for All review at Dunure, it was noted that a report would be submitted to South Ayrshire Council's Leadership Panel meeting on 21st August 2018 on the status of this scheme which was temporarily on hold.

The Joint Committee, having otherwise noted the content of the report

**Decided:** to note the Ayrshire Roads Alliance works progress for 2018/19.

#### **10. Closing Remarks.**

The Head of Roads and the Operations Manager, Ayrshire Roads Alliance, provided an update on some recent developments as follows:-

- (1) that bids had been submitted to the Local Rail Development Fund managed by Transport Scotland for railway improvements in Ayrshire. Members would be kept informed of developments;
- (2) on the Transport Scotland South West Scotland Transport Study due for publication in January 2019 and that Members would be updated with developments as this study progressed;
- (3) of road surfacing trials using waste materials and referred to in the media as 'plastic' roads; and
- (4) of the recent launch of the Transport (Scotland) Bill. A briefing paper would be circulated to Members.

The meeting ended at 11.20 a.m.



## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 7th September 2018 at 10.00 a.m.

- Present: Councillors Ian Cochrane (Chair), Alec Clark and Philip Saxton (all South Ayrshire Council); and Councillors Tom Cook, John McGhee and Douglas Reid (all East Ayrshire Council).
- Apologies: Councillor Jim Roberts (East Ayrshire Council); and Councillor Bob Pollock (South Ayrshire Council).
- Attending: Donald Gillies, Director – Place; and Kevin Carr, Executive Manager, Place Directorate (both South Ayrshire Council); Paul Whip, Group Finance Manager (East Ayrshire Council); Stewart Turner, Head of Roads, and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Eillen Wyllie, Committee Services Officer (South Ayrshire Council).

### **1. Declarations of Interest.**

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

## **AYRSHIRE ROADS ALLIANCE**

### **2. Update on Performance Scorecard.**

There was submitted a report ([issued](#)) of 14 August 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress made to date against the Performance Scorecard.

The Head of Roads commented on the Annual Performance Indicators in relation the percentage of roads that should be considered for maintenance. It was noted that around £6m was required to maintain roads at a standstill position each year in each Council area. A Member of the Joint Committee asked what could be done about this situation. In response, the Head of Roads also pointed out that there was a backlog of works which required significant funding of around £60m in each Council area. A full discussion took place and it was suggested that a request for investment for road maintenance improvements be made to Central Government as it was increasingly difficult for local government to invest in roads to a sustainable level of funding. Also, the request should mention the impact of adverse weather conditions experienced in the South West of Scotland. It was noted that the Head of Roads would compile a report on these terms in conjunction with the Chair and Councillor Douglas Reid to submit to Government requesting additional funding for road maintenance and the backlog of works.

A further question was asked by a Member of the Joint Committee in relation to resurfacing works and the Head of Roads and the Operations Manager commented on the methods of resurfacing undertaken in order to make efficient use of funds.

A question was asked in relation to the proposals for the A77 Maybole Bypass and whether this section of road would consist of a dual carriageway, at least in part. The Head of Roads advised that the Maybole Bypass would be single carriageway rather than dual carriageway, which was the decision taken by Transport Scotland in light of the volume of traffic expected on this section of the road. However, since there was an increase in the number of heavy goods vehicle travelling on this road, the Head of Roads would raise this with the Strategic Transport Projects Review group during forthcoming discussions.

In relation to Appendix 1 of the report, the following matters were raised and the Head of Roads and the Operations Manager responded accordingly:-

- (1) in terms of the percentage differences of the number of A class roads that should be considered for maintenance between East Ayrshire and South Ayrshire Councils, it was noted that prior to Ayrshire Roads Alliance (ARA), East Ayrshire Council had created an objective-matrix to identify the roads in need of resurfacing. This matrix had since been adopted by ARA;
- (2) in relation to the average days lost per employee for absence for ARA in comparison with both local authorities, it was noted that the figure was higher for ARA most possibly due to the type of work and working conditions experienced by staff that could lead to injury and illness. It was noted that regular meetings take place with HR with appropriate management actions taken;
- (3) in relation to the performance around the reporting of health and safety incidents, it was noted that any outstanding issues had now been addressed;
- (4) in terms of a comment made in relation to public perception and the number of visitors to the ARA website, it was noted that feedback consisted of both negative and positive comments; and
- (5) In relation to the outcomes for the number of bridge inspections, it was noted that any subsequent bridge maintenance works would be fed into the work plan. In relation to the Bridge of Coyle, it was noted that a report would be submitted to a forthcoming meeting of South Ayrshire Council's Leadership Panel.

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (a) to note the performance scorecard presented in this report;
- (b) to continue to receive performance scorecard updates; and
- (c) that the Head of Roads in liaison with the Chair and Councillor Douglas Reid would prepare a detailed report, supported by evidence, requesting capital investment for the roads infrastructure to be submitted to Central Government with reference made to the impact of adverse weather affecting the West of Scotland.

### **3. Risk Report and Register.**

There was submitted a report ([issued](#)) of 14 August 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the management of risk associated with the Ayrshire Roads Alliance.

Following various questions by Members of the Joint Committee, the Officers responded as follows:-

- (1) in relation to the risks associated with bridges and structures, it was noted that the risk status would not alter until the completion of the bridge inspection work being undertaken by Peter Brett Associates; and
- (2) in terms of Development Control – Road Bonds, it was noted that the Head of Roads was confident that, following evaluation, there were sufficient funds held within the bonds to cover associated costs.

The Joint Committee, having otherwise noted the content of the report

#### **Decided:**

- (a) to note the risk register presented in the report; and
- (b) to continue to receive updates on progress.

### **4. Well Managed Highway Infrastructure - Code of Practice.**

There was submitted a report ([issued](#)) of 6th August 2018 by the Head of Roads, Ayrshire Roads Alliance advising of the Well Managed Highway Infrastructure Code of Practice.

The Operations Manager presented the report and highlighted the suggested risk based approach, as outlined within the Appendix to the report as well as a change to the current inspection policy. This related to the priority response times for Category 3 defects whereby it was proposed to move from 10 working days to 45 working days which would allow defects of this nature to be included in medium term programmes of work. It was noted that the Society of Chief Officers of Transportation in Scotland (SCOTS) response time was 60 working days for Category 3 defects.

Concerns were raised by a member of the Joint Committee in relation to the proposed increase in Category 3 response times and suggested that there should have been an opportunity to scrutinise this report by each Authority prior to a decision being made by the Joint Committee. Following discussion, Councillor Douglas Reid indicated that East Ayrshire Councillors had received information at a recent seminar and, therefore, he considered that further scrutiny by East Ayrshire Council would not be required. It was noted that members of South Ayrshire Council should have the opportunity to scrutinise the report.

Following various questions by Members of the Joint Committee, Officers responded as follows:-

- (1) that for defect Categories 1 and 2, it was proposed that response times would remain unchanged;
- (2) that the utility companies had their own set of priority timeframes to adhere to and that, in terms of utility works which involved digging up roads, the Office of the Scottish Road Works Commissioner would be obtaining greater powers to encourage good working practices between utility companies and road authorities; and
- (3) that, in relation to a damaged part of the A77, the Head of Roads would inform Scotland Transerv as it had responsibility for trunk road networks.

The Joint Committee

**Decided:** to continue consideration of this matter to a future meeting of the Joint Committee to allow South Ayrshire Council to scrutinise the content of this report at a forthcoming meeting of its Partnership Panel.

## **5. Revenue Financial Monitoring Report.**

There was submitted a report ([issued](#)) of September 2018 by the Depute Chief Executive and Chief Financial Officer, Economy and Skills, East Ayrshire Council, providing an update on the revenue budgeting monitoring position for the year to 22nd July 2018 for the Ayrshire Roads Alliance.

A Member of the Joint Committee asked a question in relation to a change in practice relating to traffic enforcement officers working in the evening and what were the benefits and financial implications of such a change. It was noted that this change had been implemented to target problem areas identified via Community Councils and to enforce legislation around illegal parking. It was further noted that a report on this matter would be submitted to a forthcoming meeting of South Ayrshire Council's Leadership Panel for its consideration of this proposed change.

In response to a question in relation to local delivery for East Ayrshire and the contract price increase for salt, the Group Finance Manager confirmed that this increase was per tonne.

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (1) to note the financial management position of the Ayrshire Roads Alliance;
- (2) to request a further financial update at the next meeting of the Joint Committee; and
- (3) to note that a report would be submitted to a forthcoming meeting of South Ayrshire Council's Leadership Panel for its consideration in relation to proposed changes to traffic enforcement officers working in the evening.

## **6. Roadworks Programme 2018/19.**

There was submitted a report ([issued](#)) of 6th August 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress being made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2018-2019.

The Operations Manager provided an update in relation to the outcome of bids for East Ayrshire and South Ayrshire which had been made to the Strategic Timber Transport Scheme. He also advised that additional funds were now available from this scheme and that he was working on projects.

In response to a question in relation to developer contributions for safe walking routes to new schools, the Head of Roads advised that the Alliance has maximised developer contribution for this purpose. It was noted that a review of walking routes for existing schools was also undertaken with colleagues from education and, as requested, the Head of Roads would provide the Member with a response in relation to school walking routes within his specific area.

A query was raised by a Member in relation to white lining within a particular housing estate and the Operations Manager indicated that he would investigate the issue and discuss with his team and advise the Member accordingly.

Comments were made by a Member in relation to a biosphere meeting that he had recently attended when health issues had been raised around the use of LED lighting as well as the positioning of lights in certain areas. He circulated details regarding these issues. The Operations Manager advised that he would investigate further and report back to the Member in question as well as the biosphere group. In relation to whether there was any potential health issues associated with LEDs, he would investigate and report back to all Members of the Joint Committee.

Comments were made in respect of safety issues and signage for the sheltered housing complex in Troon. Also, Troon Community Council had concerns with the positioning of traffic calming between Loans and Barassie and it was noted that this matter was currently being investigated.

In response to a question relating to the difference between the programme cost and costs to date for route B743 near Mossblown / Mauchline, it was noted that the increase in costs were due to extended works as a result of the condition of the road as well as additional lengths of road being included within the project.

The Joint Committee, having otherwise noted the content of the report

**Decided:** to note the Ayrshire Roads Alliance works progress for 2018/19.

## **7. Report on Winter Service.**

There was submitted a report ([issued](#)) of 6th August 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the Winter Operations delivered over 2017/18 and highlighting a number of proposals for 2018/19 as outlined within sections 12 to 21 of the report.

