



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## North Ayrshire Council Meeting 22 March 2017

### VOLUME OF MINUTES

From 8 December 2016 to 15 March 2017

		Page
8 December 2016	Ayrshire Shared Services	1-6
14 December 2016	Licensing Committee	7-15
15 December 2016	Integration Joint Board	16-22
16 December 2016	Appeals Committee	23-24
20 December 2016	Cabinet	25-28
11 January 2017	Licensing Committee	29-33
12 January 2017	Integration Joint Board	34-39
17 January 2017	Cabinet	40-43
20 January 2017	Local Development Plan	44-46
27 January 2017	Appeals Committee	47-48
31 January 2017	Cabinet	49-51
6 February 2017	Police and Fire & Rescue	52-55
8 February 2017	Planning Committee	56-61
10 February 2017	Appeals Committee	62-63
13 February 2017	Audit & Scrutiny Committee	64-69
14 February 2017	Cabinet	70-72
17 February 2017	Appeals Committee	73-74
22 February 2017	Licensing Committee	75-81
28 February 2017	Cabinet	82-85
1 March 2017	Cabinet	86-88
8 March 2017	Planning Committee	89-97
8 March 2017	Local Review Body	98-99
14 March 2017	Cabinet	100-107
15 March 2017	Licensing	108-116



## **Ayrshire Shared Services Joint Committee 8 December 2016**

May 2012 - April 2017

**IRVINE, 8 December 2016** - At a Meeting of the Ayrshire Shared Services Joint Committee at 2.00 p.m.

### **Present**

Councillors Donald Reid (North Ayrshire Council); Maureen McKay and Bobby McDill (East Ayrshire Council); and Alec Clark, Peter Convery and John McDowall (South Ayrshire Council).

### **In Attendance**

L. Bloomer, Executive Director (Economy, Neighbourhood and Environment), C. Boyd, Risk, Safety and Resilience Manager and J. McGeorge, Ayrshire Civil Contingencies Co-ordinator (Ayrshire Civic Contingencies Team) (South Ayrshire Council); P. Whip, Group Finance Manager (East Ayrshire Council); S. Turner, Head of Roads, S. McCafferty, Network Manager and K. Braidwood, Operations Manager (Ayrshire Roads Alliance); and M. Anderson, Committee Services Team Leader and A. Pearson, Committee Services Support Officer (North Ayrshire Council).

### **Chair**

Councillor Donald Reid (Agenda Items 1-4) and Councillor McDowall (remainder of the Agenda).

### **Apologies for Absence**

Councillors Joe Cullinane, Willie Gibson and Alan Hill (North Ayrshire Council); Douglas Reid and Tom Cook (East Ayrshire Council); and Nan McFarlane (South Ayrshire Council).

## **1. Apologies**

The Chair invited intimation of apologies for absence, which were recorded.

## **2. Minutes of Previous Meeting**

The accuracy of the Minutes of the previous meeting held on 10 November 2016, was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Matters Arising**

#### **3.1 ASSJC 2017 Meetings Calendar**

Submitted report by the Head of Democratic Services (North Ayrshire Council) on a proposed calendar of meetings of the Joint Committee for 2017. The draft meetings calendar, which was attached at Appendix 1 to the report, proposed that the Committee meet on 17 February, 23 June, 8 September, 10 November and 8 December 2017.

The Committee agreed to approve the 2017 calendar of meetings set out at Appendix 1, subject to any amendments which may be required following the 2017 local government elections.

#### **AYRSHIRE CIVIL CONTINGENCIES TEAM (ACCT)**

#### **4. Ayrshire Civil Contingencies Team**

Submitted report by Head of Property and Risk (South Ayrshire Council) on the Ayrshire Civil Contingencies Team Service Plan 2017/18. The proposed plan was set out at Appendix 1 to the report.

The Service Agreement in respect of the delivery of Civil Contingencies services across Ayrshire was signed on 16 March 2016 and requires Joint Committee approval of ACCT service planning arrangements prior to budget setting.

The Risk, Safety and Resilience Manager, in presenting the report, also advised of the team's success in being nominated for South Ayrshire Council's Outstanding People awards.

The Committee agreed:-

- (a) to approve the Ayrshire Civil Contingencies Team Service Plan 2017/18 as set out at Appendix 1 to the report;
- (b) to note that there may be additional requests for support added to the Service Plan as the wider services from across the 3 Ayrshire Councils plan their own service delivery for 2017/18; and
- (c) to extend its congratulations to the ACCT on the team's success in being nominated for South Ayrshire Council's Outstanding People awards.

## **5. Rotation of Chair**

Councillor Donald Reid withdrew from the Chair at this point, to allow Councillor McDowall to chair the meeting for the remaining items of ARA business.

## **AYRSHIRE ROADS ALLIANCE (ARA)**

### **6. Property and Accommodation Review**

Submitted report by the Head of Roads (Ayrshire Roads Alliance) on the outcome of the review of property and accommodation.

At its meeting on 17 June 2016, the Committee approved arrangements for a review of the Ayrshire Roads Alliance's property and accommodation and requested a report on the outcome.

The report provided information on the analysis of the three review options considered; gave details of work to progress Option 3 (the rationalisation of the existing property and accommodation facilities); and set out an analysis of the proposed cost savings arising from the review. Annual savings from 2017/18 of £57,766, were anticipated, with total net revenue savings by 2023/24 of £404,362 against a savings target of £1.44m, as identified within the Benefits Realisation Strategy and Plan which was approved by the Committee on 1 May 2015.

The Head of Roads (ARA) provided a verbal update on support expressed by the service's Joint Consultative Committee for the staff relocations proposed as part of the review.

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

- the definition of the phrase 'at this time' at paragraph 17 of the report;
- the ranking of depot locations as set out in Table 1 of the report;
- the staff sections which would continue to be delivered from Burns House, Ayr;
- the current state of repair of the Meadowhead Depot, Coylton;
- the mechanism for disposing of any premises no longer required by the ARA;
- the ARA's confidence that proposed savings would be achieved;
- the Benefits Realisation Strategy and Plan referred to at paragraph 27 of the report;
- the shortfall of £1m against the overall savings target from the review of accommodation of £1.44m; and
- recruitment proposals following the departure of two members of staff from Burns House, Ayr.

The Committee agreed:-

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

- (b) to approve the firm proposal and recommendation to proceed on the basis of Option 3 (the rationalisation of the existing property and accommodation facilities), as set out within the report;
- (c) to approve the proposals on alternative office accommodation currently based at Burns House, Ayr, as set out at paragraph 22 of the report; and
- (d) to note anticipated shortfall of £1m against the overall savings target from the review of accommodation of £1.44m, which would be covered in the next report to the Committee.

## **7. Roadworks Programme 2016/17**

Submitted report by the Head of Roads (ARA) on progress made with the road improvement programmes within East and South Ayrshire for financial year 2016/17. The 2016/17 Ayrshire Roads Alliance Programmes for South Ayrshire and East Ayrshire were set out at Appendices 1 and 2, respectively.

East Ayrshire Council's Cabinet approved the 2016/17 road works programme on 10 February 2016. The South Ayrshire programme was approved by its Leadership Panel on 26 April 2016. The report provided progress updates in respect of each programme.

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

- the revised timescale associated with the deck replacement works at Todd Street Bridge, Girvan;
- Scottish Borders Council's role as a contractor in works referred to in Appendix 2 to the report;
- the high standard of works carried out on Gowanbank slip;
- progress with, and funding of, the Kilmarnock bus park and ride project, and the importance of engagement with local community councils;
- the launch of 8 new Stagecoach 'super' buses; and
- feasibility work in connection with the Active Travel Hub, Ayr.

The Operations Manager (ARA) undertook to provide further information to Councillor Clark on the contractor appointed to carry out the Todd Street Bridge, Girvan deck replacement works.

Noted.

## **8. Draft Service Plan 2017/18**

Submitted report by the Head of Roads (Ayrshire Roads Alliance) on the Ayrshire Roads Alliance draft Service Plan for 2017/18. The draft Plan and proposed Performance Indicators for 2017/18, were set out at Appendices 1 and 2, respectively.

The draft Service Plan provided detail on the current operating position of the Ayrshire Roads Alliance and the anticipated position of the Service by March 2018. The report indicated that the goals identified in the Plan would be achieved and monitored through an Improvement Action Plan, Performance Management Framework, Risk Register and Report, and Benefits Realisation Strategy and Plan.

The Head of Roads (ARA) provided a verbal update on the signing of an agreement between Glasgow Prestwick Airport and Houston Spaceport, indicating that developments in this area would be taken into account in service planning.

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

- the removal of some performance indicators and introduction of new indicators;
- the benefits of LED street lighting;
- damage caused to the road network in instances where high volumes of traffic are diverted from trunk roads;
- the receipt funding from the Timber Transport Fund for the A714;
- the rationale for not including at this stage in the Ayrshire Growth Deal bid provision for associated roads projects;
- progress in respect of flood prevention measures for Kilmarnock;
- the mechanism for monitoring the performance of external contractors;
- the impact of delays between projects being approved and their implementation;
- the background to a delay in executing flood prevention works in Girvan;
- the role of 'lane rental' agreements in seeking to minimise delays in the completion of road works by external contractors;
- the progress made in respect of the Clerkland Bridge works; and
- the current position regarding the expenditure of the £10m additional funding allocation by South Ayrshire Council.

The Committee agreed:-

- (a) to approve the draft Ayrshire Roads Alliance Service Plan for 2017/18, as set out at Appendix 1 to the report, subject to a correction in terms of the total non-revenue figure provided within Table 3 of the Plan;
- (b) to approve the proposed Performance Indicators for 2017/18, contained in Appendix 2 to the report;
- (c) that officers circulate the confirmed finance budgets for 2017/18 to Members of the Committee following release of the final settlement figures;
- (d) that progress updates be provided to future meetings of the Committee;
- (e) that performance information in future include details of the performance of external contractors; and
- (f) otherwise, to note the content of the report.

## **9. Update on Performance Scorecard**

Submitted report by the Head of Roads (ARA) on progress made to date against the Performance Scorecard. The Scorecard was set out at Appendix 1 to the report.

The Performance Scorecard included commentary against 'red' and 'amber' performance measures, and paragraph 7 of the covering report highlighted a number of green performance measures.

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

- the level of improvement, between 2012-14 and 2014-16, of the percentage of A class roads that should be considered for maintenance; and
- insurance claims by road users.

The Network Manager (ARA) undertook to provide Members with information on payments made in respect of public liability claims by road users.

The Committee agreed:-

- (a) to note the Performance Scorecard and performance metrics presented in the report; and
- (b) to continue to receive Performance Scorecard updates.

## **10. Revenue Financial Monitoring Report**

Submitted report by the Depute Chief Executive and Chief Financial Officer (East Ayrshire Council) on the revenue budgeting monitoring for the year to 16 October 2016. Appendix 1 to the report set out the split between Strategic and Local Service Delivery. The Financial Monitoring report was set out at Appendix 2.

Members asked questions, and received information and clarification, on the challenges associated with delivering the service within budget and actions by Officers to keep this under review.

The Committee agreed:-

- (a) to note the financial management position of the Ayrshire Roads Alliance; and
- (b) to receive a further financial update at the next meeting of the Committee.

The Meeting ended at 3.20 p.m.

Licensing Committee  
14 December 2016

**IRVINE, 14 December 2016** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), D. Robertson, Enforcement Officer and A. Toal, Administrative Assistant; E. Anderson, Team Manager (Private Sector Housing) and B. Ferry, Policy Officer (Private Sector) (Place); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Inspector B. Skimming, Detective Sergeant E. Bell, Sergeant G. Griffiths and Police Constable A. Kerr (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

Grace McLean, Alan Munro and Robert Steel.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as a relative of the applicant, declared an interest in Hearing 8 (Kilmurry) under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters), left the meeting for that item of business and took no part in the decision thereon.

**2. Order of Business**

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow consideration of Hearing 7 prior to Hearing 6, and Hearing 11 prior to Hearing 10, all under Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters).

The Chair further agreed that two further cases be considered as urgent items in terms Agenda Item 3 (Civic Government (Scotland) Act: Licensing Matters) immediately following consideration of Appendix C of that Item, and that Agenda Item 5 (Landlord Registration under the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8) be considered prior to Agenda Item 4 (Public Charitable Collections - Civic Government (Scotland) Act 1982).

### **3. Minutes**

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

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

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

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

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

#### **Part A: Hearings**

#### **5.1 Street Trader Operator's Licence: STL/O/445 (New) - Alexander Muir**

The Committee, at its meeting on 23 November 2016, 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 of Police Scotland were in attendance.

The Committee considered the background information provided, including the terms of a letter from Police Scotland setting out an objection in relation to the application.

#### **Decision**

Councillor Reid, seconded by Councillor Barr, moved that the application be refused in terms of Paragraph 5(1)(c) of Schedule 1 to the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person (Paragraph 5(3)(a)(ii)). There being no amendment, the motion was declared carried.

#### **5.2 Taxi Driver's Licence: TDL/00192 (New) - Thomas Foy**

The Committee, at its meeting on 23 November 2016, 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 of Police Scotland were also in attendance.

Members asked questions and received clarification from the applicant and representatives of Police Scotland. The applicant also provided confirmation of his new address.

## **Decision**

Councillor Easdale, seconded by Councillor McMillan, 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.

### **5.3 Taxi Driver's Licence: TDL/01168 (Renewal) - Paul McPherson**

The Committee, at its meeting on 23 November 2016, 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 not present or represented. Representatives of Police Scotland were in attendance.

The Committee was advised of the content of a written submission provided by the applicant in his absence. The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an observation in relation to the application.

## **Decision**

Councillor Easdale, seconded by Councillor McMillan, 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.

As an amendment, Councillor Marshall, seconded by Councillor Barr, moved that the application be refused in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person (Paragraph 5(3)(a)(ii)).

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

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person (Paragraph 5(3)(a)(ii)).