A discussion took place in relation to the proposals around the change of night time gritting hours and it was noted that a wide consultation and risk assessment would be undertaken. The Operations Manager added that these proposals would also be fully discussed at the Cold Comfort seminars taking in place in Ayr and Kilmarnock in October where elected members and Community Councils would have an opportunity to provide feedback.

It was noted that the use of brine was an effective de-icing material and that there might be an opportunity for a brine demonstration at a later date.

In response to when any new housing development would be added to the gritting programme, it was noted that this was undertaken following the formal adoption of the road.

The Joint Committee, having otherwise noted the content of the report

**Decided:** to approve the proposals for maintaining the winter services across the Ayrshire Roads Alliance area.

The meeting ended at 11.45 a.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 11 October 2018  
at 2.00 p.m., Council Chambers, Cunninghame House, Irvine**

**Present**

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

Stephen Brown, Director of Health and Social Care Partnership  
Dr Paul Kerr, Clinical Director  
David MacRitchie, Chief Social Work Officer  
David Thomson, Associate Nurse Director/IJB Lead Nurse  
Dr. Louise Wilson, GP Representative

David Donaghey, Staff Representative (NHS Ayrshire and Arran)  
Marie McWaters, Carers Representative  
Graham Searle, Carers Representative (Depute for Marie McWaters)  
Sam Falconer, (Chair) IJB Kilwinning Locality Forum  
Fiona Thomson, Service User Representative  
Nigel Wanless, Independent Sector Representative  
Heather Malloy, Independent Sector Representative (Depute for Nigel Wanless)

**In Attendance**

Eleanor Currie, Principal Manager (Finance)  
Thelma Bowers, Head of Service, Mental Health  
Michelle Sutherland, Strategic Planning Lead  
Neil McLaughlin, Manager, Performance and Information Systems  
Brenda Walker, Senior Officer, Adult Support and Protection  
Norma Bell, Independent Living Manager  
Mark Inglis, Senior Manager, Intervention Services  
Karen Andrews, Team Manager (Governance)  
Diane McCaw, Committee Services Officer

**Also In Attendance**

Councillor Anthea Dickson, North Ayrshire Council  
Jane Brown, Care Inspectorate  
Geoff Mark, Care Inspectorate

### **Apologies for Absence**

Dr. Calum Morrison, Acute Services Representative  
Alistair Reid, Lead Allied Health Professional Adviser  
Vicki Yuill, Third Sector Representatives  
Barbara Hastings, Third Sector Representative (Depute for Vicki Yuill)  
Caroline Whyte, Chief Finance and Transformation Officer  
Louise McDaid, Staff Representative (North Ayrshire Council)

### **1. Chair's Remarks**

The Chair welcomed Jane Brown and Geoff Mark from the Care Inspectorate and Sam Falconer, Chair of the Kilwinning Locality Forum to the meeting.

### **2. Apologies**

Apologies were noted.

### **3. 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.

### **4. Minutes/Action Note**

The accuracy of the Minute of the meeting held on 13 September 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4.1 Matters Arising**

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

Action - V. Yuill

**Adult Support and Protection** – Covered under separate item on Agenda. Action complete and to be removed.

Action – B. Walker/S. Brown

### **5. Presentation: Children's Services Update**

The Board received a presentation from David MacRitchie, Chief Social Work Officer, on the diverse work of the Children, Families and Criminal Justice service and highlighting the following:-

- strengths within the service;
- key policy drivers;
- expansion of the Universal Early Years Service;
- improvements to ensure that children and young people get the right support;
- partnership working with service users and communities;
- work within Greenwood Academy and Elderbank Primary School;



- research carried out on the effects of adverse childhood experiences (ACES);
- building on the model for the future within the six localities; and
- development of a new ASN residential and respite unit which should be operational by Autumn 2020.

Brenda Walker, Senior Officer, Adult Support and Protection joined the meeting at this point.

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

- following the 5 year strategy in schools, the cluster model should evolve differently within each locality;
- minimising any impact on teachers within Greenwood and Elderbank through training and weekly meetings with pastoral support services;
- the reduction in the number of children from these schools entering the children's hearing system;
- that the Joint Children's Service Improvement Board meets monthly and gives strategic direction and approach in relation to early intervention and nurturing;
- other Groups which involve members of the public, eg. the Champion's Board;
- the lack of resources to enable social workers to be in place within every school across North Ayrshire; and
- future investment opportunities at a national level.

The Board agreed (a) to note the information provided; and (b) to receive an update to a future meeting.

## **6. Director's Report**

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

The report highlighted works underway in the following areas:-

- the transformation and streamlining of intermediate care and community rehabilitation services across Ayrshire;
- the launch of the Kings Fund report commissioned by the Chief Officer Network around integration in Scotland;
- a recent training event to promote understanding of the roles of NAHSCP and the Scottish Reporters Children's Administration and on partnership working;
- provision of KA leisure cards to looked after children and young people;
- excellent inspection grades from the Care Inspectorate received by the Throughcare Team;
- that the Throughcare Team have assisted 27 young people into college and 6 into university this year;
- carer support for employees;
- that Arran CVS have become the first employer on Arran to be recognised as a Carer Positive Employer; and
- Working with Diversity in North Ayrshire.

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

- how enhanced intermediate care support links into care homes settings; and

- the number of intermediate care and multidisciplinary teams which will not operate 7 days a week.

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

## **7. Annual Performance Report**

Submitted report by Caroline Whyte, Chief Finance and Transformation Officer and Neil McLaughlin, Manager Performance and Information Systems on the Annual Performance Report 2017-18, which was published on 31 July 2018 to meet the Scottish Government deadline and detailed in full within the Appendix to the report.

The report provided detail in relation to:-

- outcomes for local people;
- locality health and social care needs;
- service provision, including lead partnership responsibilities and commissioned services;
- transformational change; and
- budget and financial information.

The Board agreed to retrospectively approve the draft NAHSCP Annual Performance Report 2017-18, which was published online on 31 July 2018.

## **8. Budget Monitoring – Month 5 (August 2018)**

Submitted joint finance report by the Chief Finance and Transformation Officer, Principal Manager (Finance) and the Strategic Planning Lead on the projected financial outturn for the financial year 2018/19 as at August 2018. Appendix A gave a detailed overview of the Partnership budgetary position while Appendix B gave a detailed variance analysis. Appendix C provided 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:-

- how new models of care can shift the balance of care into communities
- any further action required to be added to the financial recovery plan which could potentially impact on the quality and performance of front line services;
- re-assurance that care homes are considered to be front line services;
- that Eleanor Currie will provide clarification to Nigel Wanless in terms of the lengthy description in relation to older people permanent care homes;
- that the future position regarding allied health professional resource, and how those budgets and staffing are devolved, will be provided to a future meeting of the IJB;
- the offsetting of an element of Carers Act funding to provide support for respite services and that this will continue to be assessed with an in-depth breakdown provided to a future meeting;
- clarification on the Health Minister's announcement in terms of NHS debts and on whether this includes unmet NHS funding through IJBs;
- the increase in emergency respite care over the last 3-4 years adding to the budget pressures; and
- that 'one in one out' for placements for care home packages has seen a steady reduction of 2 places per month and on how long this would continue.

The Board agreed (a) to approve the changes in funding as detailed in Appendix E to the report; (b) that an update on the allied health professional resource, and how those budgets and staffing are devolved, be provided to a future meeting; (c) that an in-depth breakdown around carers funding be provided to a future meeting; (d) that clarification on the Health Minister's announcement around NHS debts be provided to the next meeting; (e) to note (i) the projected year-end overspend of £1.247m; (ii) the movement in the projected outturn position and the future financial risk; (iii) the progress and impact in relation to the financial recovery plan; and (iv) that the financial position will continue to be closely monitored with a further update to the IJB in November.

## **9. Community Link Workers Programme Update**

Submitted report by Michele Sutherland, Strategic Planning and Transformational Change Lead on the progress of the Community Link Worker (CLW) Programme which provides a person centred approach aiming to improve the health and wellbeing of local people through better connections to appropriate sources of support in the community.

Future modelling of the CLW service will see improvement in the links and visibility within the general practice and local community allowing for greater tailored provision of services.

The Board agreed to note the new model emerging which enhances prevention and early intervention approaches.

## **10. Adult Support and Protection – Thematic Inspection Improvement Work Plan Update**

Submitted report by Brenda Walker, Senior Officer – Adult Support and Protection on improvements being taken forward following findings of the first joint Thematic Inspection of Adult Support and Protection. The Improvement Action Plan was attached as Appendix 1 to the report.

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

- whether extending the offer of advocacy to all adults will be achievable in terms of resources;
- the management of any risks around ASP for mental health services, children's services and carers;
- that this is a significant area for development across all user groups; and
- that the Strategic Advocacy Plan, to be submitted to the Mental Welfare Commission, will come to the IJB prior to submission in December.

The Board agreed to (a) approve the Improvement Action Plan as detailed in the Appendix to the report; and (b) note that the Strategic Advocacy Plan will be provided to the meeting of the IJB in December.

## **11. Trindlemoss and Warrix Avenue (formerly known as the Tarryholme Drive Project)**

Submitted report, and received a presentation, by Norma Bell, Independent Living Manager updating on progress and the current status of the Trindlemoss and Warrix Avenue Project. The presentation outlined the following:-

- how the original journey began in relation to the project;

- transformational change to create a safe, sustainable community-based model;
- a refresh of the staffing structure;
- a multi-disciplinary review of the existing programme to develop new themed outcome based activities;
- lessons learned from other sites, eg. Dirrans Centre;
- working in partnership and linking with other directorates;
- provision of high quality homes in a safe environment to enable living independently within the community;
- person centred care planning; and
- future steps.

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

- the number of places available within the Project;
- the possibility of IJB Members visiting the complex; and
- the completion dates of January 2019 for Warrix Avenue and May 2019 for Trindlemoss.

Noted.

## **12. Meeting Dates for 2019**

Submitted report by Diane McCaw, Committee Services Officer on the proposed dates for meetings of the Integration Joint Board and the IJB Performance and Audit Committee for 2019. Appendices 1 and 2 to the report provided details of the key dates for meetings of the IJB and the IJB PAC in 2019. A calendar of Council, NHS Board and IJB and IJB PAC meetings was attached for information at Appendix 3.

The Board was advised of a change to the detailed IJB Pre Agenda start time for the meeting on 5 December 2019. This is to accommodate the CPP Board meeting, which has now been arranged for that morning. It was suggested that the IJB Pre Agenda on 5 December 2019 now commence at 2.00 p.m.

The Board agreed to approve the dates for meetings of the Integration Joint Board and the Integration Joint Board Performance and Audit Committees for 2019 as outlined in the report, subject to the change to the start time of the IJB Pre Agenda meeting on 5 December 2019 to 2.00 p.m.

The Meeting ended at 12 noon.

**Planning Committee  
31 October 2018**

**Irvine, 31 October 2018** - 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, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

J. Miller, Senior Manager (Planning) (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**

Shaun Macaulay

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 26 September 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 18/00768/PP: Ayrshire College, Lauchlan Way, Kilwinning**

The Bridge Church have retrospectively applied under Section 42 for non-compliance with condition 15 of planning permission N/01/98/0524 to enable the installation of a pedestrian gate on the south west perimeter fence on the boundary of the west car park of Ayrshire College. Two objections were received and summarised in the report.

Condition 15 of planning permission N/01/98/0524 states:

*"That there shall be no direct vehicular or pedestrian access between the development and Dalry Road (the A78)."*

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

1. The use of the gate hereby approved shall be opened only on Saturday and Sundays or any day of the week outwith college term time. At all other times the gate will remain locked shut, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

2. That within 3 months of the date of this decision, the gate shall be altered to open inwards towards the Ayrshire College car park and thereafter maintained to the satisfaction of North Ayrshire Council, as Planning Authority.
3. Notwithstanding the provisions of Class 7 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no gate may be constructed, erected or altered between the grounds of Ayrshire College and the access road to the rear of the properties on the east side of Dalry Road, without the express permission of North Ayrshire Council, as Planning Authority.

**4. 18/00845/PP: 9 Brisbane Street, Largs**

MPB Structures Ltd. have applied for planning permission for the demolition of the existing building and the erection of 14 flatted dwellings at 9 Brisbane Street, Largs. Three objections were received and summarised in the report.

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

1. That prior to the commencement of development details and/or samples of the proposed external materials must be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt the approved elevation plan is indicated within drawing (ref. AP0804 Rev P01), hereby approved, with the exception of the roof materials, which shall be completed in natural slate. The development shall be completed in accordance with these details, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of development full details of the proposed access and parking layout shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include confirmation that:
  - i) The central aisle is a minimum 6 metres to allow vehicles to manoeuvre safely;
  - ii) At a minimum the first 2 metres of the access is hard surfaced in order to prevent loose material from being deposited onto the public road, and;
  - iii) The access is designed to ensure no surface water to issue from access/driveway onto public road.

The proposed access and parking arrangement, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt there shall not be any means of direct access to the trunk road either pedestrian or vehicular.

3. That prior to the commencement of development details of the proposed soft landscaping and bin storage facilities shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority.
4. Notwithstanding the details within drawing (ref. AP0804 Rev P01), hereby approved, the proposed windows identified on the stone bay feature, located on

the south elevation, shall have partially obscure glazing. Prior to the commencement of the development, the details of the obscure glazing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. That prior to the occupation of the flatted dwellinghouses, the partially obscure glazing shall be installed and retained in perpetuity, to the satisfaction of North Ayrshire Council as Planning Authority.

**5. 18/00846/ALO: Meikle Ittington Farm, Ardrossan**

Mr Lewis Scott has applied to remove a legal obligation in relation to an occupancy restriction attached to planning permission 10/00326/PP at Meikle Ittington Farm, Ardrossan. No objections were received.

Planning permission was granted on 16 May 2011 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.

The meeting ended at 2.25 p.m.

**Local Review Body  
31 October 2018**

**Irvine, 31 October 2018** - At a Meeting of the Local Review Body of North Ayrshire Council at 2.25 p.m.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, 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**

Shaun Macaulay

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Committee held on 26 September 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: 18/00469/PP - The Stables, 15A Thirdpart Holdings, West Kilbride**

Submitted report by the Chief Executive 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 erection of a detached dwellinghouse with stables.

The Notice of Review documentation, the Planning Officer's Report of Handling, and a copy of the Decision Notice were provided as appendices to the report. No further representations were received from the interested parties.

The Legal Adviser to the Local Review Body outlined the appropriate procedure for consideration of the review request. The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant.



The Planning Adviser summarised the Notice of Review for the applicant and the Report of Handling of the appointed officer. Photographs and plans of the site were displayed. The Local Review Body was informed that no request had been made for a site visit.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request.

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

- the definition of an addition to an existing well-defined nucleated group of four or more houses in close proximity to one another as set out in Policy ENV2 and the history of this policy;
- the different styles of development which have already been established in the area and the fact that design was not the leading factor in the officer's decision to refuse planning permission; and
- the siting of the proposed development and its visibility from the A78.

Councillor McNicol, seconded by Councillor McMaster, moved that the Local Review Body grant the planning permission on the grounds that the proposal complies with Policy ENV2 as a small-scale, sympathetic addition to an existing well defined nucleated group of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access.

As an amendment, Councillor Billings moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons set out in the decision notice. There being no seconder the amendment fell.

Accordingly, having considered all of the information, the Local Review Body agreed to uphold the appeal and grant planning permission with no conditions.

The Meeting ended at 2.55 p.m.

## Appeals Committee

2 November 2018

**IRVINE, 2 November 2018** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

### **Present**

Councillors John Easdale, Jimmy Miller and Marie Burns.

### **In Attendance**

M. Barbour, Solicitor (Litigation) (Democratic Services) and J. Smillie, HR Advisor (Finance and Corporate Support).

### **Also In Attendance**

H. McArthur, Senior Manager (Community Care Services) (Health and Social Care Partnership); R. Lightfoot, HR Adviser (Finance and Corporate Support); and the appellant and appellant's representative.

### **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 3 October 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

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

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

The appellant's representative raised a preliminary point advising that the appellant did not wish to take part in the Appeal Hearing, but confirmed that the appellant was not withdrawing her appeal. The appellant and her representative then left the Appeal hearing.

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

Members of the Committee were given the opportunity to ask questions.

After summing up the Service Representative's case, the Service Representative 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 11.40 a.m.

## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 9th November 2018 at 2.00 p.m.

- Present: Councillors Ian Cochrane (Chair) and Bob Pollock (both South Ayrshire Council); and Councillors Tom Cook and Douglas Reid (both East Ayrshire Council).
- Apologies: Councillor John McGhee and Jim Roberts (both East Ayrshire Council); and Councillors Alec Clark and Philip Saxton (both South Ayrshire Council).
- Attending: Katie Kelly, Depute Chief Executive (East Ayrshire Council); Stewart Turner, Head of Roads, and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); Kevin Carr, Executive Manager, Place Directorate; Karen Briggs, Service Lead – Legal and Licensing; and Eillen Wyllie, Committee Services Officer (all South Ayrshire Council).

### **1. Declarations of Interest.**

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

## **AYRSHIRE ROADS ALLIANCE**

### **2. Minutes of previous meeting.**

The Minutes of 7th September 2018 (issued) were submitted and approved.

### **Matters Arising.**

#### **(1) Update on Performance Scorecard (Page 1/2, paragraph 2(c)).**

In relation to the preparation of a draft letter to the Scottish Government, it was noted that the Head of Roads had prepared a draft requesting capital investment for the roads infrastructure due to the adverse weather conditions affecting the West of Scotland. He would discuss the contents with Members following this meeting.

#### **(2) Well Managed Highway Infrastructure – Code of Practice (Page 3, Paragraph 4).**

In relation to scrutiny of this report by South Ayrshire Council, it was noted that the Partnerships Panel was due to consider this report at its forthcoming meeting on 21st November 2018 and, thereafter, the report would be submitted to the meeting of this Joint Committee on 7th December 2018 for its consideration.

#### **(3) Revenue Financial Monitoring Report (Page 4, paragraph 5(3)).**

In relation to the proposals regarding parking enforcement, it was noted that South Ayrshire Council's Leadership Panel would consider such a report at its meeting on 27th November 2018.

**(4) Report on Winter Service (Page 5, paragraph 7).**

In relation to the planned Cold Comfort seminars, it was noted that the seminar taking place in South Ayrshire would be held in January 2019.

**3. Update on Performance Scorecard.**

There was submitted a report ([issued](#)) of 19 October 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress made to date against the Performance Scorecard.

Following questions by Members of the Joint Committee, the Head of Roads responded accordingly:-

- (1) that, in relation to the percentage of A Class roads in South Ayrshire that should be considered for maintenance, the lower the percentage the better and, over the years, roads within South Ayrshire and East Ayrshire had continually improved although adverse winter conditions were challenging;
- (2) of the working conditions that manual workers were exposed to in terms of average days lost per employee however regular meetings took place between HR and Management in order to reduce this percentage where possible;
- (3) that, in relation to the difference between East and South Ayrshire Councils public liability claims, it was difficult to make comparisons due to varying factors that impact on road conditions. It was noted that claims were managed by East Ayrshire Council but costs allocated to South Ayrshire / East Ayrshire as appropriate; and
- (4) that, in relation to the repair time for traffic lights, the APSE timeframe was 48 hours and repairs were completed well within this timeframe.

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (a) to note the performance scorecard presented in this report; and
- (b) to continue to receive performance scorecard updates.

**4. Risk Report and Register.**

There was submitted a report ([issued](#)) of 19 October 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the management of risk associated with the Ayrshire Roads Alliance.

A discussion took place in relation to the General Data Protection Regulation (GDPR) 2016 introduced on 25th May 2018 and it was suggested that information management relating to GDPR should be included within the Risk Register.

The Joint Committee, having otherwise noted the content of the report

**Decided:**

- (1) to note the risk register presented in the report; and
- (2) to continue to receive updates on progress and that a new risk associated with information management of GDPR be added to the register.

**5. Roadworks Programme 2018/19.**

There was submitted a report ([issued](#)) of 16th October 2018 by the Head of Roads, Ayrshire Roads Alliance, advising of the progress being made with the road improvement programmes within East Ayrshire and South Ayrshire for financial year 2018-2019.

In response to a question in relation to the recently approved Footway Improvement Plan for 2018/19 for South Ayrshire by that Council's Leadership Panel, the Operations Manager provided detail on the funding realised from Timber Transport. In terms of an annual work programme for footways, he added that carriageways would remain a priority with the intention being that improvements to footways be undertaken on both sides of a carriageway during planned works by expanding the cost of these works.

Various questions were raised by Members of the Joint Committee and the Head of Roads and the Operations Manager advised that they would provide an update in due course to relevant members.

The Joint Committee, having otherwise noted the content of the report

**Decided:** to note the Ayrshire Roads Alliance works progress for 2018/19.

**6. Closing remarks.**

**(1) APSE Awards**

The Head of Roads advised of the forthcoming APSE awards being held in Blackpool and that Ayrshire Roads Alliance had been nominated for two performance awards, these being Most Improved Roads, Highways and Winter Maintenance and Best Performer Roads, Highways and Winter Maintenance.