### **5.4 Taxi Driver's Licence: TDL/01885 (New) - Peter Brown**

The Committee, at its meeting on 23 November 2016, 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 of 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 of Police Scotland then addressed the Committee on the terms of a letter setting out an objection in relation to the application and made reference to a second letter containing details of 'protected' convictions in terms of the Rehabilitation of Offenders Act 1974 (Exclusions and Exemptions) (Scotland) Amended Order 2015.

Members asked questions and received clarification from the applicant, representatives of Police Scotland and the Solicitor (Licensing). In response to questions, the applicant circulated written medical evidence in respect of his application, together with information on his current employment and qualifications.

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

## **Decision**

Councillor Easdale, seconded by Councillor Reid, 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.

As an amendment, Councillor McMillan, seconded by Councillor Barr, moved that the application be refused in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person (Paragraph 5(3)(a)(ii)).

On a division, there voted for the amendment 3 and for the motion 3 and, on the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the ground that the applicant was not a fit and proper person (Paragraph 5(3)(a)(ii)).

Councillor Bruce joined the meeting at this point.

## **5.5 Taxi Driver's Licence: TDL/00190 (New) - Raymond Henry Potts**

The Committee, at its meeting on 23 November 2016, 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 and accompanied by his partner. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an objection in relation to the application.

Members asked questions and received clarification from the applicant, representatives of Police Scotland and the Solicitor (Licensing).

## **Decision**

Councillor Easdale, seconded by Councillor Marshall, 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.

### **5.6 Taxi Driver's Licence: TDL/01876 (Renewal) - Alessandro Sirio Gavazzeni**

The Committee, at its meeting on 23 November 2016, 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 not present or represented. Representatives of Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The Committee was also advised of the content of a written submission provided by the licence holder, which confirmed the licence holder's new address.

## **Decision**

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

The representatives of Police Scotland withdrew from the meeting at this point.

### **5.7 Street Trader Employee Licence: STLE/274 (New) - Sharon Serapiglia**

The Committee, at its meeting on 23 November 2016, 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 and represented.

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

Members asked questions and received clarification from the applicant, her representative and the Solicitor (Licensing).

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

## **Decision**

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

Councillor Barr withdrew from the meeting at this point.

### **5.8 Taxi Driver's Licence: TDL/01921 (New) - Kenneth Kilmurry**

The Committee, at its meeting on 23 November 2016, 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.

Members asked questions and received clarification from the applicant.

## **Decision**

Councillor Bruce, seconded by Councillor Easdale, 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.

Councillor Barr rejoined the meeting at this point.

### **5.9 Taxi Driver's Licence: TDL/02007 (New) - Robert James Dickie**

The Committee, at its meeting on 23 November 2016, 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.

Members asked questions and received clarification from the applicant.

## **Decision**

Councillor Barr, seconded by Councillor McMillan, 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.

### **5.10 Public Entertainment and Indoor Sports Licences: PEL/457 and ISEL/017 - KA Leisure Limited**

The applicant, having been duly cited to attend, was represented by an officer from KA Leisure Limited.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant and made reference to a proposed condition in respect of publicly accessible toilet provision.

Members asked questions and received clarification from the applicant and the Solicitor (Licensing). Discussion took place on the possibility of the applicant making application for a variation to extend the operation of the licence to 1.00 a.m.

## **Decision**

The Committee unanimously agreed to grant the applications, subject to a condition that "no part of the premises (comprising the Town House and Portal Sports Centre together) shall be open to the public at any time where there is not adequate toilet provision which is easily accessible by all users of that part." There being no amendment, the motion was declared carried.

### **5.11 Street Trader Operator's Licence: STL/O/414 - Neil McIntyre**

The Committee, at its meeting on 23 November 2016, agreed, on the basis of the information presented, to proceed to a Suspension Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present and represented. Two complainers were also in attendance.

The Solicitor (Licensing) set out the background to the Suspension Hearing as previously intimated in writing to the licence holder. The Enforcement Officer addressed the Committee on the issues raised in a memorandum, statements from the complainers and a statement from the licence holder. The complainers and the licence holder also addressed the Committee on the issues raised.

Members asked questions and received clarification from the officers, licence holder and complainers.

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

## **Decision**

Councillor Easdale, seconded by Councillor Bruce, moved the Committee (a) find that the ground of Suspension stated in Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 (that the holder of the licence is not or is no longer a fit and proper person to hold the licence) was establishment, and that the Licence STL/O/414 should be suspended; (b) fix the period of Suspension as one calendar month, in terms of Paragraph 11(11); and (c) agree that, given the circumstances of the case, the Suspension should take immediate effect, in terms of Paragraph 11(10). There being no amendment, the motion was declared carried.

In terms of Standing Order 5.7, the Chair adjourned the meeting for a short comfort break. The meeting reconvened with the same Members and officers present and in attendance, with the exception of Councillor Easdale and the Enforcement Officer, who left the meeting at this point.

## **Part B: Applications for the Grant/Renewal of Licences**

### **5.12 Taxi Driver's Licence: TDL/02009 (New) - Alan Frew**

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.

## **Part C: Issues in Respect of Existing Licences**

### **5.13 Taxi Driver's Licence: TDL/01780 - John Swindle**

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

## **6. Urgent Items**

### **6.1 Public Charitable Collection: Irvine Meadow Football Club**

The Committee was advised that the applicant has applied for a Charitable Collection on Wednesday 28 December 2016, which is outwith the Council policy.

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

### **6.2 Taxi Driver's Licence: TDL/00675 - William Hamilton**

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

## **7. Landlord Registration under the Anti Social Behaviour etc. (Scotland) Act 2004, Part 8**

### **7.1 W.B.**

The registered person, having been cited to attend, was not present or represented.

The Team Manager (Private Sector Housing) and B. Ferry, Policy Officer (Private Sector) addressed the Committee on the issues raised.

Members asked questions and received clarification from the officers.

## Decision

The Committee unanimously agreed (a) under Section 89 to remove the Registered Persons from the Register; (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the property; and (c) to delegate to the Clerk, the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to revoke the Rent Penalty Notice should the required repairs be undertaken.

### **8. Public Charitable Collections - Civic Government (Scotland) Act 1982**

Submitted report by the Chief Executive on the law and current policy in terms of Public Charitable Collections.

The Committee was invited to consider reviewing the Police. Section 3.2 of the report provided suggestions as to how the policy might be amended.

The Committee agreed to amend the Policy on Public Charitable Collections to read as follows:-

"(a) House-to-House Collections are only permitted in the period Monday-Friday, in the period from 9.00 a.m. to 7.30 p.m.;

(b) Street Collections are only permitted on Saturday, in the period from 9.00 a.m. to 6.00 p.m.;

(c) neither is permitted on a Sunday;

(d) only one of each is allowed on a particular day in a particular town, but the following Collections are not counted towards the 'one of each' total:-

- collections during December, or
- collections carried out by or for a community group within 14 days before a local event (such as Largs Viking Festival), or
- collections conducted by Exempt Promoters."

The Meeting ended at 1.25 p.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 15 December 2016  
at 10.00 am, Council Chambers, Cunninghame House, Irvine**

**Present**

Councillor Peter McNamara, (Chair)  
Stephen McKenzie, NHS Ayrshire & Arran (Vice Chair)  
Councillor Anthea Dickson, North Ayrshire Council  
Councillor Robert Steel, North Ayrshire Council  
Dr Carol Davidson, NHS Ayrshire & Arran  
Dr Janet McKay, NHS Ayrshire & Arran

Iona Colvin, Director North Ayrshire Health and Social Care (NAHSCP)  
David Thomson, Lead Nurse/Mental Health Advisor  
Stephen Brown, Chief Social Work Officer – North Ayrshire  
Margaret Hogg, Chief Finance Officer  
Louise Gibson, Lead Allied Health Professional Adviser  
Kez Khaliq, GP Representative

David Donaghey, Staff Representative – NHS Ayrshire and Arran  
Louise McDaid, Staff Representative – North Ayrshire Council  
Fiona Thomson, Service User Representative  
Marie McWaters, Carers Representative  
Sally Powell, Carers Representative  
Jim Nichols, Third Sector Representative

**In Attendance**

David Rowland, Head of Health and Community Care  
Eleanor Currie, Principal Manager (Finance)  
Eleanor McCallum, Partnership Engagement Officer  
Isabel Marr, Senior Manager (Long Term Conditions)  
Kimberley Mroz, Manager (Personalisation)  
Pam Milliken, Head of Primary Care and Out of Hours Community Response  
Lynne McNiven, Consultant in Public Health  
Karen Andrews, Team Manager (Governance)  
Angela Little, Committee Services Officer

**Apologies for Absence**

Bob Martin, NHS Ayrshire & Arran  
Councillor John Easdale, North Ayrshire Council  
Dr Mark McGregor, Acute Services Representative  
Nigel Wanless, Independent Sector Representative

<b>1.</b>	<b>Chair's Remarks</b>  The Chair reminded IJB Members of the Partnership Staff Awards Ceremony that will be held in February 2017 and encouraged them to nominate deserving staff.  On behalf of the Board, the Chair welcomed David Thomson to his first meeting of the IJB in his new role as Lead Nurse.	
<b>1.1</b>	<b>Apologies</b>  Apologies were noted.	
<b>2.</b>	<b>Declarations of Interest</b>  There were no declarations of interest in terms of Standing Order 7.2 and Section 5.14 of the Code of Conduct for Members of Devolved Public Bodies.	
<b>3.</b>	<b>Minutes/Action Note – 17 November 2016</b>  The accuracy of the Minutes of the meeting held on 17 November 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.	
<b>3.1</b>	<b>Matters Arising</b>  There were no matters arising.	
<b>4.</b>	<b>Presentations</b>	
<b>4.1</b>	<b>Primary Care</b>  Pam Milliken, Head of Primary Care and Out of Hours Community Response provided a presentation on primary care services, which included:-  <ul style="list-style-type: none"> <li>• The strategic direction, quality assurance and improvement and management of primary care services' contracts for General Practitioners, Community Pharmacists, Optometrists and Dentists as well as Public Health Dental Services and directly managed General Practices;</li> <li>• Out of Hours (OOH) services (ADOC, Social Work, OOH Community Nursing and Community Alarms overnight EA);</li> </ul>	

	<ul style="list-style-type: none"> <li>• The expanded primary care multi-disciplinary team, comprising GP Practice Team, Services round practices/communities and Integrated Out of Hours Community Response Service;</li> <li>• Ambitious for Ayrshire Primary Care Workstreams 2015 – 2022 and the primary drivers, primary care programme progress and priorities;</li> <li>• General practice workforce paper – May 2016;</li> <li>• Urgent Care Resource Hub and progress; and</li> <li>• The vision for patient access to urgent OOH care.</li> </ul> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• The development of Primary Care Advanced Nurse Practitioners and a business case for ongoing training;</li> <li>• Work that is being done to develop an Advanced Nurse Practitioner Strategy and will consider links with specialist and general nursing;</li> <li>• Work that is being done to support the directly managed practice and the pilot of the new locality in this practice in the Three Towns in January 2017;</li> <li>• The recruitment of an officer to assist the 3T medical practice;</li> <li>• The development of a multi-disciplinary team with 3<sup>rd</sup> sector involvement;</li> <li>• Engagement that has taken place, including two workshops and included the 3<sup>rd</sup> sector;</li> <li>• Urgent Care Hub pilots in Kilwinning; and</li> <li>• Concerns raised regarding the high level of missed GP appointments.</li> </ul> <p>The Board noted (a) the information provided in the presentation; and (b) that the presentation slides would be circulated to Members for their interest.</p>	A. Little
<b>4.2</b>	<p><b>Carers</b></p> <p>Isabel Marr, Senior Manager (Long Term Conditions) and Kimberley Mroz, Manager (Personalisation) provided a presentation on Building a Carer Community in North Ayrshire, which included information on:-</p> <ul style="list-style-type: none"> <li>• North Ayrshire unpaid carers;</li> <li>• Carers (Scotland) Act 2016;</li> <li>• Health and Social Care duties;</li> <li>• Carer's voices;</li> <li>• Carers journey – way forward;</li> </ul>	

	<ul style="list-style-type: none"> <li>• North Ayrshire Young Carers; and</li> <li>• North Ayrshire Carers Appreciation Card.</li> </ul> <p>The Board (a) acknowledged the marvellous work done by the staff working in this area and also the work of Councillor Steel as the Carers Champion; (b) welcomed the presentation and the Youth Carers' video and considered that this should be shown to as wide an audience as possible, including groups such as the Economic and Regeneration Board, Locality Forums, Education Professional Learning Academy and Education and Skills; and (c) noted that the presentation slides and the National Eligibility Thresholds for carers would be circulated to Members for their interest.</p> <p>Noted.</p>	<p>I. Marr and K. Mroz</p> <p>A. Little</p>
5.	<p><b>Director's Report</b></p> <p>Submitted report by Iona Colvin, Director NAHSCP on developments within the North Ayrshire Health and Social Care Partnership.</p> <p>The report highlighted works underway in the following areas:-</p> <ul style="list-style-type: none"> <li>• Scottish Parliament Local Government and Communities Committee;</li> <li>• A visit by Sir Lewis Ritchie on 8 December 2016;</li> <li>• New models of care for older people and people with complex care needs;</li> <li>• Adaptation;</li> <li>• Budget update;</li> <li>• Extended Partnership Senior Management Team session – 28 November 2016;</li> <li>• Local Connections, Better Outcomes, our Locality Planning Forum staff sessions;</li> <li>• Asylum seeking children;</li> <li>• Ethical Care Charter; and</li> <li>• Change Programme update.</li> </ul> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• A presentation by the Community Planning Team Leader to a future meeting of the Board;</li> <li>• Feedback from the visit by Sir Lewis Ritchie that will be provided to the Board at a future date;</li> </ul>	