**(2) Trialling of New Road Materials.**

The Depute Chief Executive commented on the road resurfacing trials using waste materials (referred to as 'plastic' roads) and indicated that further research and an evaluation of the effectiveness of this material was currently being undertaken. She advised that a report on the findings would be submitted to a future meeting of the Joint Committee early 2019.

**Decided:** to note the above information.

The meeting ended at 2.50 p.m.

Cabinet  
13 November 2018

**IRVINE, 13 November 2018** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

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

**Also Present**

Donald L. Reid.

**In Attendance**

C. Hatton, Chief Executive; L. Friel, Executive Director and D. Forbes, Senior Manager (Finance and Corporate Support); S. Brown, Director, C. Whyte, Chief Finance and Transformation Officer and D. MacRitchie, Senior Manager (Criminal Justice Services) (Health and Social Care Partnership); K. Yeomans, Executive Director and G. Robson, Senior Employability and Skill Manager (Economy and Communities); Y. Baulk Head of Service (Physical Environment) and C. Dempster, Senior Manager (Network Management) (Place); A. Fraser, Head of Service (Democratic Services) and M. Sugden, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Joe Cullinane in the Chair.

**Apologies**

**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 October 2018 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)**

Submitted report by the Chief Executive on the measures in place to secure compliance with RIPSA and the use the Council has made of the Act in the last year.

The Cabinet agreed to note the measures in place to secure compliance with RIPSA and the use the Council has made of the Act in the last year.

### **4. Revenue Budget 2018/19: Financial Performance to 30 September 2018**

Submitted report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 30 September 2018. Service Financial Performance details were set out at Appendices 1 – 7, the Housing Revenue Account at Appendix 8, a schedule of the budget transfer, or virements, at Appendix 9 and the Health and Social Care Partnership financial performance at Appendix 10 to the report.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the earmarking of £0.113m identified at section 2.4 of the report (iii) meet future year commitments; (c) note the current financial projection for the Health and Social Care Partnership at section 2.5 of the report and request confirmation of actions to secure financial balance in 2018/19; and (d) approve the virements detailed in Appendix 9.

### **5. Capital Programme Performance to 30 September 2018**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress in delivering the Capital Investment Programme as at 30 September 2018. The progress of all projects was set out at Appendix 1 and the Housing Revenue Account set out at Appendix 2 to the report.

Members asked a question and were provided with clarification on the additional expenditure of £0.500m currently forecast within the programme related to the accelerated Bathroom Programme.

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 30 September 2018 and (ii) the forecast of expenditure to 31 March 2019.

### **6. Treasury Management and Investment Mid-Year Report 2018/19**

Submitted report by the Executive Director (Finance and Corporate Support) on the Treasury Management update for the period 1 April to 30 September 2018. The Treasury Management and Investment Mid-Year Report for 2018/19 was set out at Appendix 1 to the report.

The Cabinet agreed to (a) endorse the contents of the Treasury Management and Investment Mid-Year Report for 2018/19 set out at Appendix 1 to the report; and (b) note the Prudential and Treasury Indicators contained therein.



## **7. Chief Social Work Officer Annual Report**

Submitted report by the Chief Social Work Officer (Health and Social Care Partnership) on the Chief Social Work Officer Annual Report, with the annual report set out at Appendix 1 to the report.

Members asked a question and were provided with clarification on the increased overspend due to a delay in discharge dates.

The Cabinet agreed to endorse the report set out at Appendix 1 to the report.

## **8. Winter Service and Weather Emergencies Plan 2018/19**

Submitted report by the Head of Service (Place) on the Winter Service and Weather Emergencies Plan 2018/19. The Winter Preparation Action Plan was set out at Appendix 1 and The Winter Service and Weather Emergencies Plan 2018/19 set out at Appendix 2 to the report.

The Cabinet agreed to (a) approve the Winter Service and Weather Emergencies Plan 2018/19; and (b) note the preparations and developments contained in the 2018/19 Winter Preparation Action Plan.

## **9. 3-Year Plan for North Ayrshire Council's Modern Apprenticeship Programme**

Submitted report by the Executive Director (Economy and Communities) on the proposals for a 3 year investment in the Modern Apprenticeship Programme. The Apprenticeship Charter was set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the new programme which would see a greater focus on quality, retention, workforce planning and supporting those most in need of the opportunity.

The Cabinet agreed to approve (a) an investment of £3M over three years in the Council's Modern Apprenticeship programme; and (b) the approach being taken to improving the programme, with the Apprenticeship Charter being part of a package of developments.

## **10. Better Off North Ayrshire – Update on Funding Model**

Submitted report by the Executive Director (Economy and Communities) on the Better Off North Ayrshire Programme.

The Cabinet agreed to approve the (a) proposed changes to the Better Off North Ayrshire funding arrangements and the current assessment of financial implications for North Ayrshire Council; (b) new funding agreement with the Big Lottery; (c) the approach to managing the risk; and (d) the intention to continue reporting to Cabinet on a bi-annual basis.

The Meeting ended at 3.15 p.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 15 November 2018  
at 2.00 p.m., Council Chambers, Cunninghame House, Irvine**

**Present**

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

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

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

**Also Present**

Councillor Anthea Dickson, North Ayrshire Council

**In Attendance**

Thelma Bowers, Head of Service, Mental Health  
Michelle Sutherland, Strategic Planning Lead  
Judith Reid (NHS Ayrshire and Arran)  
Ruth Campbell (NHS Ayrshire and Arran)  
Karen Andrews, Team Manager (Governance)  
Diane McCaw, Committee Services Officer

**Apologies for Absence**

Councillor John Sweeney, North Ayrshire Council  
Dr. Calum Morrison, Acute Services Representative  
David Thomson, Associate Nurse Director/IJB Lead Nurse  
Louise McDaid, Staff Representative (North Ayrshire Council)  
Heather Malloy, Independent Sector Representative (Depute for Nigel Wanless)

## **1. Chair's Remarks**

The Chair welcome Judith Reid and Ruth Campbell to the meeting.

## **2. Apologies**

Apologies were noted.

## **3. 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.

## **4. Minutes/Action Note**

The accuracy of the Minute of the meeting held on 11 October 2018 was confirmed and the Minute signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **4.1 Matters Arising**

**Children's Services Update** - The Board to receive an update to a future meeting. Ongoing Action.

Action - D. McKee

### **Budget Monitoring – Month 5 (August 2018)**

The Board to receive (a) an update on the allied health professional resource, and how those budgets and staffing are devolved, at a future meeting; (b) an in-depth breakdown around carers funding at a future meeting; and (c) clarification on the Health Minister's announcement around NHS debts at the next meeting. Points picked up in report to Committee today. Remove action.

Action – C. Whyte

**Adult Support and Protection – Thematic Inspection Improvement Work Plan Update – Strategic Advocacy Plan** – The Strategic Advocacy Plan will be provided to the meeting of the IJB in December. Ongoing action.

Action – B. Walker

## **5. Presentation: MSK Physio in Primary Care**

The Board received a presentation from Judith Reid, Consultant Physiotherapist, on MSK Physio in Primary Care and highlighting the following:-

- the current performance position;
- sustainability challenges in relation to staffing resource;
- where the service is now and steps for moving forward through testing different models of care;
- demand patterns in relation to physiotherapists within GP practices;

- the MATS service process;
- measures to improve efficiency within the service; and
- other developments in relation to social media.

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

- the positive response to the physiotherapy service within GP practices;
- sickness absence averages; and
- marketing around self-help advice and the app.

Noted.

## **6. Director's Report**

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

Councillor Larsen joined the meeting at this point.

The report highlighted the following:-

- the Health and Social Care Scotland (HSCS) Conference taking place on 7 December 2018;
- the appointment of Julie Barrett as Senior Manager (Mental Health);
- the "Super Social Work" Programme for 5<sup>th</sup> and 6<sup>th</sup> year pupils across North Ayrshire;
- that nominations are now being accepted for the HSCP Staff Partnership Awards taking place in February 2019;
- the hosting of the first Global Care Family Gathering;
- participation in the Breakfast Blether at Pennyburn Primary School and the Mental Health Discussion Dinner at Kilwinning Academy;
- that the survey on views on Advocacy in North Ayrshire closes at midnight on 16 November;
- the visit by Maree Todd, Minister for Children and Early Years to Castlepark Early Years Centre;
- the hosting of a Pan Ayrshire Children's Visual Impairment Forum at Greenwood Conference Centre; and
- the North Ayrshire Achieves 2018 Award Ceremony.

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

## **7. North Ayrshire Alcohol and Drug Partnership (NAADP) Annual Report 2017-18**

Submitted report by Thelma Bowers, Head of Mental Health, providing a summary on the Alcohol and Drug Partnership's Annual Report 2017-18 submitted to the Scottish Government. The full report was detailed within the Appendix to the report outlining the NAADP contribution to achieving the key outcomes and ministerial priorities.

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

- that future reports could provide more quantitative information in relation to drug deaths and suicides; and
- that the Partnership is working hard to address all elements in relation to deaths and provide more holistic evidence to shape future responses to Government.

The Board agreed to note the terms of the Annual Report detailed in Appendix 1 to the report.

## **8. Chief Social Work Officer Annual Report**

Submitted report by David MacRitchie, Chief Social Work Officer on the annual report of the Chief Social Work Officer to the local authority covering the period April 2017 to March 2018. The full report on all statutory, governance and leadership functions of the role was detailed at Appendix 1, and highlighted information in relation to:-

- the most recent SIMD figures (2016) which show a worsening position in North Ayrshire in the domains of Income, Employment, Education and Housing;
- the conclusion of the Audit Scotland Report of 2016 on 'Social Work in Scotland' which states that current approached to delivering Social Work Services will not be sustainable in the long term;
- the new Health and Social Care Partnership structures and examples of innovative service delivery approaches; and
- the 9 key themes and challenges detailed within the report.

The Board agreed to note and endorse the Chief Social Work Officer Annual Report as set out in Appendix 1 to the report.

## **9. Budget Monitoring – Month 6 (September 2018)**

Submitted joint finance report by the Chief Finance and Transformation Officer, Principal Manager (Finance) and the Strategic Planning Lead on the projected financial outturn for the financial year 2018/19 as at September 2018. 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.

Information was also provided on matters arising from the meeting held on 11 October in relation to (a) the allied health professional resource, and how those budgets and staffing are devolved; (b) an in-depth breakdown around carers funding; and (c) clarification on the Health Minister's announcement around NHS debts.

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

- the more positive emerging budget position, while taking account of significant risks which are still present;
- further clarification around the NHS write off position and implications for the future;
- the position with regard to unfunded beds and when the financial effect of this will be determined;
- further work in relation to set aside proposals and on how this issue is being addressed nationally; and

- underspends which are based around vacancies and on how this is impacting on service provision.

The Board agreed (a) to approve the alternative saving as detailed in Section 2.10 of the report; (b) to approve the changes in funding as detailed in Section 2.12 and Appendix E; and (c) to note (i) the projected year-end overspend of £0.458m; (ii) the favourable movement in the projected outturn position and the future financial risk of further movement; and (iii) the impact of the financial recovery plan and the progress being made in delivering financial balance.

## **10. Programme for Government Funding for Breastfeeding**

Submitted report by Dr. Ruth Campbell, Consultant Dietician in Public Health Nutrition, on work to improve local breastfeeding rates and highlighting the following:-

- evidence on the benefits of breastfeeding on the short term and long term health of mothers and their babies;
- that mothers within deprived areas are less likely to breast feed;
- comparison rates in relation to breastfeeding across Scotland and the 3 Ayrshire Council areas; and
- additional funding being used to create a more integrated team.

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

- the requirement for the difference between natural breastfeeding and feeding by artificial methods to be made more widely known;
- the social stigma in relation to breastfeeding in public and the lack of emotional support for mothers;
- the need for age appropriate education on the normality of breastfeeding;
- that part of peer supporters funding will focus on education and that St. Matthew's Academy is endorsed as a breastfeeding friendly school;
- the usefulness of a detailed breakdown of the rates within deprived areas across North Ayrshire;
- the lack of public awareness that it is an offence to stop mothers breastfeeding in public places; and
- whether data regarding mothers who tried and failed to breastfeed is available.

The Board agreed to note (i) the additional funding NHS Ayrshire and Arran will receive over a three year period and (ii) the proposals for this funding.

## **11. What Matters to You? 2018**

Submitted report by Michelle Sutherland, Strategic Planning Lead, on the outcomes from What Matters to You? Day in North Ayrshire. A full breakdown of the Teams and Services together with challenges and benefits was provided in the Appendices to the report.

The Board agreed to note the progress made to date.

## **12. Augmentative and Alternative Communication (AAC) – Part 4 of the Health (Scotland) Act 2016: Communication Equipment and Support**

Submitted report by Alistair Reid, Lead AHP on the commencement of Part 4 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 – the Provision of Communication Equipment, and on the potential impact on the current AAC service delivery in Ayrshire and Arran.

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

- whether resource has reduced due to less demand;
- that there is no dedicated resource for this equipment at present, currently provided by the Speech and Language Therapy (SLT) Service;
- that this will be flagged up as a budget pressure for next year; and
- that the cost to North Ayrshire is higher than the other 2 Ayrshire's due to population numbers.

The Board agreed to note (i) the update provided within the report and (ii) the potential financial risks associated with this legislation.

### **13. Urgent Items**

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

### **14. Urgent Items**

The Chair of the Irvine Locality Partnership Forum (Fiona Thomson) has stepped aside from the role and Barbara Connor will now act as Interim Chair on a temporary basis.

Arrangements for the role of Chair will be looked at over the next few weeks in conjunction with the outgoing and interim Chairs.

The Chair of the IJB thanked Fiona Thomson for the work she has carried out over the last 2 years.

The Meeting ended at 11.35 a.m.

**Audit and Scrutiny Committee  
20 November 2018**

**IRVINE, 20 November 2018** - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Margaret George, Joy Brahim (Item 4 onwards), Alan Hill, Donald Reid and Tom Marshall.

**In Attendance**

L. Friel, Executive Director, P. Doak, Senior Manager (Internal Audit, Risk and Fraud) (Finance and Corporate Support); W. Turpie, Senior Manager (Waste Resources) (Place); S. Brown, Director and C. Whyte, Head of Finance (Health and Social Care Partnership); C. Amos, Head of Service (Inclusion) (Education and Youth Employment); R. Arthur, Senior Manager (Connected Communities) (Economy and Communities); and A. Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor George in the Chair.

**Apologies**

Marie Burns and John Sweeney.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Audit and Scrutiny Committee held on 25 September 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

The Committee was advised that Education and Youth Employment have arranged a meeting with the Chair of the Committee to discuss the range of information to be presented to future meetings on the use of PEF funds.

Noted.



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

Submitted report by the Chief Finance and Transformation Officer on the projected financial outturn for the financial year as at September 2018.

Appendix A to the report provided the financial overview of the partnership position. Detailed analysis was provided in Appendix B, with full details of savings provided at Appendix C. Appendix D outlined the progress of the Recovery Plan and Appendix E highlighted the movement in the overall budget position for the partnership following the initial approved budget.

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

- the return of the three Towns Medical Practice to being operated by an independent provider, the service having operated under a 17c contract which is a particular type of contract with the Health Board; and
- reports that are provided to partner IJBs to ensure the agreement and sign off of services managed under lead partnerships.

The Committee agreed to note (i) the projected year-end overspend of £0.458m; (ii) the favourable movement in the projected outturn position and the future financial risk of further movement; (iii) the alternative saving as detailed at Section 2.10 of the report; (iv) the changes in funding as detailed in Section 2.12 and Appendix E to the report; and (v) the impact of the financial recovery plan and the progress being made in delivering financial balance.

Councillor Brahim joined the meeting at this point.

### **4. Internal Audit Reports Issued**

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

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

- work that is being done by Procurement to review the list of duplicate suppliers and deactivate suppliers as appropriate;
- clarification that is being sought at a national level on the inclusion of social media visits from the count of the number of visits to libraries and a recommendation from the Association of Public Libraries Scotland to include media visits in the count of the number of visits to libraries; and
- a number of empty Council properties and the setting of rents for the Council's property portfolio.

Noted.

## **5. Internal Audit Plan 2018/19: Mid-year Update**

Submitted report by the Executive Director (Finance and Corporate Support) on (a) progress in delivering the 2018/19 Internal Audit Plan, as outlined in the Appendix to the report; (b) details of the 12 reports published during the first half of 2018/19, 10 of which were from the 2017/18 plan and the remaining 2 have been completed from the current plan, (c) a further 7 reports at draft stage as at 30 September 2018, (d) 8 audits that are being worked on and (e) the remaining planned audits scheduled during Quarters 3 and 4.

Members asked a question in relation to the cost of Internal Audit services in comparison to other Councils and were advised that North Ayrshire's costs are the second lowest in Scotland.

The Committee agreed to (a) note the mid-year position; and (b) approve the withdrawal of two audits from the Plan.

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

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made by Council Services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 September 2018. Appendix 1 to the report provided full details of the 7 actions that were not completed within the agreed timescales.

Members asked a question and were provided with further information in relation to a report that will be published by the Scottish Government in December on trend changes in local population, such as housing development and birth rates that will assist in long term decision making by Education and Youth Employment and this will be shared with Cabinet thereafter.

Noted.

## **7. Corporate Fraud Team: Mid-year Progress**

Submitted report by the Executive Director (Finance and Corporate Support) which provided a mid-year progress update on the work of the Corporate Fraud Team. The report provided details of (a) 190 referrals for investigation that had taken place and financial recoveries of over £30,000 for the Council, (b) a number of onward referrals made by the team to the DWP Single Fraud Investigation Service, Police Scotland and other Council Services, (c) investigation of 27 tenancy abandonments, (d) 18 Blue Badge referrals, (e) a number of House of Multiple Occupation investigations in conjunction with Licensing, Building Standards and the Private Sector Housing Team, (f) a pro-active review of all empty domestic properties in receipt of Council Tax relief that resulted in additional financial recoveries of around £8,000 and (g) the latest biennial National Fraud Initiative and International Fraud Awareness Week that took place between 11 – 17 November 2018.

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

- reports that are made to the Corporate Fraud Team on the misuse of Blue Badges;
- 190 investigations and £30,000 recovered in 2018, compared to 182 and £12,000 in 2017;
- a number of fraud awareness raising events that took place across North Ayrshire as part of International Fraud Awareness Week.

The Committee agreed to (a) note the report; and (b) that information on the number of Houses of Multiple Occupation be provided directly to Members.

## **8. Ayrshire Valuation Joint Board**

Submitted the Minutes of the Ayrshire Valuation Joint Board meeting held on 7 June 2018.

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

- the waiting time for people appealed the valuation of their properties; and
- whether the AVJB Minutes should continue to be reported to the Committee.

The Committee agreed that the Head of Democratic Services consider the need for the Committee to scrutinise Ayrshire Valuation Joint Board.

## **9. Urgent Items**

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

### **9.1 Council Website**

Councillor Reid advised that he had been assured that the Council website would show straplines of current information and changes to services, such as missed bin collections. This would keep the public up to date and prevent members of the public calling Members and the Contact Centre for information.

The Committee agreed that the Executive Director (Finance and Corporate Support) provide a report to the next meeting of the Committee on how the Council can proactively provide information on the website.

## **10. Exclusion of the Public**

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

## **10.1 Corporate Fraud Reports Issued**

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

Noted.

The meeting ended at 11.05 a.m.

**Police and Fire and Rescue Committee  
20 November 2018**

**IRVINE, 20 November 2018** - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Donald L. Reid, Todd Ferguson, Ellen McMaster, Davina McTiernan and Jimmy Miller.

**In Attendance**

A. Craig, Senior Manager, Legal Services and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

Chief Superintendent P. Main and Inspector J. Convery (Police Scotland); Area Manager J. Scott and Group Manager K. Hankinson (Scottish Fire and Rescue Service); and Karyn McCluskey (Community Justice Scotland).

**Chair**

Councillor Donald L. Reid in the Chair.

**Apologies**

John Glover and Angela Stephen.

**1. Chair's Remarks**

The Chair advised on the illness of Vice-Chair Glover, and the Committee offered his best wishes for a speedy recovery. He also took the opportunity to welcome Karyn McCluskey, Chief Executive of Community Justice Scotland to the meeting and gave a short biography of Karyn's career.