	<ul style="list-style-type: none"> <li>• An update in relation to New Models of Care for Older People and People with Complex Care Needs that will be provided to the Board in February 2017;</li> <li>• An Ethical Care event that will take place in January 2017; and</li> <li>• A report to the Board in January 2017 in relation to the review of the Integrated Care Fund.</li> </ul> <p>Noted.</p>	
6.	<p><b>Model Publication Scheme</b></p> <p>Submitted report by Eleanor McCallum, Partnership Engagement Officer on the current position in relation to the Model Publication Scheme and the progress of the Partnership's website including the model publication scheme.</p> <p>A contract for the design and build of a new Partnership website has been awarded and designs will be presented to the IJB in February 2017, with the new website going live in April 2017.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• A range of information relating to the NAHSCP that will be available within the website, such as details of functional bodies, promotion of services and relevant public facing information;</li> <li>• The design and content of the web pages that will be steered by the Task and Finishing Working Group, which includes carers and service users;</li> <li>• Areas in the web pages that will be available for news items, videos and informational messages.</li> </ul> <p>The Board agreed to the proposals outlined in the report in relation to the creation of a website for the NAHSCP to establish an organisation presence and make integration visible.</p>	E. McCallum
7.	<p><b>Risk Strategy</b></p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on the joint development of a Risk Management Strategy across the three Ayrshire Health and Social Care Partnerships and NHS Ayrshire and Arran. The Strategy was attached as Appendix 1 to the report. A Strategic Risk Register is being compiled and will be reported to the IJB in January 2017.</p>	

	The Board agreed to (a) approve the Partnership Risk Management Strategy; and (b) note the key areas of risk identified to date.	
<b>8.</b>	<p><b>Pan Ayrshire Sensory Impairment Update</b></p> <p>Submitted report by Frank McMenemy, Senior Manager (Learning Disability and Sensory Impairment) on the Pan Ayrshire Sensory Impairment Update, presented by David Rowlands, Head of Health and Community Care.</p> <p>The report provided background information on the development of the Pan Ayrshire and Arran Sensory Locality Plan, work that has been done to advance the work of the Plan and a number of key actions to be taken forward. It is proposed to create a Policy Officer post to support and co-ordinate the implementation of the Pan Ayrshire Sensory Impairment Locality Plan for a three year period, to be funded equally by the three Health and Social Care Partnerships.</p> <p>The Board agreed to (a) note the content of the report; (b) approve the proposal to create a jointly funded Policy Officer post for up to three years to further support and co-ordinate the implementation of the Pan Ayrshire Sensory Impairment Plan, at a cost to the North Ayrshire IJB of £15,800 in the first year and £14,800 in future years.</p>	
<b>9.</b>	<p><b>Director of Public Health Annual Report 2016</b></p> <p>Submitted report by Dr Carol Davidson, Director of Public Health, NHS Ayrshire and Arran</p> <p>The report provided a broad overview of population health information for decision makes and planners on the key health priorities that need to be addressed within Ayrshire and Arran. The report was attached at Appendix 1 and provided information on:-</p> <ul style="list-style-type: none"> <li>• Population profile;</li> <li>• Health improvement;</li> <li>• Health protection; and</li> <li>• Improving health services and disease prevention.</li> </ul> <p>The Board noted (a) the content of the report; and (b) that a presentation in the report would be provided to the next meeting.</p>	
<b>10.</b>	<p><b>Urgent Item</b></p> <p>The Chair agreed that the following item be considered as a matter of urgency to allow the matter to be actioned without delay.</p>	

10.1	<p><b>Public Partnership Forum</b></p> <p>Fiona Thomson, Service User Representative advised that funding for the administration of the Public Partnership Forum (PPF) and the PPF worker has been withdrawn.</p> <p>The Director NAHSCP undertook to liaise with the Service User Representative directly to investigate this matter.</p> <p>Noted.</p>	I. Colvin
	The meeting ended at 12 noon.	



Appeals Committee  
16 December 2016

**IRVINE, 16 December 2016** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Councillors Alan Munro, Marie Burns and Grace McLean

**In Attendance**

A. Craig, Team Manager (Litigation)(Democratic Services); and T. Drain, Senior HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support).

**Also In Attendance**

R. McCutcheon, Head of Service (Commercial) (Place); and R. Lennon, HR Adviser (Finance and Corporate Support); and Paul Arkison, GMB.

**Chair**

Councillor Munro in the Chair.

**1. Declarations of Interest**

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

**2. 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.

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

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

The appellant's union representative advised that the appellant was unwell and, on his behalf, requested that the Committee postpone consideration of the case to a later date.

The Committee agreed (a) to postpone consideration of the case to a later date; and (b) that the parties be advised of the arrangements in due course.

The Meeting ended at 10.35 p.m.

Cabinet  
20 December 2016

**IRVINE, 20 December 2016** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Alex Gallagher, Louise McPhater and Jim Montgomerie, Very Reverend Matthew Canon McManus and Elizabeth Higton (Church Representatives) and Gordon Smith (Teaching Representative).

**In Attendance**

E. Murray, Chief Executive; J. Butcher, Executive Director (Education and Youth Employment); C. Hatton, Executive Director and C. Nelson, Divisional Manager (Place); C. McAuley, Head of Service (Economic Growth) (Economy and Communities) and E. Troup, Regeneration Manager; L. Friel, Executive Director and A. Lyndon, Team Manager (Corporate Procurement) (Finance and Corporate Support); J. Hutcheson, Communications Officer and A. Little, Committee Services Officer (Chief Executive's).

**Also In Attendance**

D. McLean, Land Use Consulting

**Chair**

Councillor Cullinane in the Chair.

**Apologies for Absence**

Peter McNamara and Mark Fraser (Church representative).

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting held on 6 December 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. School Estate - Secondary School Improvements**

Submitted report by the Executive Director (Education and Youth Employment) on the proposals to upgrade and refurbish Irvine Royal Academy, Kilwinning Academy and Auchenharvie Academy. Appendix 1 to the report provided details of the main components of the design schemes and high level costs estimates for each of the schools.

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

- a letter from Kilwinning Academy Parent Council expressing their views on the request from Ayrshire College to rent space at the school for the College's trades provision; and
- the terms of an email from the Principal, Ayrshire College on the implications for the future plans for the College' trades provision as a result of priority being given to the construction of an all weather pitch.

The Cabinet agreed to (a) approve the high level design proposals for each school; and (b) to fund the projects from within existing capital allocations.

#### **4. Education Governance**

Submitted report by the Executive Director (Education and Youth Employment) on the Scottish Government's review: Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education, which highlighted key components of good governance of education systems and themes vital for effective governance and successful reform. The governance review set out 15 questions with responses required by 6 January 2017. Appendix 1 to the report set out the Council's response to the National Governance Consultation.

The Cabinet agreed to approve the response, as set out in Appendix 1 to the report, to the Scottish Government's National Governance Consultation.

#### **5. Irvine High Street Public Realm**

Submitted report by the Executive Director (Place) on the design principles and proposed consultation strategy in relation to the public realm improvements at Irvine High Street and Bank Street, Irvine. A plan of the study area was provided at Appendix 1 to the report and the Engagement and Communication Strategy was attached at Appendix 2 to the report.

The Regeneration Manager provided a presentation on the following:-

- the key project issues;
- project progress;
- stakeholder consultation;
- site boundary;
- the preferred options; and
- the next steps.

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

- the high level work undertaken by LA Architects that informed the design brief;

- further development of the design solution by the new design team, Land Use Consulting (LUC) who will lead a multi disciplinary design team for the further development of the project; and
- a questionnaire that has been hand delivered to businesses in Irvine town centre.

The Cabinet agreed (a) to approve (i) the design principles to be presented to Cabinet ahead of wider community consultation in early 2017; (ii) the content of the proposed Engagement and Communication Strategy; and (iii) the intention to minimise disruption to retailers associated with the construction phase by commencing work on-site in early 2018; and (b) that the Executive Director (Place) provide the questionnaire that has been delivered to businesses in Irvine town centre to Members for their information.

## **6. Energy Efficiency within the Council's Non-Domestic Estate**

Submitted report by the Executive Director (Place) on the proposal to invest in energy efficiency within the Council's non-domestic built estate on an 'invest to save' basis. The report provided information on the new Scottish Government Non Domestic energy Efficiency Framework (NDEEF) which is a newly established route to deliver energy efficiency interventions at scale within the Council estate. Details of the short-list of buildings for the project were outlined at Section 2.9 of the report.

The Cabinet agreed to undertake energy efficiency improvements to a number of buildings within the Council's non-domestic build estate on an 'invest to save' basis as part of the first phase of a Non-Domestic Energy Efficiency Programme.

## **7. Refugees, Asylum Seekers and Unaccompanied Asylum Seeking Children**

Submitted report by the Executive Director (Place) on the humanitarian commitments and support provided to vulnerable groups resettled in North Ayrshire. The report provided information on the Syrian resettlement programmes, widening dispersal - asylum seekers, and unaccompanied asylum seeking children (UASC), unaccompanied asylum seeking children from Calais and the Vulnerable Children Resettlement Scheme.

Members asked questions and were provided with further information in relation to the support offered to asylum seekers through the Home Office contract that does not meet the standard provided to refugees in North Ayrshire and would result in vulnerable people receiving differing levels of support around their well-being and integration.

The Cabinet agreed to (a) note the work to date in meeting the Council's commitment to support the resettlement of refugees and UASC from Calais; (b) await the development of legislation to enable the transfer of UASC from within England and Wales to Scotland; and (c) to pause progress on the widening of asylum dispersal beyond Glasgow to North Ayrshire while officers explore how appropriate support can be developed.

## **8. Award of Contract - New Build Office Accommodation, Quarry Road, Irvine**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Design and Build Contract for New Build Office Accommodation, Quarry Road, Irvine.

The Cabinet agreed to approve the award of the contract to Clark Contracts Limited at a cost of £2,591,122.32.

The meeting ended at 3.25 p.m.

Licensing Committee  
11 January 2017

**IRVINE, 11 January 2017** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Ronnie McNicol, Robert Barr, Catherine McMillan, Donald Reid and Robert Steel.

**Also Present**

W. O'Brien, Solicitor (Licensing), and A. Toal, Administrative Assistant; P. Brennan, Specialist Environmental Health Officer (Noise) (Economy and Communities); and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**In Attendance**

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

**Chair**

Councillor McNicol in the Chair.

**Apologies for Absence**

John Bruce, John Easdale, Tom Marshall, Grace McLean and Alan Munro.

**1. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 14 December 2016 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**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 the following items of business, 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 1983.

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 14 ("Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime").

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

**Part A: Hearings**

**3.1 Taxi Driver's Licence: TDL/00233 ( New) - Piotr Stachowski**

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

Members asked questions and received clarification from the applicant with regard to the background to the Hearing.

## **Decision**

Councillor Reid, seconded by Councillor McMillan, 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.

### **3.2 Taxi Driver's Licence: TDL/00238 (New) - Bryan John Lindsay**

The applicant, having been duly cited to attend, was present and represented by a friend. Representatives of 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 of Police Scotland then addressed the Committee on the terms of a letter setting out an objection to the application. Thereafter, the applicant and his representative addressed the Committee on the issues raised and responded to questions.

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

## **Decision**

Councillor Reid, seconded by Councillor McMillan, moved that the application be granted in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year.

As an amendment, Councillor Barr, seconded by Councillor Steel, moved that the application be refused on the grounds that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

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

Accordingly, the Committee agreed to refuse the application in terms of Paragraph 5(1)(c) of Schedule 1 of the Civic Government (Scotland) Act 1982 on the grounds set out in Paragraph 5(3)(a)(ii) of the Schedule, that the applicant is not a fit and proper person to be the holder of a Taxi Driver's Licence.

### **3.3 Taxi Driver's Licence: TDL/00675 (New) - William Hamilton**

The Committee, at its meeting on 14 December 2016, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Committee considered the background information provided, including the terms of a letter from the applicant confirming the reinstatement of his driving licence by the DVLA. The representatives of Police Scotland addressed the Committee on the terms of a letter setting out an representation in respect of the application. Thereafter, the applicant addressed the Committee on the issues raised.

### **Decision**

Councillor Reid, seconded by Councillor Barr, 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.

### **3.4 Taxi Driver's Licence: TDL/01780 - John Swindle**

The Committee, at its meeting on 14 December 2016, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence-holder, having been duly cited to attend, was not present or represented. Representatives of Police Scotland were in attendance.

The Solicitor (Licensing) set out the background to the Suspension Hearing and advised Members that clarification required to be sought on the applicant's current address.

### **Decision**

The Committee unanimously agreed to continue consideration of the Hearing to a future meeting.

### **3.5 Public Entertainment and Indoor Sports Licence: PEL/457 and ISEL/017 - KA Leisure Limited**

KA Leisure Limited have applied in terms of the Civic Government (Scotland) Act 1982 to vary their Public Entertainment and Indoor Sports Licences in respect of the Portal and Townhouse, Irvine, to amend the terminal hour from 10.00 p.m. to include periodic extension of hours in evening to 1.00 a.m. in order to host events such as weddings, parties, exhibitions, Burns Suppers, displays, sportsmen's dinners, civic receptions, Marymass events, etc.

A representative of the licence-holder, having been duly cited to attend, was present. The Council's Specialist Environmental Health Officer (Noise) was also in attendance.

The Specialist Environmental Health Officer (Noise) addressed the Committee on the terms of an Environmental Health representation recommending that noise from the operation of the facility should not exceed 86 dB(A) and that the matter should be reviewed in six months to allow Environmental Health to monitor the operation. A representative of the licence-holder confirmed that the facility would be managed to reduce noise as far as practicable and that its officers would work with Environmental Health to mitigate any noise nuisance which arose.

Members asked questions and received clarification from the representative of the licence-holder and the Specialist Environmental Health Officer (Noise).

## **Decision**

The Committee unanimously agreed to (a) grant the two variation applications in terms of Paragraph 10 of Schedule 1 of the Civic Government (Scotland) Act 1982 and (b) to review the operation of the licensed facility within a period of six months following monitoring of the operation of the facility by the Council's Environmental Health Service, to determine whether or not the licences should be further varied.

## **Part B: Applications for the Grant/Renewal of Licences**

### **3.6 Taxi Driver's Licence: TDL/00240 (New) - Christopher John Kyle**

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.