**2. Declarations of Interest**

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

**3. Minutes**

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 21 August 2018 was confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**4. Chair and Vice Chair Verbal Updates**

The Chair provided a verbal report on his attendance at the Cosla Conveners Forum on 6 November and highlighted the following:-

- the Metropolitan Police have been observing Glasgow as a good example in terms of reductions in knife crime and murders;

- the second chance philosophy which stipulates everyone deserves a second chance to reform depending on circumstances;
- 65% of the prison population who reoffend are young people who have been in care;
- the commencement of the Navigator Project based within hospital emergency departments in Glasgow and involving volunteers who support people to move away from violent lifestyles;
- CCTV projects across Scotland;
- leadership and governance arrangements of the Police Scotland Board;
- 7 new SPA Board Members;
- how to deliver change in policing;
- performance measurement and evaluation; and
- Brexit and uncertainty around European arrest warrants and joint working with European Police.

Noted.

## **5. Presentation: Community Justice Scotland**

The Committee received a presentation from Karyn McCluskey, Chief Executive, Community Justice Scotland offering an insight into the vicious cycle of crime often associated with the use of short prison sentences.

The presentation highlighted the following:-

- recorded crime levels are at the lowest level since 1974;
- the reoffending rate has fallen to an all time low;
- we are dealing with vulnerable members of society who are in chaos due to addictions etc;
- our prison population is still rising, despite crime levels reducing;
- Scotland are still utilising community sentences;
- youth crime down 78%;
- what works within the restorative justice system to transform young people's lives;
- the high instances of alcohol related death;
- challenges in relation to youth suicides and mental health issues;
- services are not easily accessible;
- 45% of the Scottish public have identified prevention as the main objective of the community justice system; and
- the future model for change to transform Scotland going forward.

Ms McCluskey also advised the Committee on prevention work which has taken place throughout North Ayrshire involving Police Scotland and the Scottish Fire and Rescue Service and indicated that social media is not a representation of perception across Scotland in relation to this topic.

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

- that there is a requirement for jail sentencing but this is a very small number;
- areas across Scotland where engagement work is taking place, including an Alcohol Court in Glasgow looking at repeated alcohol addiction crimes;
- whether the tagging system is effective and the use of GPS and alcohol tagging;
- work to improve Throughcare services and the removal of the Turning Point resource; and
- the need to review the repeat interview process in relation to children who are involved in domestic abuse cases to allow recording of children's observations to be shared with all necessary parties.

The Chair thanked Ms McCluskey for an informative and interesting presentation.

Noted.

### **5.1. Performance Report: Scottish Fire and Rescue Service**

Submitted report by the Scottish Fire and Rescue Service which provided an update for quarter 2 on progress against the North Ayrshire Local Fire and Rescue Plan and gave other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April 2018 to 30 September 2018 was set out in Appendix 1 to the report.

The report identified a 7% increase in activity levels across North Ayrshire compared with the corresponding period in 2017, and an 8% increase in terms of the preceding three year average. False alarms accounted for 48% of all activity within North Ayrshire, with fire related activity and special service activity accounting for 44% and 12%, respectively. Review of performance against the six agreed performance indicators noted that four indicators were above the three year average due to a rise in activity, one had seen a reduction in the respective three year average of more than 5% and a further one indicator had reduced by less than 5%.

A letter issued by the Director of Prevention and Protection to the Chairs of Community Planning Partnerships across Scotland, providing an update on the progress of the Building Safer Communities Programme, was attached at Appendix 2 to the report.

The report also provided an update in terms of (i) the recently completed fire fatality analysis for the 2017-2018 period and (ii) the publication of the Fire and Rescue Incident statistics 2017-2018, attached as Appendix 3 to the report.

Area Manager Jim Scott and Group Manager Kenny Hankinson also reported verbally on:-

- no recorded acts of violence against the crews in and around Bonfire night;
- the proactive partnership work with Police Scotland in the lead up to Bonfire night;
- the analysis of the successful intervention work with schools in relation to unwanted fire alarm signals;

- proactive measures, including staff alerts, which cut down on attendances by Scottish Fire and Rescue Services and the need to replicate this across schools in North Ayrshire; and
- the conclusion of the recruitment process for a replacement for Chief Officer Hay and that an announcement is anticipated.

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

- the priority in moving to the 'safe and well visits' through training and partnerships;
- whether campus cops were useful in assisting with reductions around unwanted fire alarm instances;
- reasons for the high instances of unwanted fire alarm signals in the Stevenston area;
- partnership links and representation on each of the Locality Partnerships which feedback local issues and areas of vulnerability; and
- the level of understanding the Scottish Fire and Rescue Service have of vulnerability within the communities of North Ayrshire.

Noted.

## **5.2 Performance Report: Police Scotland**

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April 2017 to 31 October 2018.

The report provided details of North Ayrshire's positive performance over the course of 2017/18, including a reduction of 2.7% in terms of total crime. Contextual information was provided in respect of domestic abuse incidents which remain a priority in terms of partnership working, reporting of hate crime, violence, disorder and antisocial behaviour, serious organised crime, protecting people at risk from harm, road safety and road crime, public confidence and house breakings.

Chief Superintendent Paul Main also reported verbally on:-

- Colin Convery substituting for Brian Shaw for a short period of time;
- the commencement of the domestic abuse 16 days of action;
- hate crime report for the whole of Ayrshire which would be passed to the Clerk for issue to Members;
- circumstances around robberies where a breakdown will be submitted to the meeting of the Committee in January 2019;
- to allocate a meeting to consider in detail the continuing rise in crimes of a sexual nature in relation to the relationship between the offender and the victim and on numbers of physical sexual assaults;
- the varying skill set required from officers in relation to investigating past crimes as opposed to forensically evidence based crimes from the present;
- an offer for a verbal briefing to Committee on the nature of complaints made against the Police;



- housebreakings maintaining a record low at domestic properties but otherwise increasing in relation to schools, hospitals, industrial buildings etc; and
- that the Police Authority meeting scheduled provisionally for 30 January 2019 would take place in East Ayrshire and involve the Chairs of the 3 Ayrshire Police Fire and Rescue Committees.

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

- the sexual offending data and the possibility of a meeting to discuss this in more detail;
- the increase in the number of officers who carry tasers and training provided; and
- the protocol for medical assessment on a person who is tasered.

The Committee agreed that (a) Chief Superintendent Main provide hate crime report information for the whole of North Ayrshire to the Clerk for circulation to Members of the Committee; and (b) that detailed robbery breakdown statistics be submitted to the meeting of the Committee on 22 January 2019.

The meeting ended at 3.45 p.m.

Licensing Committee  
28 November 2018

**IRVINE**, 28 November 2018 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, John Easdale, Scott Gallacher, Jean McClung, Davina McTiernan and Donald L. Reid.

**In Attendance**

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

**Also in Attendance**

Sergeant Dougan and D. Hastings (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson, Robert Barr and Angela Stephen.

**1. Order of Business**

In terms of Standing Order 9.4, the Chair agreed that the Committee vary the order of business to allow consideration of Case 2 (Mascot Scotland Ltd) as the first item of business.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McTiernan declared an indirect, non-pecuniary interest in Agenda Item 6, Landlord Registration, the circumstances being that the landlord was personally known to her, and left the meeting for that item of business.

**3. Minutes**

The Minutes of the meeting of the Committee held on 24 October 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

## **Appendix A: Hearings**

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

The Committee, at its meeting on 24 October 2018, agreed at the licence holder's request to continue the matter to allow the licence holder to attend.

The licence holder, having been duly cited to attend, was present and represented. The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The licence holder and his representative addressed the Committee on issues raised and responded to questions.

The Committee recalled that the licence had been granted on 10 January 201 for the period 11.00 a.m. to 5.00 a.m., but subject to a condition that no hot food would be sold, or facilities for heating food would be used (whether by staff or by customers), after 1.00 a.m.

The licence holder now asked the Committee to allow (i) hot fillings for sandwiches to be sold after 1.00 a.m.; and (ii) pizzas to be sold after 1.00 a.m.

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

### **Decision**

Councillor Gallacher, seconded by Councillor McClung moved to grant the variation of the 3-year Late Hours Catering Licence and remove the condition that no hot food would be sold, or facilities for heating food would be used (whether by staff or by customers), after 1.00 a.m. There being no amendment, the motion was declared carried.

### **Exclusion of the Public**

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

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

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

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

At 10.45 a.m., in terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened at 10.55 a.m. with the same Members and officers present and in attendance.

#### **4.2 Skin Piercing and Tattoo Licence: SPTL/033 (Renewal) Robert Alexander**

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

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

#### **Decision**

Councillor Reid, seconded by Councillor McClung, moved that the Licence-Holder's application for renewal of the Licence should be continued. There being no amendment, the motion was declared carried.

#### **4.3 Taxi Driver's Licence: TDL/01848 (New) - Charles Stewart**

The Committee, at its meeting on 24 October 2018, agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

The applicant addressed the Committee on 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 McClung, seconded by Councillor McTiernan, 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 one year. There being no amendment, the motion was declared carried.

#### **4.4 Taxi Driver's Licence: TDL/02041 (Renewal) - Pamela Gaw**

The Committee, at its meeting on 24 October 2018, agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The licence holder addressed the Committee on issues raised and responded to questions. She confirmed her driving licence had been updated with her current address and that she would provide this to the Licensing Section.

### **Decision**

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

#### **4.5 Taxi Driver's Licence: TDL/02124 (New) - Andrea Fairfield**

The Committee, at its meeting on 24 October 2018, agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The representatives from Police Scotland then addressed the Committee on the terms of their objections.

### **Decision**

Councillor Reid, seconded by Councillor McNicol, moved that the application be refused, in terms of Paragraph 5 (3) (a) (ii) of the Civic Government (Scotland) Act 1982 on the grounds that the applicant was not a fit and proper person to be the holder of the licence. There being no amendment, the motion was declared carried.

#### **4.6 Taxi Driver's Licence: TDL/02140 (New) - Alan McTurk**

The Committee, at its meeting on 24 October 2018, agreed on the basis of the information presented to proceed to a hearing in terms of Paragraph 4 (2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present. Representatives from Police Scotland were 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 the terms of their objections.

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

## **Decision**

Councillor Easdale, seconded by Councillor Gallacher, 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 one year. There being no amendment, the motion was declared.

At 11.30 a.m. the representatives from Police Scotland left the meeting. The Chair then adjourned the meeting for a short comfort break. The meeting reconvened at 11.45 a.m. with the same Members and officers present and in attendance.

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

### **4.7 Window Cleaner Licence: WCL/005 (New) Partnership of James McCallum, Jamie McCallum and Ewan McCallum**

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, in relation to all three partners.

### **4.8 Taxi Driver Licence: TDL/00978 (Renewal) - Gordon Hewitt**

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

### **4.9 Taxi Driver Licence: TDL/01139 (New) - Robert Kerrigan**

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

### **4.10 Taxi Driver Licence: TDL/02138 (New) - Nicola Drummond**

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 Licence: TDL/02141 (New) - Brian McNamee**

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

### **4.12 Taxi Driver Licence: TDL/02145 (New) - Steven Arrol**

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.

## **Appendix C**

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

#### **4.13 M.W.**

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.

Councillor McTiernan left the meeting for this item of business.

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

#### **5.1 A.M.**

The Registered Landlord, having been cited to attend, was present and represented by a Solicitor.

The Landlord had previously been registered but his registration was removed in November 2017 due to failures in the legal duties applying to Landlords, and at the time the Committee had issued Notices under Section 94 (commonly known as 'Rent Penalty Notices') on several of the Landlord's houses.

On 22 August 2018, the Committee considered an application from A.M. for a grant of Landlord Registration. This application related to 7 houses. The Landlord also sought the revocation of the Rent Penalty Notices over those houses.

The Committee then agreed (a) to grant the Application for Landlord Registration; (b) to revoke the Rent Penalty Notices for six of the seven houses; and (c) to continue consideration of the Application to revoke the seventh Rent Penalty Notice to allow the Anti-Social Behaviour Team to further investigate the allegations relating to the tenant of this property and report their findings to a future meeting of the Committee. There being no amendment, the motion was declared carried.

The Committee resumed consideration of the Application to revoke the remaining Rent Penalty Notice.

The Landlord's representative provided the Committee with information in relation to:-

- advice and guidance provided to the Landlord in relation to his property portfolio and in particular the tenanted property with the Rent Penalty Notice;
- anti-social behaviour allegations around that property;
- the process for ending the Assured Tenancy of the above property that would require a Notice to Quit, a Notice of Proceedings (AT6), and scrutiny by the First Tier Tribunal for Scotland (Housing and Property Chamber); and
- the associated timescales for the above proceedings.

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

## **Decision**

Councillor McNicol, seconded by Councillor Easdale, moved that (a) the application to revoke the Rent Penalty Notice be continued to the next meeting to allow for the proceedings to end the Assured Tenancy to commence; and (b) that meantime that Rent Penalty Notice should remain in place.

There being no amendment, the motion was declared carried.

## **6. Urgent Item**

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

### **6.1 SPTL (R) R. A.**

The Committee considered a report from the Senior Manager (Protective Services) in relation to licensed Premises.

Councillor Reid, seconded by Councillor McClung, moved that (a) the licence should be suspended for a 6-week period, with immediate effect, under Paragraph 12 of Schedule 1 to the Civic Government (Scotland) Act 1982, on the basis that the carrying on of the activity to which the Licence relates is likely to cause a serious threat to public safety; (b) the Committee should delegate authority to the Chair, in terms of Paragraph 12(6), to recall the above order, if satisfied that the carrying on of the activity to which the Licence relates is not likely to cause a serious threat to public safety; (c) the Committee should commence Suspension proceedings under Paragraph 11, and that a Hearing should be held on 9th January 2019. There being no amendment, the motion was declared carried.

The meeting ended at 12.40 p.m.



Education Appeal Committee  
30 November 2018

**IRVINE, 30 November 2018** - At a Meeting of the Education Appeal Committee at 10.30 a.m.

**Present**

Ian Clarkson (North Ayrshire Council); and Jim Smith and Ann Smyth (Lay Members).

**In Attendance**

P. Gosnay, Senior Manager (Education and Youth Employment); and N. Shearer, Clerk to the Education Appeal Committee.

**Also in Attendance**

Appellants and their representative.

**Chair**

Councillor Clarkson 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 Minutes of the meeting of the Committee held on 21 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following addition to the decision:-

The Committee agreed to uphold the decision of the Education Authority to exclude the child from school on the grounds that (a) it would be seriously detrimental to the order and discipline in the school; **and (b) the likelihood of harm to others was significant due to the very serious nature of the incident.**

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

The Committee resolved, in terms of Section 50(a)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting, the press and the public for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 7A of the Act.

**5. Appeal Against the Education Authority's Decision to Exclude a Pupil from Irvine Royal Academy (Secondary)**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from Irvine Royal Academy (Secondary).

The appellants, having been invited to attend, were present and accompanied by a representative from Social Services. A Senior Manager (Education and Youth Employment) was also in attendance.

Those present were introduced and their role in the proceedings explained. The Chair then outlined the procedure to be followed by the Committee and advised on how the decision of the Committee would be intimated to the appellants and the Education Authority, before inviting the Education and Youth Employment representative to make their case. The appellants and Committee Members were afforded the opportunity to question the Education and Youth Employment representative.

The appellants were then invited to present their case. The Education and Youth employment representative and Committee Members then had an opportunity to question the appellants.

The Education and Youth Employment representative and the appellants summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

The Committee agreed to annul the Education Authority's decision to exclude the pupil from school for the period in question. The reason for the decision is because the Appeals Committee deemed the Education Authority not to have given the child an opportunity to express views, inconsistent with section 2(2) of the Standards in Scotland's Schools etc. Act 2000.

The meeting ended at 12 noon.

**Planning Committee  
5 December 2018**

**Irvine, 5 December 2018** - 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) (Economy and Communities); M. Barbour, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

C. Briggs and C. Duff, (Friends of the Firth of Clyde), and D. Nairn (Fairlie Community Council) (representing the objectors); D. Coleman (Peel Ports) and C. Fleming (Envirocentre) (representing the applicants) (agenda item 3); B. Calderwood (Brodick Improvements Committee) and P. McMullen (Arran Community Council) (representing the objectors); S. Ainsley (Cohesion Consultant) and J. Metcalf (Abode Group) (representing the applicants) (agenda item 4.1).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Christina Larsen.

**1. Chair's Remarks**

The Chair welcomed Councillor Shaun Macaulay back to the Committee following a period of ill health. The sentiment was echoed by Committee members.

**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.

Councillor Billings referred to historical interests as the owner of the Glenisle Hotel and Bistro, which was sold in 2017, and as a shareholder in Arran Hotels Ltd, which is currently being wound up. Due to the nature of the interests no declaration was made.

**3. Minutes**

The Minutes of the meeting of the Planning Committee held on 31 October 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Hunterston Construction Yard – SEPA Consultation Response**

Submitted report by the Executive Director (Economy and Communities) on a consultation response on behalf of the Council as the Local Authority to SEPA with respect to an application for a Waste Management Licence (WML) at Hunterston Construction Yard, Fairlie.

The Chair advised that he had accepted a request from Friends of the Firth of Clyde to address the Committee in terms of their objections to the consultation response. Peel Ports, as the licence applicant, and SEPA were invited to respond to the objections raised. Peel Ports were in attendance. It was also noted that deputations have historically only been permitted in relation to planning applications however in this case, given the high level of public interest and in the interest of transparency, the Chair agreed to make an exception.

Ms Briggs, of Friends of the Firth of Clyde, addressed the Committee in support of their objections and circulated three documents in support of their oral submission: a brief outlining their grounds for objection and recommendations, a list of their representations, and a summary of the legal opinion by their senior counsel on the decision making processes by the statutory bodies.

A background was provided on the group who are made up of local residents and environmental experts, many of whom live in the area surrounding Hunterston Construction Yard and have done for a number of years. Concerns were raised around the complexity of the project; the lack of experience of Peel Ports and SEPA in dealing with this type of project; that all activities of the project will be sub-contracted; and that no information had been provided in the WML licence application on the risks associated with sub-contracting or who the sub-contractors may be. Ms Briggs highlighted that the site is bordered on three sides by Sites of Special Scientific Interest which would be at risk if contaminated by the toxins which would be handled at the site, as listed in the WML application. The Committee was asked to consider the request for an environmental impact assessment to be carried out.

Friends of the Firth of Clyde requested that the consultation response be amended to recommend that the WML be rejected. Failing that, changes should be made to the response to:-

- exclude the coal yard and jetty from the WML;
- recommend that all competent authorities reassess the original screening opinion;
- add a condition to tighten control over the removal of waste via road; and
- require the applicant to employ an independent Environmental Clerk of Works.

Mr Coleman, of Peel Ports, then addressed the Committee on behalf of the applicants in response to the objections raised. It was stated that due to the volume of information presented he did not intend to respond point-by-point but was happy to answer any questions the Committee had.

Members then asked questions of the objectors and applicant's representatives and received further information on the following:-

- work which had been undertaken by Friends of the Firth of Clyde, in conjunction with Police Scotland, to improve road safety in the village and the potential impact of removing waste from the Hunterston site via road would have;
- the types and quantities of waste which would be processed at the site and whether these were typically covered by a WML and the conversations between the applicant and SEPA to this effect; and
- the planning permissions which were granted in April 2018, whether these covered the coal yard and jetty area of the site, and the method of waste removal set out in those permissions.

The Senior Manager (Planning) then set out the terms of the committee report and summarised a letter which had been received from Councillors Hill and Murdoch stating their belief that SEPA, in the first instance should be asked to refuse the licence until either (a) the Working Plan is amended to remove any reference to the areas which are not currently consented (the coal yard and jetty) and all reference to transportation by road be similarly removed or (b) until after Peel has successfully obtained planning permission for the areas it intends to use and until after the transportation of these materials has been satisfactorily agreed with both the Council and the Trunk Roads Authority.

The Senior Manager (Planning) also noted and circulated the terms of reference for the Hunterston Marine Yard Liaison Committee as set out in Condition 8 of planning permission 17/01273/PP which had been submitted by Peel Ports.

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

- the reason for the delay in the set up of the Hunterston Marine Yard Liaison Committee and the amount of time and effort which might have been saved had this been done earlier;
- the possibility of strengthening the wording of the consultation response and the presence of planning conditions which are already in place which may ease some of the concerns raised;
- the amount of waste which would be removed via road and if this amount is different to what the Committee were originally led to believe; and
- the requests made by Friends of the Firth of the Clyde and how these are covered in the draft consultation response.

Councillor McNicol, seconded by Councillor Clarkson, moved that the Committee agree to approve the draft consultation response set out in Appendix 1 to the committee report.

As an amendment, Councillor Barr, seconded by Councillor Billings, moved that, in response to SEPA's consultation, an objection be lodged to the granting of a WML on the grounds raised by Friends of the Firth of Clyde.

On a division, there voted for the amendment two and for the motion seven and the motion was declared carried.

Accordingly, the Committee agree to approve the draft consultation response set out in Appendix 1 to the report.

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned at 2.50 p.m. for a short comfort break. The meeting reconvened at 2.55 p.m. with the same Members and officers present and in attendance.