### **3.7 Taxi Driver's Licence: TDL/02011 (New) - Kevin James Marting**

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.

## **Part C: Issues in Respect of an Existing Licence**

### **3.8 Taxi Driver's Licence: TDL/1642 - Thomas Bagan**

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

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

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

Noted.

## **5. Urgent Item**

### **5.1 Taxi Driver's Licence: TDL/1892 - Ali Malak**

The Committee was advised of receipt the circumstances surrounding a late application for renewal of Taxi Driver's Licence TDL/1892.

#### **Decision**

The Committee unanimously agreed that to treat the application lodged as it was an Application for Renewal of a Licence, in terms of Paragraph 8(5A) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The Meeting ended at 11.10 a.m.



**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 12 January 2017  
at 10.00 am, Council Chambers, Cunninghame House, Irvine**

**Present**

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

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

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

**In Attendance**

David Rowland, Head of Health and Community Care  
Eleanor Currie, Principal Manager (Finance)  
Thelma Bowers, Head of Services (Mental Health)  
Paul Doak, IJB Chief Internal Auditor  
Annie Weir, Project Manager (Social Services Change Team)  
Lynne McNiven, Consultant in Public Health  
Karen Andrews, Team Manager (Governance)  
Angela Little, Committee Services Officer

**Also in Attendance**

Councillor Robert Barr

**Apologies for Absence**

Councillor John Easdale, North Ayrshire Council  
Dr Mark McGregor, Acute Services Representative  
Martin Hunter, Service User Representative  
Sally Powell, Carers Representative  
Kez Khaliq, GP Representative  
Margaret Hogg, Section 95 Officer/Head of Finance

Page 35

	<p><u>Public Partnership Forum</u></p> <p>The Director has raised this with East Ayrshire and will provide an update as soon as possible.</p>	I. Colvin
5.	<p><b>Presentation: Director of Public Health Annual Report</b></p> <p>Dr Carol Davidson, Director of Public Health and Lynne McNiven, Consultant in Public Health gave a presentation on population health information and key health priorities for Ayrshire and Arran. The presentation provided information on:-</p> <ul style="list-style-type: none"> <li>• Population profile;</li> <li>• Public Health Priorities – Alcohol, Tobacco, Obesity and Mental Health and Wellbeing (ATOM) updates;</li> <li>• Health improvement;</li> <li>• Health protection;</li> <li>• Improving health services and disease prevention; and</li> <li>• Recommendations for action</li> </ul> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• The link between mental health, smoking, alcohol and obesity;</li> <li>• Work that has been done by the Health Working Lives Team with 63 companies and businesses and 35 workplaces within Ayrshire that have achieved a Health Working Lives Award;</li> <li>• Work that is done locally to promote healthy living and signpost people to services that will help them improve their health; and</li> <li>• The co-ordination of services within the community to improve health and wellbeing.</li> </ul> <p>Noted.</p>	
6.	<p><b>Equipment and Adaptations Project</b></p> <p>Submitted report by David Rowland, Head of Health and Community Care on the work being undertaken by the Equipment and Adaptations Project, presented by Annie Weir, Project Manager (Social Services Change Team), which included:-</p> <ul style="list-style-type: none"> <li>• A short life working group established to review the adaptations process, including the length of time taken to process and fit different adaptations, issues with definitions of complexity and requirements for transparency and reporting around the Housing Revenue Account;</li> </ul>	

	<ul style="list-style-type: none"> <li>• The proposed new process to bring together all adaptation processes under one management system and structure, as illustrated in Appendix 1 to the report;</li> <li>• Information on the five key areas of the high level adaptations process (Appendix 2); and</li> <li>• The Housing Adaptations Financial implications (Appendix 3).</li> </ul> <p>The Board asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• The prioritisation of urgent requests and the creation of a waiting list where the budget cannot meet demand;</li> <li>• The Housing Revenue Account Adaptations budget which can only be used for the benefit of council tenants;</li> <li>• The Single Point of Contact Team that will co-ordinate the screening, triage and case allocation to streamline the process and reduce waiting times and multiple allocations;</li> <li>• Work that will be undertaken with Housing Services to examine the allocation policy in respect of adapted homes;</li> <li>• HRA underspends that have been carried forward from previous years as a result of less adaptations being completed, rather than the budget being excessive;</li> <li>• Discussions with Housing Services and the private sector on future housing needs to meet the demands of the increasing older population.</li> </ul> <p>The Board agreed to (a) support the handover of the adaptations process; and (b) otherwise note the report.</p>	D. Rowlands
7.	<p><b>Integrated Care Fund: Funding Extensions</b></p> <p>Submitted report by Michelle Sutherland, Partnership Facilitator on a range of projects where funding extensions to the 31 March 2018 would be beneficial to NAHSCP in terms of meeting strategic priorities, delivering locality outcomes and providing some security to third and independent sector providers, presented by Eleanor Currie, Principal Manager (Finance).</p> <p>The report provided information on projects requiring funding extensions that included:-</p> <ul style="list-style-type: none"> <li>• Three National Third Sector Projects;</li> <li>• Three local projects which require funding to reduce staff turnover and offer stability to the staff currently employed; and</li> <li>• A Community Connector Project which requires a longer period of testing.</li> </ul>	

	<p>Members asked questions and were provided with further information in relation to the allocation of the remaining ICF 2017/18 funds that will be presented as part of a future report to the IJB.</p> <p>The Board agreed to approve extending ICF Funding to 31 March 2018 to allow the continuation of the projects detailed in the report.</p>	M. Sutherland
5.	<p><b>Director's Report</b></p> <p>Submitted report by Iona Colvin, Director NAHSCP on developments within the North Ayrshire Health and Social Care Partnership.</p> <p>The report highlighted works underway in the following areas:-</p> <ul style="list-style-type: none"> <li>• Transgender Inclusion in Drug and Alcohol Services;</li> <li>• Afternoon Tea with Chat;</li> <li>• Foster Carers Coffee Morning;</li> <li>• Child Protection and Adult Support and Protection Interface Guidance;</li> <li>• Self Directed Support (SDS) Implementation Plan 2016-18;</li> <li>• Partnership Staff Awards; and</li> <li>• Participatory Budgeting – Mental Health.</li> </ul> <p>Noted.</p>	
6.	<p><b>Financial Performance Report as at 30 November 2016</b></p> <p>Submitted report by Eleanor Currie, Principal Manager (Finance) on an overview of the 2016/17 financial position of the North Ayrshire Health and Social Care Partnership at 30 November 2016.</p> <p>Appendix A to the report provided details of the Period 8 Objective Summary. The Period 8 Subjective Summary was provided at Appendix B to the report. Appendix C outlined the Change Programme Financial Summary. The mitigating actions required to bring the budget on-line was provided at Appendix D. Appendix E detailed the 2016/17 Savings Tracker. Movements since the approved budget were provided at Appendix F.</p> <p>Members asked questions and were provided with further information in relation to:-</p> <ul style="list-style-type: none"> <li>• Overspends in East and South Ayrshire HSCPs that will be offset by recovery plans;</li> <li>• Section 3.1 of the report which highlighted some over and underspends within Community Care and Health Services;</li> </ul>	

	<ul style="list-style-type: none"> <li>• Management of the Allied Health Professional (AHP) budget by the lead partner, South Ayrshire HSCP;</li> <li>• Discussions that will take place with South Ayrshire HSCP in relation to the non-filling of AHP vacancies;</li> <li>• The demand for services within North Ayrshire that almost equates to the levels of South and East Ayrshire added together;</li> </ul> <p>The Board agreed to (a) note (i) the content of the report and the projected overspend of £5.351m for 2016/17; (ii) the update on mitigating action; (iii) that the Mental Health Lead Partnership recovery plan is being developed and will be presented to a future IJB; (b) approve (i) the recovery plan for East Ayrshire HSCP Lead Partnership services as outlined in section 9.3 of the report; and (ii) the recovery plan for South Ayrshire HSCP Lead Partnership services as outlined in section 9.4 of the report; and (c) note discussions are underway with partner bodies.</p>	E. Currie
	The meeting ended at 11.55 a.m.	

Cabinet  
17 January 2017

**IRVINE, 17 January 2017** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive; L. Friel, Executive Director, D. Forbes, Senior Manager - Financial Management and F. Walker, Interim Head of Service (People and Transformation) (Finance and Corporate Support); I. Colvin, Director (Health and Social Care Partnership); C. Hatton, Executive Director, D. Hammond, Senior Manager (Sustainability and Directorate Performance), R. McCutcheon Head of Service (Commercial Services) (Place); C. MacAulay, Head of Service (Economic Growth), G. Robson, Senior Employability and Skills Manager (Economic Growth) (Economy and Communities); A. McClelland, Interim Head of Service (Learning and Improvement); M. Sugden, Communications Officer and D. McCaw, Committee Services Officer (Chief Executive's).

**Chair**

Councillor Cullinane in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting held on 20 December 2016 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Social Housing Solar Photovoltaic (PV) Retrofit Programme**

Submitted report by the Executive Director (Place) on proposals to deliver 500 rooftop solar photovoltaic (pv) systems across the North Ayrshire Council social housing stock to deliver financial savings and alleviate fuel poverty for tenants, reduce carbon emissions, increase energy security and create local jobs. The Appendices to the report provided a full summary of the financial case for the project, a worked example for an individual tenant and the next steps.

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

- ensuring that those who are most in need in terms of fuel poverty and deprivation are included in the initial proposals;
- any impact on those on Housing Benefit/Local Housing Allowance; and
- the affordability to tenants in relation to insurance costs for breakdown and maintenance.

The Cabinet agreed (a) to proceed with tenant engagement to obtain feedback on the proposed scheme; (b) that following tenant engagement, a procurement exercise is initiated to appoint an installation contractor; (c) that the Housing Revenue Account (HRA) is used to fund the capital and operational costs of the scheme, on the basis of a business model which aims to repay the HRA in full over a 20 year period; and (d) that a contribution through an increased rent is made by tenants who agree to the installation of pv panels on their homes.

#### **4. North Ayrshire Environmental Sustainability and Climate Change Strategy 2017-20**

Submitted by the Executive Director (Place) on the draft North Ayrshire Environmental Sustainability and Climate Change Strategy 2017-20 which sets a vision for sustainability within the Council across five workstreams of affordable warmth, a green economy, transport and travel, natural and built environment and sustainable operations. Appendix 1 to the report detailed the full strategy.

The Cabinet agreed the North Ayrshire Environmental Sustainability and Climate Change Strategy 2017-20, as detailed at Appendix 1 to the report.

#### **5. Asset Management Plans**

Submitted report by the Executive Director (Place) on the updated Fleet Asset Management Plan and the Roads Asset Management Plan, together with their specific action plans which facilitate the regular monitoring and review of performance against the key actions being taken forward in each plan. Appendix 1 to the report detailed the full plans.

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

- the consideration of roads as a physical Council asset; and
- the frequency of checking medical information in connection with health related driving issues.

The Head of Service (Commercial Services) undertook to get back to Members with information on the frequency of checking medical information in relation to fleet drivers.

The Cabinet agreed (a) to approve the Fleet Asset Management Plan and the Roads Asset Management Plan as detailed at Appendix 1 to the report; and (b) noted that the existing Asset Management Plans for Open Space, Housing and Property are currently being refreshed and will be submitted to a future Cabinet for consideration.

## **6. Revenue Budget 2016/17 : Financial Performance to 30 November 2016**

Submitted report by the Executive Director (Finance and Corporate Support) which (a) set out the revenue budgetary control position for the Council at 30 November 2016; (b) provided a brief explanation of Services' major variances at Appendices 1 - 10; (c) detailed the proposed virements at Appendix 11; and (d) detailed the Housing Revenue account budgetary control position at 30 November 2016 at Appendix 12.

Members asked a question and were provided with further information in relation to assistance being provided to households to encourage them to apply for DHP funding.

The Cabinet agreed to (a) note the information and financial projections outlined in the report; (b) approve the acceptance of the additional grant funding as summarised at 2.3; (c) approve the carry forward of £0.055m identified at section 2.4(vii); (d) note the current financial projection for the Health and Social Care Partnership; and (e) approve the virements detailed in Appendix 11.

## **7. Capital Programme Performance to 30 November 2016**

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on the progress in delivering the Capital Investment Programme as at 30 November 2016.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; (b) approve the acceptance of the additional grant funding outlined at Section 2.3; and (c) note (i) the General Services and HRA expenditure and revised budgets to 30 November 2016; and (ii) the forecast of expenditure to 31 March 2017.

## **8. Financial Inclusion - ESF/Lottery Tender**

Submitted report by the Executive Director (Economy and Communities) on the development of the North Ayrshire Council submission to the Big Lottery Fund/European Social Funds Financial Inclusion programme and seeking endorsement of the Council's approach to the funding. A model, customer journey and KPIs were outlined at Appendix 1 to the report.

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

- the management of partners on a contractual basis; and
- the definitions in relation to eligible participants.

The Cabinet agreed (a) to welcome the investment in financial inclusion services; (b) endorse the approach being taken to the opportunities, risks and challenges associated with the funding; and (c) support the promotion of the Better Off North Ayrshire services throughout Council directorates.

The meeting ended at 3.10p.m.

Local Development Plan Committee  
20 January 2017

**Irvine, 20 January 2017** - At a Meeting of the Local Development Plan Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Alex Gallagher (Chair), Ronnie McNicol (Vice Chair), Robert Barr, Matthew Brown, John Bruce, Marie Burns, Joe Cullinane, John Ferguson, Willie Gibson, Alan Hill, John Hunter, Grace McLean, Catherine McMillan, Louise McPhater, Tom Marshall, Alan Munro, David O'Neill, Irene Oldfather, Donald Reid, Robert Steel, and Joan Sturgeon.

**In Attendance**

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

**Chair**

Alex Gallagher in the Chair.

**Apologies for Absence**

John Bell, Ian Clarkson, Anthea Dickson, John Easdale, Jean Highgate, Jim Montgomerie

**1. Declarations of Interest**

There were no declarations of interest in terms of Standing Order 16 and Section 5 of the Councillors' Code of Conduct.