## **5. 18/00419/PP: McLaren Hotel, Brodick, Isle of Arran**

AbodeGroup have applied for planning permission for the demolition of an existing hotel and the erection of a new hotel at the McLaren Hotel, Brodick, Isle of Arran. 23 letters of objection and one letter of support were received in response to the original submission and a further 13 letters of objection were received in response to the applicant's amended submissions, and were summarised in the report along with a summary of the officer's responses.

Mr Calderwood, of Brodick Improvements Committee, and Mr McMullen of, Arran Community Council, addressed the Committee in support of their objections.

Referring to the site in question, Mr Calderwood encouraged development of this prime location due to the state of disrepair which the existing building has fallen into and the eyesore that it has become to residents and visitors. Of the proposed development, concerns were raised around the scale of the proposal which would dominate the frontage and would be more suited to an urban setting, not an island village. He said there was a fear among locals that a development on this scale would result in pressure on local services, businesses and roads, some of which are already struggling to cope with demand. The lack of constructive community engagement was highlighted along with the general lack of regard to the local needs. There was also concerns that the plans do not include adequate staff accommodation or disabled and general parking, and that no plans for noise, dust or traffic management had been proposed for either the construction or operation phases.

Mr Calderwood requested that the Committee refuse the application and, failing that, that conditions be attached to the planning permission requiring a noise impact statement, details on parking and detailed plans are provided prior to the commencement of construction.

Mr McMullen provided details of how Arran Community Council operates, encompassing the views of the entire island, not just Brodick, when considering planning consultations and how the work closely with groups including the Brodick Improvement Committee. He spoke of the Community Council's initial delight when they were informed that a proposal to develop the site had been received and the contrasting opinion that was formed when the plans were revealed. After carefully considering the plans, they felt it was in conflict with sub-section (d) of Policy TOU1 of the Local Development Plan as they were not of a scale and character which enhances the local landscape or amenity. It was suggested that, while the proposal might not seem large on the mainland, in an island village it would be far too big and that a smaller development of around 27 rooms would be much more suited. Mr McMullen

asked that when determining the application the Committee consider if it complied with Policy TOU1 and if there was any doubt, that the application be refused.

Mr Ainsley, of Cohesion Consult, then addressed the Committee on behalf of the applicants in response to the objections raised.

Mr Ainsley began by welcoming the officer's recommendation to approve the application and highlighted that no objections had been received from statutory consultees. A presentation was given which highlighted the support received from Visit Scotland and the economic benefits which would accompany the development through additional visitors. Mr Ainsley took the Committee through a number of slides which gave details on the existing site and addressed a number of the concerns raised by the objectors. It was stated that the application complies with the LDP policy, Brodick Design Framework, Coastal Design Guidance and Tourism Action Plan in terms of size, scale and massing and that the building footprint had been reduced following a consultation with locals. The Committee was advised that a smaller hotel would not be commercially viable. It was highlighted that while a restaurant had been removed from the proposed hotel would contain a café/bar and rooms would offer self-catering facilities. It was noted that SEPA and NAC Flooding had no objections and that the design complies with the recommendations of a fire risk assessment which was carried out. Finally, Mr Ainsley recommended that the Committee take the officer's recommendation and grant the application to allow the regeneration of an eyesore that would create jobs and provide opportunities for the community.

The objectors then had an opportunity to make brief final comments. Mr Calderwood raised the fact that Arran Community Council are a statutory planning consultee and that their objections had been lodged and that while Visit Scotland may support the application, Visit Arran do not, and the applicant was being selective with the information they provided. Mr McMullen stated that the artist's impression displayed was not to scale and that Arran Community Council are not opposed to there being a hotel on this site, just not a hotel of this scale.

Members then asked questions of the objectors and applicant's representatives in respect of parking spaces for the proposed development, the decision to remove the restaurant from the proposal, and the reasons behind choosing Arran as the location for this development.

The Senior Manager (Planning) then outlined the terms of the planning report and summarised a consultation response from Arran Community Council which, due to typing error, had not been received in time to be included in the report.

Members had the opportunity to ask further questions and received clarification on the following:-

- how the waste created from the demolition of the existing building would be used and the common practice of using this type of to form the foundations of new development;
- the self-catering facilities in the room, whether this would allow for long term leases, and the requirement for a change of use application to permit this;

- why there had been a lack of consultation with locals and understanding of what type of development the island required, namely domestic flatted properties;
- the appropriateness of the design for a site in this location; and
- the significance of the commercial model used and the impact that this has had on the design which has been chosen.

Councillor Clarkson, seconded by Councillor McNicol, moved that the Committee approve the application subject to the conditions set out in the report.

As an amendment, Councillor Billings, seconded by Councillor McMaster, moved that the Committee refuse the application on the grounds that it does not comply with the Coastal Design Guidance.

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

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

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority:
  - i) Details and samples of the proposed external finishes;
  - ii) Details of all external lighting;
  - iii) Details of the proposed bin storage; and
  - iv) Details of the proposed cycle parking spaces and storage (including number, location and design).

The details, which may be approved, shall be implemented in full to the satisfaction of North Ayrshire Council as Planning Authority. The approved cycle parking and storage shall be installed prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained.

2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated July 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:
  - (i) Site levels which ensure the site is raised above the 200 year sea level (i.e. 3.62 m AOD) and designed to shed water away from any buildings and direct any potential surface water entering the site from the south away from the buildings without increasing the risk of flooding to others;
  - (ii) Details of an overland flow path along the western boundary of the site which is at least 1 metre wide and directs flows north towards the A841;
  - (iii) Confirmation that the finished floor levels of the main building shall be no less than 4.52m AOD; and,
  - (iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority. The details which may be agreed shall be implemented in compliance with the programme in part (iv) and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.



3. That prior to the completion of the development the parking, as outlined in approved drawing 268-03C, shall be completed in full and operational prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained. For the avoidance of doubt the hotel shall be limited to 88 rooms for rental and at least 5 staff accommodation rooms.
4. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
5. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
6. That the first 5 metres of the access, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

Councillor Foster left the meeting at this point.

#### **6. 18/00917/PP - Site To North West Of Chapelton Mains, West Kilbride**

Hope Homes (Scotland) Ltd. have applied for planning permission for phase five of their residential development consisting of 25 detached dwelling houses to the north west of Chapelton Mains, West Kilbride. No representations were received.

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

1. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:
  - (i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;
  - (ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;

- (iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;
  - (iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
  3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 6 Kames Bay, Millport, Isle Of Cumbrae KA28 0EA**

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 is served requiring that a fence which has been erected without planning permission be removed and the original stone wall be reinstated.

The Senior Manager (Planning) informed Members of a letter which had been received from the owner's solicitor which proposed replacing the panel fence with hedging in spring 2019. Details of the proposed boundary measures would be required.

The Committee unanimously agreed to (a) defer enforcement action for six months subject to a site inspection by officers; and (b) request that an application is made for planning permission for the retrospective removal of the stone wall and replacement with hedging.

## **8. Urgent Items**

The Senior Manager (Planning) informed members of a number of site visits which had been scheduled to take place on 11 February 2019, namely to the Hope Homes development in West Kilbride, Clyde Port in Fairlie, and Largs Academy.

Noted.

The meeting ended at 4.05 p.m.

**Local Review Body  
5 December 2018**

**Irvine, 5 December 2018** - At a Meeting of the Local Review Body of North Ayrshire Council at 4.05 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Robert Foster, 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 31 October 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: 18/00559/PP - Croftlands, Lamlash, Isle of Arran**

Submitted report by the Chief Executive on a Notice of Review submitted by the applicant in respect of a condition attached to a planning permission approved by officers under delegated powers to re-roof a building and convert the attic to provide additional living accommodation.

Condition 2 of planning permission 18/00559/PP states:-

*"That, for the avoidance of doubt, the development hereby approved shall function only as an annexe of the existing dwelling at Croftlands and not as a separate independent dwellinghouse. The annexe shall not be let or sold separately from the existing dwellinghouse known as Croftlands."*

The notice of review set out the appellant's request that Condition 2 be amended to read:-

*"The annexe will not be sold separately from the property known as Croftlands"*

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

The Planning Adviser to the Local Review Body introduced the matter under review, confirming that the Notice of Review had been submitted timeously by the applicant and went on to summarise the Notice of Review for the applicant and the Report of Handling of the appointed officer. Photographs and plans of the site were displayed.

Members asked questions and were provided with further information on the procedure around applying for the removal of conditions from planning permissions.

The Local Review Body unanimously agreed to uphold the officer's decision to attach a condition to planning permission 18/00559/PP to the effect that the sale or letting of the annexe separately from the existing dwellinghouse is restricted. Accordingly, the review was dismissed.

The Meeting ended at 4:15 p.m.

Licensing Committee  
10 December 2018

**IRVINE**, 10 December 2018 - At a Special Meeting of the Licensing Committee of North Ayrshire Council at 11.10 a.m.

**Present**

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

**In Attendance**

W. O'Brien, Solicitor, (Licensing), and C. Pollock, Licensing Administration Officer (Legal Services); and A. Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson and Scott Gallacher.

**1. Declarations of Interest**

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

**2. 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."

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

#### **3.1 Taxi Licence TL/211 – John Russell, Stephen Adams, Jane Adams and Connie Dunn**

John Russell and Connie Dunn were present. The Committee was satisfied that the persons present represented all the applicants.

The Solicitor (Licensing) set out the background to the Hearing.

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

#### **Decision**

The Committee unanimously agreed (a) to accept the proposed vehicle as suitable under Civic Government (Scotland) Act 1982, Section 10(2), and to treat it as an exception to the Vehicle Specification Policy; (b) to treat the application as an exception to its Taxi Numbers Limitation Policy under Civic Government (Scotland) Act 1982, Section 10(3); (c) to continue consideration of the application for a Temporary Licence under Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 7.

#### **3.2 Skin Piercing and Tattoo Licence: SPTL/033 (Renewal) Robert Alexander**

The licence holder, having been duly cited to attend, was present and accompanied by Gordon Lannigan, Tattoo Artist.

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

The licence holder and Mr Lannigan addressed the Committee on issues raised and responded to questions.

#### **Decision**

The Committee unanimously agreed to (a) recall the suspension under Paragraph 12 (6) of Schedule 1 of the Civic Government (Scotland) Act 1982; (b) consent to a material change of circumstances under Paragraph 9(2) of Schedule 1 of the Civic Government (Scotland) Act 1982, in that Mr Lannigan will now be a joint holder of the licence; (c) grant the renewal of the licence under Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982; and (d) discharge the hearing under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982 previously intimated.

The meeting ended at 11.25 a.m.