**2. Minutes**

The accuracy of the Minutes of the meeting held on 11 March 2016 was agreed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. North Ayrshire Local Development Plan 2: Main Issues Report Publication and Consultation**

Submitted report by the Executive Director (Economy and Communities) on the draft North Ayrshire Main Issues Report (MIR) which identified the key areas for change in the Local Development Plan 2 and included:-

- a vision for Local Development Plan 2;
- Locality Planning and the Place Standard;
- Delivering Houses;
- Town Centres;
- Arran and Cumbrae;
- Regeneration of Employment Land;
- Integrating Marine and Coastal Planning;
- Hunterston Port Energy Hub;
- Planning for Renewable Energy;
- Call for sites Proposals Constraint Assessment; and
- Policy Monitoring Summary.

A summary of the preliminary assessment of sites submitted through the Call for Sites process, was provided in map format at Appendix 1 to the report. Appendix 2 to the report highlighted key findings from the evidence that defined whether the matter should be a main issue.

Members made the following comments and suggestions:-

- the immediate need for housing, including affordable housing, on Arran and Cumbrae;
- the requirement for developers to provide affordable housing at a proportion of the site's capacity and whether a variation to the proportion could be considered;
- freeport and tourism opportunities for Hunterston;
- information in relation to flooding at the Glen in Largs that will require to be taken into consideration as part of the call for sites process;
- the capacity of services within villages and towns to meet the demands of any additional housing provision;
- that the Council should make a strong statement about equality, accessibility and supporting our people, through the promotion of health and well-being, highlighting physical and mental health issues, the impact of the environment on the community and the desire to make our environment dementia friendly; and
- more support to community planning partners to encourage participation in the consultation process.

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

- work that will be done with the Arran Economic Group to identify positive solutions LDP2 can deliver to support the provision of new houses on Arran;
- the completion of the Housing Needs and Demands Assessment (HNDA) that will assist in determining whether the current affordable housing contributions policy is appropriate;
- work that is being done with Peel Port on a masterplan for the port area at Hunterston and will explore options to maximise economic opportunities at Hunterston;
- the call for sites process that invited communities, developers and individuals to promote land to the Council for consideration in future land allocations through LDP2;
- an options appraisal that will be undertaken to assess in more detail the sites identified through the call for sites process;

- the Strategic Infrastructure Group that will examine the pressures on services as a result of the provision of additional housing;
- information that had been provided by the LDP Forum for House builders in relation to the marketability of sites in North Ayrshire and a focus on those that will be of most interest to developers;
- the Strategic Housing Investment Plan (SHIP) which sets out a five year suggested development programme based on affordable housing investment priorities for North Ayrshire;
- the LDP2 vision which recognises the quality of the natural environment and will include equality and accessibility; and
- exhibitions that will take place in each of the 6 Localities in North Ayrshire to present information on the content of the Main Issues Report and to invite interested parties and members of the public to drop-in and discuss the report.

The Committee agreed to approve (a) the Main Issues Report for publication and consultation; and (b) the consultation statement for the MIR.

The meeting ended at 10.40 a.m.



Appeals Committee  
27 January 2017

**IRVINE, 27 January 2017** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Councillors Alan Munro, John Bruce and Marie Burns

**In Attendance**

S. Montgomery, Solicitor (Democratic Services); and R. Lennon, Senior HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support).

**Also In Attendance**

Caroline Amos, Head of Service (Inclusion) (Education and Youth Employment); J. Singleton, HR Adviser (Finance and Corporate Support); the appellant and appellant's witness.

**Chair**

Councillor Munro in the Chair.

**1. Declarations of Interest**

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

**2. 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.

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

Submitted report by the Chief Executive on the background to an appeal against dismissal by a former employee within Education and Youth Employment.

The Appellant was invited to provide clarification on whether the person accompanying him was attending in his capacity as a representative or as a witness. Following clarification that the person in question was attending as a witness, the latter was asked to leave the room and advised that he would be called when the Committee was ready to hear his evidence.

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

Thereafter the appellant presented the grounds of the appeal. The appellant's witness was called to give evidence and the appellant asked him questions. The Service Representative was given the opportunity to respond to the issues raised and to ask questions of the appellant and the appellant's witness. Members of the Committee were also given the opportunity to ask questions of the appellant and his witness.

In the course of the hearing, the Chair asked the appellant to provide clarification as to why the investigating officer was not present to answer his questions. The appellant advised that he had asked the investigating officer to attend, but that the latter had had another appointment. The Chair offered the appellant an adjournment to allow the investigating officer an opportunity to attend the hearing at a later date. The appellant was advised that the investigating officer could not be compelled to attend the hearing.

In terms of Standing Order 5.7, the Chair then adjourned the hearing for a short recess to allow the appellant time to consider his position. The hearing reconvened with the same Members, officers and other parties present and in attendance.

The appellant advised he wished to proceed with the hearing.

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

The Committee, Councillor Burns dissenting, agreed (a) that the grounds of appeal had been upheld in part; (b) that the penalty imposed was to be varied to a written warning which will remain on the Appellant's record for a period of 9 months from 27 January 2017; and (c) that the appellant be advised of the outcome in writing within 14 days.

The Meeting ended at 3.00 p.m.

Cabinet  
31 January 2017

**IRVINE, 31 January 2017** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Alex Gallagher, Peter McNamara, Louise McPhater and Jim Montgomerie, Very Reverend Matthew Canon McManus, (Church Representative).

**In Attendance**

C. Hatton, Executive Director (Place); J. Butcher, Executive Director and L. Taylor, Senior Manager (Education and Youth Employment); A. Sutton, Head of Service (Connected Communities) C. McAuley, Head of Service (Economic Growth) (Economy and Communities); L. Friel, Executive Director and Fiona Walker, Interim Head of Service (People and Transformation) (Finance and Corporate Support); Steven Brown, Head of Service (Children, Families and Criminal Justice) (Health & Social Care Partnership); A. Fraser, Head of Democratic Services, A. Todd, Senior Policy and Performance Officer, M. Davison, Senior Manager, (Democratic Services) J. Hutcheson, Communications Officer, B. Tudhope, Strategic Support and Elections Manager, R. Sharp, PA to Chief Executive, A. Little, Committee Services Officer and H. Clancy, Committee Services Support Officer (Chief Executive's).

**Also In Attendance**

L. Cairns (Chief Executive), C. Glencorse (Business Manager Leisure), L. Barrie (Business Manager Physical Activity), L. Campbell, Business Manager Development and S. Morrison (Development Officer) (North Ayrshire Leisure Limited).

**Apologies for Absence**

Elizabeth Higton (Church Representative).

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting held on 17 January 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Consultation on the future of Haysholm School, James McFarlane School, James Reid School, Stanecastle School and Early Years provision at Annick Primary School**

Submitted report by the Executive Director (Education and Youth Employment) on the Statutory Public Consultation on the proposal on the future of Haysholm School, James McFarlane School, James Reid School, Stanecastle School and early years provision at Annick Primary School

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

- continued consultation with parents and carers through the parent reference group as the project develops; and
- park space that will be available after the school is built and the possible development of a 3G football pitch.

The Cabinet agreed to (a) the development of a new Additional Support Need School with Early Years provision at the site adjacent to Auchenharvie Academy, Stevenston by closing and amalgamating Haysholm School, James McFarlane School, James Reid School and Stanecastle School and (b) the construction of a new early years provision at Annick Primary School, required as a result of the closure of Stanecastle School.

### **4. North Ayrshire Leisure Limited (NALL) Business/Service Plan incorporating Budget 2017-18 and Progress Report, December 2016**

Submitted report by the Executive Director (Economy and Communities) on the North Ayrshire Leisure Limited (NALL) Business/Service Plan incorporating Budget 2017-18 and Progress Report, December 2016. The Cabinet also received a presentation by the Chief Executive of North Ayrshire Leisure Limited.

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

- the medium to long term financial plans that will include ways to increase income generation;
- the financial surplus that is invested back into KA Leisure's facilities, activities, projects and initiatives;
- the ongoing development programme for staff to assist visitors to North Ayrshire;
- the presentation video that will be made available to the public via the KA Leisure website; and
- external evaluation which assists KA Leisure measure performance quality.

The Cabinet agreed to approve the NALL Progress Report on the Business/Service Plan at December 2016 and Budget for 2017-18

## **5. Regeneration LEADER Funding Up-date**

Submitted report by the Executive Director (Economy and Communities) on the recent success in securing funding from Ayrshire LEADER to assist in the development of two key regeneration projects in the Garnock Valley, Lochshore and Stoneyholm Mill projects.

The Cabinet agreed to (a) accept the Ayrshire LEADER grant award; (b) approve the appointment of a dedicated project officer to develop and deliver the identified regeneration projects; and (c) receive further reports on the progress of the Lochshore and Stoneyholm Mill projects.

## **6. Directorate Plans 2015/18 Performance Reports as at 30 September 2016**

Submitted report by the Chief Executive on the performance of all Directorates as at 30 September 2016 against the priorities in the 2015/18 Directorate Plans

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

### Democratic Services

- a briefing note that will be circulated to all members outlining how the EFQM culture has been embedded into the Council and the range of methods used to assess this

### Health and Social Care Partnership

- the volume of cross-service working; and
- detailed management information which shows the direction of travel over a period of time and consideration that will be given to including trend information in future performance reports.

The Cabinet agreed to (a) note the performance of all Directorates as at 30 September 2016 against the priorities in the 2015/18 Directorate Plans; and (b) refer the Directorate Plan 2015/18 Performance Reports for the consideration of the Audit and Scrutiny Committee on the 13 February 2017.

The meeting ended at 4.10 p.m.



Police and Fire and Rescue Committee  
6 February 2017

**IRVINE, 6 February 2017** - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Catherine McMillan, Grace McLean, Peter McNamara and Irene Oldfather.

**In Attendance**

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

**Also In Attendance**

Chief Superintendent P. Main and B. Shaw (Police Scotland); and Group Manager K. Hankinson and Station Manager J. Anderson (Scottish Fire and Rescue Service).

**Chair**

Councillor McMillan, Vice-Chair in the Chair.

**Apologies for Absence**

Marie Burns and John Easdale.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 21 November 2016 was confirmed, subject to noting that clarification had been provided by the Scottish Fire and Rescue Service that, in respect of Item 5.1 (Positive Steps with Partners Project Update), Positive Steps volunteers were working forward an SCQF 4 award and not an SVQ 4 as stated in the report. The Minutes were then signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Performance Reports**

**3.1 Scottish Fire and Rescue Service**

Submitted report by the Scottish Fire and Rescue Service (SFRS) on progress against the North Ayrshire Local Fire and Rescue Plan 2014-17 and which provided other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April to 31 December 2016 was set out in the appendix to the report.

Section 2.1 of the report provided an analysis of operational activity for the period 1 April to 31 December 2016, which identified a 14% increase in activity from the same period in 2015 and a 5% increase when compared with the corresponding three-year average. Section 2.2 summarised performance against six indicators, five of which were adrift of target and one, while showing a reduction on the previous three-year average, had not achieved its respective target.

The report also highlighted arrangements for the review of the current Local Fire and Rescue Plan for North Ayrshire and provided an indicative timetable for the development of a new Plan.

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

- the potential causes of the garden shed fires referred to in the appendix to the report;
- the reasons for false alarm calls from schools and hospitals;
- mechanisms for engaging with partners and the public in terms of the development of a new Local Fire and Rescue Plan for North Ayrshire; and
- the indicative timescale for consultation on a new Plan, given the timing of the local government elections.

The Committee agreed (a) to note (i) the content of the performance summary and associated report for the period 1 April to 31 December 2016, (ii) arrangements for the provision of feedback on the current Local fire and Rescue Plan 2014-17 for North Ayrshire and (iii) the indicative timescale for publication of the Draft Local fire and Rescue Plan for 2017 for North Ayrshire; and (b) that it be remitted to the Head of Democratic Services to liaise further with the Area Manager (Scottish Fire and Rescue Service) on the proposed consultation dates, in light of the local government elections.

Councillor Oldfather joined the meeting during consideration of this item.

### **3.2 Police Scotland**

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Police Plan for the period from 1 April to 31 December 2016 . Appendix 1 to the report provided detailed information on performance against the Plan's priorities and associated objectives and gave information on complaints against the Police.

The report also noted the appointment of Chief Superintendent Paul Main to the role of Divisional Commander, Chief Superintendent Gillian MacDonald having moved to another post within Police Scotland.

Noted.

## **4. Police Scotland**

### **4.1 Update on National/Local Policing Matters**

Submitted report by Police Scotland on relevant local and national policing matters which fall outwith the local Policing Plan progress update, including updated in respect of the following:-

- Policing 2026
- Police Scotland Estates portfolio in North Ayrshire;
- Hogmanay 2016;
- "Lean in Circle";
- National Custody system;
- Organisational development; and
- Police call handling.

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

- the potential for relocating the Largs Police Office to Brooksby;
- options for maintaining a Police Office presence in Kilwinning;
- the importance of Members and others having an opportunity to see at first hand the calling handling issues affecting Area Control Rooms/Service Centres;
- the number of reported instances of domestic violence around Hogmanay 2016 compared with previous years;
- the role of British Transport Police, including the value of introducing patrols on late evening trains where the public may have safety concerns;
- national changes to 'Stop and Search', with majority of searches now undertaken on a statutory basis, and the circumstances in which consensual searches of children and young people might still be undertaken;
- the importance of positive engagement with young people;
- the availability of adequate, localised data to allow proper scrutiny of the Service; and
- the need for suitable training to allow appropriate engagement with the LGBTI community.

The Committee agreed (a) to note that proposals for the relocation of Police Offices in Largs and Kilwinning would be the subject of consultation in due course; (b) that further information would be provided to Members on domestic violence statistics around the Hogmanay period 2016; (c) that Chief Superintendent Main would liaise with British Transport Police on the issue of public safety and patrols on late evening trains; (d) that an update on the use of 'Stop and Search' locally would be reported to a future meeting of the Committee; and (e) otherwise, to note the content of the report.

## **5. Consultations**

### **5.1 HMICS Scrutiny Plan 2017-18**

Submitted letter from HM Inspector of Constabulary requesting feedback on proposals for HMICS scrutiny in 2017-18 and suggestions as to any further areas which could be the subject of scrutiny.

Members considered the scrutiny proposals and identified the issue of missing persons with dementia as a potential area for scrutiny, given the number of people affected by dementia and the level of risk associated with the condition.

The Committee agreed that it be remitted to the Head of Democratic Services to respond to the consultation by requesting that the Police Scotland's work in respect of missing persons, particularly those with dementia, be included in the HMICS Scrutiny Plan for 2017-18.

### **5.2 Scottish Police Authority (SPA) Annual Review of Policing 2016/17**

Submitted report by the Chief Executive on the Scottish Police Authority's request for information on local scrutiny arrangements. The SPA request was attached at Appendix 1 to the report and a draft consultation response set out at Appendix 2.

Members considered the draft consultation response and discussed the following:-

- strengthening the wording in the response to question 2 to reflect the Committee's frustration that it sometimes lacks sufficient, localised data to allow it to undertake its scrutiny role; and
- including in the consultation response a reference to the need for more engagement on a national level and the better connectivity between national and local scrutiny.

The Committee agreed (a) to approve the draft consultation response set out at Appendix 2, subject to the inclusion of the further points raised by Members during discussion; and (b) that it be remitted to the Head of Democratic Services to submit the consultation response, as revised.

The Meeting ended at 3.25 p.m.

Planning Committee  
8 February 2017

**Irvine, 8 February 2017** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, John Bell, John Bruce, Joe Cullinane, Tom Marshall and Robert Steel.

**In Attendance**

A. Hume, Senior Development Management Officer (Planning) and L. Kirk, Active Travel and Transport Manager (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services), A. Little, Committee Services Officer and E. Gray, Committee Services Support Officer (Chief Executive's).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Robert Barr and Ronnie McNicol.

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

**3. Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Aberdeen Asset Management Scottish Open**

Submitted report by the Executive Director (Economy and Communities) which provided information on an application from the organiser of the Aberdeen Asset Management Scottish Open Championship to be held at Dundonald Links between 12 and 16 July 2017, for a Section 11 Exemption Order under the Land Reform (Scotland) Act 2003.

The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events. This would exempt the Dundonald Links golf course from the access rights between 26 June and 17 July 2017. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the Scottish Open event. The application was provided at Appendix 1 to the report. Appendix 2 to the report illustrated area of the proposed exclusion of access rights. The draft public notice and proposals for consultation was detailed in Appendix 3.

Any objections and representations received will be considered and resolved wherever possible. Scottish Ministers require to be furnished with the details of the consultation undertaken and copies of all objections and representations. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. A public notice would require to be issued confirming the Order at that stage.

The Committee agreed to( a) issue a public notice of and consult on the proposed order; (b) report the outcome of the consultation to Scottish Ministers; and (c) issue a public notice of the Order if it is confirmed by Scottish Ministers.

#### **4. Isle of Arran**

##### **16/01233/PP: Site to South of Largiemeanoch, Whiting Bay**

Mr Michael Taylor, Dippenhead Farm, Dippenhead, Isle of Arran has applied for the deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction at the site to the south of Largiemeanoch, Whiting Bay, Arran.

The Committee agreed to grant the deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction at the site to the south of Largiemeanoch, Whiting Bay, Arran, subject to no significant objections being received before the 10 February 2017.

#### **5. Three Towns**

##### **16/01186/PP: Site To South West of Ardrossan Park Parish Church, Dalry Road**

CTIL and Vodafone Limited, Vodafone House, The Connection, Newbury, Berkshire have applied for planning permission to install a 17.5m high streetworks monopole accommodating three antennas and two 0.3m transmission dishes within a GRP shroud, two equipment cabinets and one meter cabinet at the site to the south west of Ardrossan Park Parish Church, Dalry Road, Ardrossan.

The Committee agreed to grant the application, subject to the condition that within six months of becoming obsolete or redundant the mast, antennas and equipment cabinets shall be removed and the site reinstated to its previous condition to the satisfaction of North Ayrshire Council as Planning authority.

## **6. Kilwinning**

### **16/01162/PPM: Site to north of Corsehillhead Farm, Kilwinning**

Cunninghame Housing Association, 82 Glasgow Street, Ardrossan have applied for planning permission for the erection of a residential development providing 64 new dwellings, together with associated parking, landscaping and services infrastructure at a site to the north of Corsehillhead Farm, Kilwinning. Four letters of representation were received and detailed in the report.

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

1. That the existing tree/hedgerow belt along the south western site boundary shall be retained. Prior to any site operations, details of tree/hedgerow protective fencing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the protective fencing as may be approved shall be erected for the duration of all site excavations, land engineering and construction operations until the completion of the development and to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, hereby approved, the developer shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation for submission by the applicant and approved by North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service.
3. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ground Investigation Report by Johnson Poole & Bloomer dated April 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ecology Report by Applied Ecology Ltd dated November 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.
5. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
6. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the erection of any of the dwellinghouses hereby approved, details of all boundary treatments within the development, including:
  - plot boundaries;
  - site perimeter boundaries, to include the replacement hedgerow on Weirston Road;
  - boundaries around the open space; and
  - boundaries around the SuDs area.

shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all means of enclosure as may be approved shall be erected prior to the occupation of each dwellinghouse, prior to the open space being made available for use and prior to the use of the SuDS area for surface water management, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the erection of any of the dwellinghouses hereby approved, a scheme of hard and soft landscaping for the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority as follows:
  - (a) hard landscaping details shall be presented on a plan of the site with accompanying drawings/specifications together with details of long term management/maintenance.

- (b) soft landscaping details shall be presented on a plan of the site showing areas to be turfed, grass seeded or planted with shrubs/trees together with an accompanying schedule providing comprehensive details of soil treatment, the planting specification, phasing, aftercare and long term management/maintenance. Thereafter, the landscaping works shall be implemented only in accordance with such details as may be approved and fully completed in tandem with each successive phase of development to the satisfaction of North Ayrshire Council as Planning Authority. Any plants, trees or shrubs which subsequently die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species until the landscaping is established to the satisfaction of North Ayrshire Council as Planning Authority.
9. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space and landscaping within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 8 above.
10. That, prior to the occupation of any of the houses within blocks 1 - 4, the grass verge adjacent to Weirston Road shall be replaced with a 2m wide pedestrian footway which shall connect the development to the existing footway adjacent to 12 Weirston Road to the satisfaction of North Ayrshire Council as Planning Authority.
11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
- (b) to recommend that the Executive Director (Place) (i) investigate an extension of the 30mph speed limit on Weirston Road to (1) the junction with Corsehill; and (2) to the junction with Irvine Road, Kilwinning; and (ii) also examine, with the applicant, the provision of play equipment within the local area of the development.

**7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: ASDA car park, Rivergate, Irvine**

Submitted report by the Executive Director (Economy and Communities) which provided information on the unauthorised siting of a second hand clothes recycling cabin in the car park of ASDA, Rivergate.

Cash 4 Clothes and the land owner, Rivergate Property 2 Ltd, have been advised that the siting of the cabin for the clothes recycling facility is unauthorised and that a planning application would not be supported. They have been advised to cease the use and remove the cabin. To date this has not been done and both parties have been advised that the Council is considering the issue of a formal enforcement notice.

It is considered that the facility harms the visual amenity of the area by way of its siting, design and visual appearance. The cabin has the appearance of a temporary structure more akin to a building site or industrial area rather than a retail area. It is covered in adverts which further harm visual amenity and is sited in a prominent location next to New Street, a main route for vehicles exiting the town centre. The use is therefore held to be contrary to criterion (a) Siting, Design and External Appearance of the General Policy of the LDP. The use also takes up 3 parking spaces. Given the loss of parking it is also considered that the development does not meet parking requirements and is contrary to criterion (d) Access, Road Layout, Parking Provision of the General Policy of the LDP.

In the interest of the visual amenity of the area and parking provision in the town centre, it was recommended that the Committee approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require (i) cessation of the use of the clothes recycling facility, removal of the cabin and associated apparatus; and (ii) reinstate the ground to its former condition as part of the car park.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of a second hand clothes collection facility/cabin, 'Cash 4 Clothes', within the car park of ASDA, Rivergate, Irvine.

The meeting ended at 2.55 p.m.

Appeals Committee  
10 February 2017

**IRVINE, 10 February 2017** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Councillors Alan Munro, McLean and Reid

**In Attendance**

S. Montgomery, Solicitor (Democratic Services); and A. Young, HR Operations Manager (Human Resources and Organisational Development) (Finance and Corporate Support).

**Also In Attendance**

H. McArthur, Senior Manager (Community Care) (Health and Social Care Partnership); T. Drain, HR Adviser (Finance and Corporate Support); and the appellant and appellant's union representative.

**Chair**

Councillor Munro in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 27 January 2017 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 Disciplinary Action**

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

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

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

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

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

The Meeting ended at 11.45 am

Audit and Scrutiny Committee  
13 February 2017

**Irvine, 13 February 2017** - At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

**Present**

John Hunter, Tom Marshal, Catherine McMillan and David O'Neill.

**In Attendance**

E. Murray, Chief Executive; L. Friel, Executive Director, P. Doak, Senior Manager (Internal Audit, Risk and Performance) and D. Miller, Complaint and Feedback Manager (Finance and Corporate Support); J. Butcher, Executive Director (Education and Youth Employment); R. McCutcheon, Head of Service (Commercial Services) (Place); S. Brown, Head of Service (Children, Families and Criminal Justice); A. Sutton, Head of Service (Connected Communities); A. Fraser, Head of Democratic Services, M. Davison, Senior Manager (Democratic Services), A. Todd, Senior Policy and Performance Officer and A. Little, Committee Services Officer (Chief Executive's).

**Also In Attendance**

P. Kenny (Deloitte) and G. O'Connor (Falkirk Council).

**Chair**

Councillor Hunter in the Chair.

**Apologies for Absence**

John Easdale.

**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 14 November 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**2.1 Matter Arising from Previous Meeting**

The Executive Director (Education and Youth Employment) provided an update on the Corporate Acceptable Computer Use training levels that have been achieved to date, a number of mandatory training areas that are required to be undertaken by staff during the school week and the use of in-service training days to allow staff to complete outstanding modules.

The Committee agreed to receive a further update from the Executive Director (Education and Youth Employment) at a future meeting of the Committee.

### **3. External Quality Assessment of Internal Audit by Falkirk Council**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of the recent external review of Internal Audit carried out by Falkirk Council.

The Scottish Local Authorities Chief Internal Auditors Group (SLACIAG) has developed an external review network, where each participating Council Internal Audit team will carry out a review of another authority, and will in turn be reviewed by another, different Council. The review of the Council's Internal Audit team has recently been completed by the Internal Audit Manager from Falkirk Council and his report was attached in full at Appendix 1 to the report.

The review assessed the compliance of the Council's Internal Audit team with the 13 sections of the PSIAS and noted that the team fully conforms with 11 of the standards and generally conforms with the remaining two. Overall the assessor was able to provide substantial assurance that the Council's Internal Audit team complies with the requirements of the PSIAS. There are a number of low priority actions for implementation by the team which will further improve compliance. All but one of these actions have been accepted and the action plan was included within Appendix 1.

Members asked questions and were provided with further information in relation to the recommendation which was not accepted that Committee reports are in the name of the Senior Manager (Internal Audit, Risk and Fraud), to allow senior management to continue to have oversight of reports before they are presented to Committee.

The Committee agreed to (a) note (i) the findings and action plan from the review of Internal Audit, and (ii) the positive nature of the assessment; and (b) record its thanks to Falkirk Council Internal Audit for carrying out the review.

### **4. Internal Audit and Corporate Fraud Action Plans: Quarter 3 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 31 December 2016. Appendix 1 to the report provided the Committee with full details of the 21 actions that were not complete within the agreed timescales.

Noted.

## **5. Internal Audit Plan 2017/22**

Submitted report by the Executive Director (Finance and Corporate Support) of the proposed Internal Audit plan for 2017-2018 and the indicative programme of work for the period 2018-2022. The report contained the full list of auditable areas and provided an indicative programme of work for Internal Audit for the 5-year period from April 2017 to March 2022 at Appendix 1 to the report. Appendix 2 contained the detailed audit plan for 2017-18 and indicated which quarter of the financial year it is intended to commence each audit.

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

- audit days allocated to the Integration Joint Board (IJB) which are assigned to auditable areas by the IJB's Performance and Audit Committee for 2017-18; and
- a range of auditable IJB areas that have been included in the programme of work for the 5-year period 2017 - 2022.

The Committee agreed to (a) approve the Internal Audit plan for 2017-2018; and (b) note (i) the indicative programme for 2018-2022; and (ii) the indicators and targets set out at section 2.6 of the report, along with any others the Committee may find useful.

## **6. Directorate Plan 2015/18 Performance Reports as at 30 September 2016**

Submitted report by the Chief Executive which provided an update on the performance of all Directorates against the priorities outlined in the Directorate Plans as at 30 September 2016.

The reports for each Directorate were set out in Appendices 1 - 6 to the report and an overview of the performance of Directorates compared against the same time last year was illustrated in the charts at section 2.9 of the report. The percentage of indicators which are on target has increased from last year, as have the percentage of indicators that are significantly adrift of target. Detailed narrative on the indicators that are significantly adrift of target were outlined in the Directorate Performance reports of Finance and Corporate Support, Economy and Communities, Education and Youth Employment and the Health and Social Care Partnership.

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

### Democratic Services

- work by Council staff and community planning partners to establish Locality Partnerships;
- a presentation that was made to Members on the Locality Partnerships;
- the aging Council workforce and absences as a result of musculoskeletal and respiratory illnesses; and
- private sector absence policies that do not pay staff for the first few days of absence and Council processes in place for Managers to manage absence.

### Finance and Corporate Support

- the promotion of health and well-being through staff consultation and initiatives such as Health Working Lives and Mindfulness; and
- the stress survey undertaken that found that the main areas of concern are demands and change.

### Education and Youth Employment

- the long-term sickness absence of a small number of staff within headquarters;
- sickness levels of school support staff which includes those working with children with additional needs;
- low levels of sickness levels of teaching staff;
- work that is being done with Glasgow University to pilot support for gifted pupils;
- an audit of existing facilities to inform the future provision and requirements required to deliver the 1140 hours of early learning and child care by 2020; and
- work with Ayrshire College to encourage training in early learning and child care.

### Place

- information that is available on the Council's website on priorities for winter treatment of roads, including gritting routes; and
- details of the Housing Revenue Accounts that will be provided directly to Members.

### Economy and Communities

- a report to Cabinet on proposals for the use of the £1.43m from the Vacant and Derelict Land Fund; and
- long term illness that can impact on the sickness absence levels of small teams.

### Health and Social Care Partnership

- work that will be done to record and report Council and NHS sickness absence data in the same format and reporting cycles; and
- regular financial monitoring reports that are presented to the Integration Joint Board

The Committee agreed (a) that the Chief Executive provide a report on absence trends over the last 5 years to a future meeting of the Committee; (b) that the Executive Director (Place) provide details of the Housing Revenue Accounts directly to Members; (c) that future reports provide a glossary of the acronyms used; and (d) to otherwise note the report.

## **7. Quarter 2 2016 Year To Date Complaint Report**

Submitted report by the Executive Director (Finance and Corporate Support) on the Council's complaint performance and the volumes and trends of complaints received in Quarter Two 2016 year to date. The report detailed complaint information relating to the Council in Quarter Two 2016 covering the period 1 April 2016 to 30 September 2016 and comparative data from the same periods of 2015 and 2014.

The report noted that an increase seen in the volume of complaints received in Quarter 2 compared to the same period in 2015 is due mainly to an increase in Place and Finance and Corporate Support complaints. Analysis shows the increase in complaints for Place related primarily to Building Services, PMI and Housing. The increase in Finance and Corporate Support complaints was due mainly to an uplift in complaints relating to Revenues and the Customer Service Centres. A more detailed breakdown of these figures was contained in the attached report.

Noted.

## **8. Accounts Commission Report - Role and Working Relationships in Councils - Are you still getting it right?**

Submitted report by the Chief Executive on the Accounts Commissions report 'Roles and Working Relationships in Councils - Are you Still Getting it Right?', which was attached as at Appendix 1 to the report. Appendix 2 to the report provided details of the learning and development activities available during 2016 that support Elected Member Continuous Professional Development.

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

- information that will be provided to Members on a potential typographical error at Section 2.5 of the report - financial mismanagement; and
- plans to ensure IT equipment and training are in place for Elected Members following the Local Government Election in May 2017.

The Committee agreed to (a) consider the checklists contained in the report; (b) receive an annual report to the Committee detailing the attendance of Councillors at North Ayrshire Council training events; and (c) otherwise note the report.

## **9. Ayrshire Valuation Joint Board Minutes**

Submitted the Minutes of the meetings of the Ayrshire Valuation Joint Board (AVJB) held on 1 September, 2016.

Noted.

## **10. 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 public for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 7A of the Act.

## **11. Corporate Fraud Reports Issued**

Submitted report by the Executive Director (Finance and Corporate Support) of the findings of Corporate Fraud investigations completed between 1 November 2016 and 31 January 2017.

Noted.

The meeting ended at 12 noon.

Cabinet  
14 February 2017

**IRVINE, 14 February 2017** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

John Bell, Alex Gallagher, Peter McNamara and Jim Montgomerie.

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Executive Director, R. McCutcheon, Head of Service, C. Forsyth, Team Manager (Place); K.Yeomans, Executive Director, J. Miller, Senior Manager Planning, G.Robson, Senior Employability & Skills Manager (Economy and Communities); L. Friel, Executive Director, M. Hogg, Head of Service (Finance), A. Lyndon, Team Manager (Corporate Procurement), F. Walker, Interim Head of Service (People and Transformation) G. Mirtle, Programme Manager (Finance and Corporate Support); I.Colvin (Health & Social Care Partnership); J. Hutcheson, Communications Officer, A. Little, Committee Services Officer and H. Clancy, Committee Services Support Officer (Chief Executive's).

**Chair**

Councillor Bell in the Chair

**Apologies for Absence**

Joe Cullinane and Louise McPhater

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting held on 31 January 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. B714 Realignment Scheme**

Submitted report by the Executive Director (Place) on the progress with the carriageway improvement proposals for the B714 at Girthill & Yonderhouses Farms.

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

- the estimated increased project costs due to the significant amount of soft ground that would require to be removed or treated, a large volume of fill material required to vary the height of the road design to provide a livestock underpass and works to raise a dip in the road to the north of the project; and
- the overall affordability of the scheme that would not make the inclusion of the above works viable at a later date.

The Cabinet agreed to note (a) the progress with the design of the proposed B714 carriageway improvements; (b) the updated estimated increased project costs which reflect the significant financial impact of unfavourable soft ground conditions; and (c) that due to the increased estimated costs, that the affordability of the proposed improvements will require to be considered and prioritised accordingly as part of the Council's overall priorities for investment through the Capital Programme.

### **4. Planning Performance Framework**

Submitted report by the Executive Director (Economy and Communities) on the feedback from the Scottish Government on the Planning Performance Framework 5.

The Cabinet agreed to note the feedback contained within Appendix 1 to the report.

### **5. Hazeldene Horticulture Public Social Partnership**

Submitted report by the Executive Director (Economy and Communities) on the progress in re-establishing the Hazeldene Public Social Partnership (PSP) and seek endorsement for the Council's approach in taking this forward.

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

- the extension of PSP for an additional year;
- the transfer of the Garden Tidy scheme to Hazeldene; and
- the funding commitment that has been agreed for the first year only.

The Cabinet agreed to (a) welcome the progress in re-establishing the Hazeldene Horticulture project; (b) approve Cunninghame Housing Association (through its subsidiary Cunninghame Furniture Recycling Company) as the new partner in the PSP; (c) approve an extension to the PSP up to March 2019; and (d) approve the funding streams identified and service delivery options; (e) agree in principle that the Council will underwrite a potential funding gap up to a maximum value of £30k in the business plan for 2017/2018.

## **6. Change and Transformation Programme**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress update on the Change and Transformation Programme.

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

- the training provided to graduates including Lean 6 Sigma and management training;
- a range of tools available to support staff in making change happen; and
- the introduction of cash kiosks at Saltcoats Town Hall and Bridgegate House and support for customers in the transition of how the Council collects cash.

The Cabinet agreed to (a) note the progress of programme delivery, as at the end of December 2016; and (b) instruct the Executive Leadership Team to identify a comprehensive pipeline of projects with deliverable cost savings to address the anticipated funding gap.

## **7. Exclusion of the Public**

Cabinet resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following items of business on the grounds indicated in terms of Paragraphs 8 and 10 of Part 1 of Schedule 7A of the Act.

### **7.1 Procurement Spend: Update**

Submitted report by the Executive Director (Finance and Corporate Support) on the review of procurement spend.

The Cabinet agreed to approve the review of procurement spend as detailed in the report.

The meeting ended at 3.10 p.m.



Appeals Committee  
17 February 2017

**IRVINE, 17 February 2017** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Councillors Alan Munro, Grace McLean and Donald Reid.

**In Attendance**

C. Andrew, Senior Manager Legal Services (Democratic Services); and R. Lightfoot, HR Adviser (Human Resources and Organisational Development) (Finance and Corporate Support).

**Also In Attendance**

R. McCutcheon, Head of Service (Commercial) (Place); R. Lennon, Senior HR Adviser (Finance and Corporate Support); the appellant and appellant's representative.

**Chair**

Councillor Munro in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 10 February 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Exclusion of the Public**

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

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

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

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

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

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

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

The Meeting ended at 11.50 a.m.

Licensing Committee  
22 February 2017

**IRVINE, 22 February 2017** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Tom Marshall, John Bruce, John Easdale, Grace McLean, Catherine McMillan, Donald Reid and Robert Steel.

**Also Present**

W. O'Brien, Solicitor (Licensing), D. Robertson, Enforcement Officer and C. Pollock, Licensing Administration Officer; R. Todd, Empty Homes Co-ordinator and B. Ferry, Policy Officer - Private Sector (Place), and E. Gray, Committee Services Support Officer, and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**In Attendance**

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

**Chair**

Councillor Marshall, Vice-Chair, in the Chair.

**Apologies for Absence**

Robert Barr and Ronnie McNicol.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 11 January 2017 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Exclusion of 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 the following items of business, 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 Act 1983.

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 14 ("Any action taken or to be taken in connection with the prevent, investigation or prosecution of crime") and Paragraph 15 ("The identity of a Protected Informant").

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

Submitted report by the Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

##### **Part A: Hearings**

##### **4.1 Taxi Driver's Licence: TDL/01642 - Thomas Bagan**

The Committee, at its meeting held on 11 January 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present. Representatives of Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder and made reference to the terms of a letter submitted by the licence holder. Thereafter the licence holder addressed the Committee on the issues raised and responded to questions.

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

##### **Decision**

The Committee unanimously agreed, having regard to the information presented, not to take any action in respect of an 'Ordinary Suspension' of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

##### **4.2 Taxi Driver's Licence: TDL/01780 - John Swindle**

The Committee, at its meeting on 14 December 2016, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982. The matter was the subject of consideration at the meeting of the Committee held on 11 January 2017, where it was agreed to continue consideration of the Hearing to a future meeting to seek clarification on the applicant's current address.

The licence holder, having been duly cited to attend, was present and accompanied by his partner. Representatives of Police Scotland were also in attendance.

The representatives of Police Scotland addressed the Committee on the terms of a letter which advised of potential grounds for suspension of the licence. Thereafter, the licence holder then addressed the Committee on the issues raised and responded to questions. The licence holder also provided clarification on his current address.

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

### **Decision**

The Committee unanimously agreed, having regard to the information presented, not to take any action in respect of an 'Ordinary Suspension' of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **4.3 Taxi Driver's Licence: TDL/01956 (Renewal) - Robert Boyd**

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant and made reference to the terms of a letter from the applicant's medical consultant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

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..

#### **4.4 Taxi Licence: TL/176 (Substitute Vehicle) - Andrew Spence and Craig Spence**

The licence holders, having been cited to attend, were present. Representatives of Police Scotland were also in attendance.

The Solicitor (Licensing) advised that the substitute vehicle proposed by the joint licence holders did not meet the Policy adopted by the Committee for purposes of Section 10(2) of the Civic Government (Scotland) Act 1982 (the "Vehicle Approval Specification"). Members asked questions and received clarification from the Solicitor (Licensing) and from the licence holders.

In terms of Standing Order 5.7, the Chair then adjourned the meeting to allow Members to inspect an example of the substitute vehicle and a vehicle conforming to the Vehicle Approval Specification. The meeting reconvened with the same Members, officers, Police representatives and licence holders present and in attendance.

## **Decision**

The Committee unanimously agreed, having regard to the information presented, (a) that there were sufficient grounds to treat the case as an exception to the Vehicle Approval Specification; (b) to grant the application in terms of Section 10(5) of the Civic Government (Scotland) Act 1982 for a substitute vehicle under Taxi Licence number 176; and (c) to note that a review of the Vehicle Approval Specification would be the subject of future consideration by the Committee.

## **Part B: Applications for the Grant/Renewal of Licences**

### **4.5 Metal Dealer's Licence: MDL/059 (New) - Craig Neil**

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

### **4.6 Taxi Driver's Licence: TDL/01082 (Renewal) - Paul Scott**

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.

## **Part C: Issues in Respect of an Existing Licence**

### **4.7 Taxi Driver's Licence TDL/01355 and Taxi Licence TL/194 - Michael Ferguson**

The Committee was advised of information received that the licence holder had failed to comply with Condition 12 of his licence. The Enforcement Officer addressed the Committee on the issues raised and responded to questions.

## **Decision**

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

### **4.8 Street Trader's Licence: STL/O/414 - Neil McIntyre**

The Committee, at its meeting on 23 November 2016, agreed, on the basis of the information presented, to proceed to a Suspension Hearing in terms of Paragraph 11(7) of Schedule 1 of the Civic Government (Scotland) Act 1982. At its meeting held on 14 December 2016, the Committee agreed to (a) find that the ground of Suspension stated in Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 (that the holder of the licence is not or is no longer a fit and proper person to hold the licence) was established, and that the Licence STL/O/414 should be suspended; (b) fix the period of Suspension as one calendar month, in terms of Paragraph 11(11); and (c) agree that, given the circumstances of the case,

the Suspension should take immediate effect, in terms of Paragraph 11(10).

The Committee was advised of complaints received that the licence holder had operated his vehicle during the period of his Suspension and of a related report submitted to the Procurator Fiscal. The Enforcement Officer addressed the Committee on the issues raised and responded to questions.

## **Decision**

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

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

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

Submitted report by the Chief Executive on Landlord Registration matters.

### **5.1 D.G.**

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

The Solicitor (Licensing) and the Empty Homes Co-ordinator set out the background to a complaint about a property owned by the Registered Landlord and an assessment of the property carried out by officers from Place, details of which had been intimated in writing to the Registered Person.

Members asked questions and received clarification from the Solicitor (Licensing), the Empty Homes Co-ordinator and the Policy Officer - Private Sector.

## **Decision**

The Committee, having regard to the information presented, unanimously agreed (a) under Section 89 of the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, to remove the Registered Person from the Register; (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the property; and (c) to delegate to the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue a Rent Penalty Notice in respect of any other properties owned by the Registered Person and occupied under a "lease of occupancy arrangement".

## **5.2 M.D.**

The applicant, having been cited to attend, was not present or represented. However, Members were provided with a copy of an email submission from the applicant.

Members asked questions and received clarification from the Solicitor (Licensing).

### **Decision**

The Committee, having regard to the information presented, agreed (a) under Section 89 of the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, not to remove the Registered Person from the Register; and (b) not to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of any properties referred to in the registration.

## **5.3 G.A.M.**

The Registered Landlord, having been cited to attend, was present.

The Solicitor (Licensing) advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register. Details of the matter raised had been intimated in writing to the Registered Person, who responded to the matters raised and answered questions.

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

### **Decision**

Councillor McLean, seconded by Councillor McMillan, moved (a) under Section 89 of the Antisocial Behaviour etc. (Scotland) Act 2004, Part 8, to remove the Registered Person from the Register; (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the properties included in the Registration; and (c) to delegate to the Solicitor (Licensing) or any Solicitor engaged in Landlord Registration to issue Rent Penalty Notice in respect of any other properties owned by the Registered Person and occupied under a "lease of occupancy arrangement".

As an amendment, Councillor Easdale, seconded by Councillor Bruce, moved that no further action be taken.

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

Accordingly, the Committee, having regard to the information presented, agreed to take no further action with regard to this matter.

The Meeting ended at 11.35 a.m.



Cabinet  
28 February 2017

**IRVINE, 28 February 2017** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Joe Cullinane, John Bell, Alex Gallagher and Peter McNamara; and Elizabeth Higton (Church Representatives).

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Executive Director, Y. Baulk, Head of Service, L. Mitchell, (Commerical Support Manager) (Place); K.Yeomans, Executive Director (Economy and Communities); L. Friel, Executive Director, A. Lyndon, Team Manager (Corporate Procurement) (Finance and Corporate Support); I.Colvin, Director, T. Bowers, Head of Service (Mental Health) E. Currie, Principal Manager, N. Bell, Manager (Health & Social Care Partnership); A. McClelland, Interim Head of Service (Schools), F. Hopkins, Senior Manager (Education and Youth Employment); M. Davison, Senior Manager, (Democratic Services), J. Hutcheson, Communications Officer, M. Anderson, Committee Services Team Leader and H. Clancy, Committee Services Support Officer (Chief Executive's).

**Chair**

Councillor Cullinane in the Chair.

**Apologies for Absence**

Louise McPhater and Jim Montgomerie; and Mark Fraser (Church Representatives).

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting held on 14 February 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Curriculum for Excellence Levels 2016**

Submitted report and received presentation by the Interim Head of Service (Education and Youth Employment) on the performance of North Ayrshire schools in the Achievement of Curriculum for Excellence (CfE) Levels Return 2015/16.

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

- the process for assessing and using the data, including the management of additional workload for teachers, the creation of a working group and the work with the Tapestry Partnership on a programme called 'Improving Teacher Professional Judgement';
- the differences in attainment by gender and the additional more focused work that is required in this area;
- the identified "dip" in the performance of pupils at the end of P4 and P7 stages and lessons which must be learnt in the reading of these cohorts; and
- whether there was a correlation between the attainment data at S3 and exam performance at S4.

The Cabinet agreed to recognise the content of the report and the achievements of pupils as illustrated in Appendix 1 to the report

### **4. Tarryholme Drive Project - Refurbishment of former Red Cross House (RCH), Irvine**

Submitted report and received presentation by the Director (Health and Social Care Partnership) on the refurbishment programme, in partnership with the NHS Ayrshire and Arran Health Board, to develop the Tarryholme Drive site as a Learning Disability Day Centre, residential and supported accommodation for the resettlement of learning disability and rehabilitation of mental health clients.

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

- scope to extend the site further in the future; and
- the current proposal in comparison with the original plan.

The Cabinet agreed to (a) approve the refurbishment of Tarryholme Drive at a total cost of £6.6m, funded jointly by £4.939m from the Council (£3.408m General Fund, £1.531m Housing Revenue Account) and £1.661m from NHS Ayrshire and Arran Health Board; (b) approve the transfer of 20 units to Council housing stock at a total cost to the Housing Revenue Account (HRA) of £2.131m for the acquisition and refurbishment works met from the HRA and Scottish Government Grant as detailed at 4.1(a); and (c) note the associated revenue savings of £1.231M (North Ayrshire Council £0.312m and NHS Ayrshire and Arran Health Board £0.919m).

## **5. Cunninghame Housing Association Tender Opportunity**

Submitted report by the Executive Director (Place) on the tender for the supply and installation of Cunninghame Housing Association's kitchen and bathroom programmes.

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

- whether the proposals could have any adverse impact on local businesses; and
- whether the proposals could impact negatively on Building Services' ability to deliver its core business in terms of the maintenance of housing stock and buildings.

The Cabinet agreed to (a) note the tender is a dual stage process and that Building Services has submitted the first stage procurement documents for the initial selection process; (b) agree that, if Building Services are invited to tender, they can submit a tender to Cunninghame Housing Association for the supply and installation of kitchens and bathrooms; and (c) agree, if this is successful, to grant the Executive Director (Place) delegated authority to enter into the necessary contracts.

## **6. Ayrshire Regional Pathfinder**

Submitted report by the Executive Director (Economy and Communities) on the three Ayrshire Councils that have been invited to work with the Scottish Government to develop a regional Pathfinder exploring how regional partnerships can stimulate local economies and to update Members on the progress to explore options for a single Ayrshire Economic Development Agency.

The Cabinet agreed to (a) note that Ayrshire has been identified as a Regional Partnership Pathfinder as part of Phase 2 of the Scottish Government Enterprise and Skills Review; (b) endorse the participation of officers in work to explore options for a Regional Partnership which may include the development of a single Ayrshire Economic Development Agency; (c) note the roll out across Ayrshire of the Inclusive Growth Diagnostic that has been piloted in North Ayrshire and will provide an evidence base to inform the Regional Partnership discussions; and (d) note the Scottish Government position to create a Scotland wide statutory board to co-ordinate the activities of the national agencies and create a new vehicle to meet the enterprise and skills need of South of Scotland.

## **7. Award of Contract - Demolition of Magnum Leisure Centre, Irvine**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Demolition of Magnum Leisure Centre, Irvine.

The Cabinet agreed to approve the award of the contract to Central Demolition Limited.

## **8. Award of Contract - Term Service Contract for Road Maintenance Works 2017-18**

Submitted report by the Executive Director (Finance and Corporate Support) on the result of the tender exercise for the Term Service Contracts for Road Maintenance Works 2017-18.

Members asked a question and received clarification, on the rationale for differences between the cost/quality ratio applied to different types of tender.

The Cabinet agreed to approve the award of the contract to Finco Contracts Ltd.

## **9. Award of the Framework - Provision of Person Centred Community Support for Children/Young People with a range of disabilities and needs**

Submitted report by the Director (Health and Social Care Partnership) on the outcome of the tender exercise for the Framework for the Provision of a Person Centred Community Support for Children/Young People with a Range of Disabilities and Needs.

The Cabinet agreed to approve the award of the Framework to the Richmond Fellowship Scotland, the Mungo Foundation, Sense Scotland and Ayrshire Childrens Services for a period of 3 years with the option to extend for up to a further one year.

The meeting ended at 3.30 p.m.

Cabinet  
1 March 2017

**Cabinet, 1 March 2017** - At a Special Meeting of the Cabinet of North Ayrshire Council at 10.00 a.m.

**Present**

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

**Also Present**

Marie Burns, Ian Clarkson, John Easdale, John Ferguson, Willie Gibson, Tony Gurney, Alan Hill, John Hunter, Tom Marshall, Catherine McMillan, Ronnie McNicol, Donald Reid and Joan Sturgeon.

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Executive Director, R. McCutcheon, Head of Service (Commercial) (Place); K. Yeomans, Executive Director, C. McAuley, Head of Service (Economic Growth) and A. Sutton, Head of Service (Connected Communities) (Economy and Communities); L. Friel, Executive Director, M. Hogg, Head of Service (Finance), D. Forbes, Senior Manager (Financial Management) and F. Walker, Interim Head of Service (People and Transformation) (Finance and Corporate Support); I. Colvin, Executive Director, S. Brown, Head of Service (Children, Families and Criminal Justice) (Health and Social Care Partnership); J. Butcher, Executive Director (Education and Youth Employment); A. Fraser, Head of Service (Democratic Services), L. McEwan, Corporate Communications Manager, J. Hutcheson, Communications Officer, M. Anderson, Committee Services Team Leader and A. Little, Committee Services Officer (Chief Executive's).

**Chair**

Councillor Cullinane in the Chair.

**Apologies for Absence**

Louise McPhater.

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. General Services Review Estimates 2017/18 to 2019/20**

Submitted report by the Executive Director (Finance and Corporate Support) on (a) the Council's revenue spending requirements and anticipated funding for the years 2017/18 to 2019/20; (b) the level of reserves and fund balances held by the Council; (c) options to address the funding gap; and (d) the draft Capital Investment Programme to 2025/26.

The revised expenditure requirements for 2017/18 of £328.803m were summarised in Appendix 1, with further details provided in Appendix 4. Appendix 2 to the report detailed base budget adjustments. As part of the 2016/17 revenue budget, savings were approved for 2017/18, these were detailed at Appendix 3. Information on IJB service pressures, exclusive of the living wage and revised charging proposals, and proposed new savings options was provided at Appendix 5. Proposed efficiencies and savings, excluding the HSCP, were summarised at Appendix 6. Appendix 7 contained a list of the charges which were proposed to be increased on 1 April 2017 in line with inflation. The budget matrix for 2017/18 was detailed at Appendix 8. Appendix 9 outlined the Capital Investment Programme 2017/18 to 2025/26. A full analysis of the changes to the programme was detailed at Appendix 10. Appendix 11 outlined the projects which had been included within the aspirational list, as important to support delivery of the Council's key outcomes. The capital investment programme, including proposed funding, was attached at Appendix 12 to the report.

Amendments to the report and appendices were circulated and set out proposals in respect of:-

- The removal of savings;
- Addressing food, income and vulnerability;
- Community Capacity Building;
- Food Security;
- Modern Apprenticeships;
- Health and Social Care Partnership Challenge Fund;
- Local Rates Relief;
- Ardrossan Harbour Car Park;
- Revenue funding streams; and
- Capital investment.

The Cabinet agreed to recommend to Council that it (a) supports officer proposals as outlined in the report and within Appendices 1 - 12, subject to (i) the amendments set out in Appendix NAC 1 to the Minute; and (ii) a further amendment which would be subject of consideration by the Council at its Special Meeting.

### **3. Housing Revenue Account (HRA) Capital Investment Programme, Revenue Budget and Rent Levels for 2017/18**

Submitted report by the Executive Director (Finance and Corporate Support) on the HRA capital investment programme and revenue budget for 2017/18 and the consequential rent levels.

The proposed 2017/18 HRA Capital Programme of £53.105m was detailed at Appendix 1 to the report. Appendix 2 outlined the proposed 2017/18 HRA revenue budget, with planned expenditure of £48.257m mainly funded by rental income and charges for services. The report proposed to (a) increase housing rents of 2.79% in 2017/18 for council houses (including sheltered housing); (b) garage site increase of £0.09 per week and a lock-up increase of £0.14 per week to £2.77 and £5.53 per week respectively, equivalent to 2.79%; (c) an increase of 7.9% in sheltered housing utility charges, as part of equalisation of the cost of service charges, for existing tenants; and (d) note the indicative rent increases of 2.79% for 2018/19 and 2.93% for 2019/20. Appendix 3 and 4 to the report outlined the consultation undertaken with tenants on the proposed rent increase and the feedback received.

The Cabinet agreed to (a) recommend to Council that it support the proposals outlined in the report; and (b) refer the report to Council for approval.

The meeting ended at 10.35 a.m.



Planning Committee  
8 March 2017

**Irvine, 8 March 2017** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

J. Miller, Senior Manager (Planning), Paul Brennan, Specialist Environmental Health Officer (Noise), (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services), A. Little, Committee Services Officer and E. Gray, Committee Services Support Officer (Chief Executive's).

**Also In Attendance**

Rita Holmes (Chair - Fairlie Community Council), Sarah Bowden (Fairlie Community Council), Denise Dunn (Local Resident), Darren Hendley (Arcus Consultancy), Sean Kelly (SSE Generation Limited) and Peter Jackson (Spectrum Acoustic Consultants).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Robert Barr and Joe Cullinane

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of meetings of the Committee held on 8 February 2017 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 17/00034/PPM: Hunterston Construction Yard, Fairlie**

SSE Generation Limited have applied for the variation of planning condition No. 1 of a Planning Permission (ref. 14/00164/PPM) to extend the operational time period of the National Offshore Wind Turbine Testing Facility until 14th October 2019.

On 14 February 2012, the Planning Committee granted conditional planning permission (ref.11/00679/PPM) for a test facility for up to three off-shore wind turbines with a maximum blade tip height of 198.5 metres at the Marine Construction Yard, Hunterston. On 23 April 2014, the Planning Committee agreed to a variation of this planning permission to i) revise the wording of condition 7 to enable assessment of compliance with noise limits and condition 9 to revise the timescale for dealing with complaints about noise nuisance; and ii) to revise condition 10 to identify measures to reduce turbine noise where agreed levels have been exceeded (ref. 14/00164/PPM).

To date one Siemens and one Mitsubishi wind turbine have been erected. Condition 1 was imposed in order to restrict the overall timescale in which the development could remain on site on the basis of the temporary consent for the test turbines. The applicants original application proposed a 5 year time limit from the date of commissioning of the first turbine. Condition 1 states:

*'That the site shall be used as a facility for the testing of a maximum of 3 off-shore wind turbines at any given time for a period of 5 years from the date of operation of the first turbine, prior notification of which commencement date of operation of the first turbine shall be submitted in writing to North Ayrshire Council as Planning Authority; at the expiry of the 5 year period or 14th October, 2017 whichever is the earlier, the wind turbines and associated infrastructure shall be removed and the land restored to its former condition within 6 months, in accordance with a Decommissioning Method Statement to be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of the development. If planning permission for the proposed multi-fuel power station at Hunterston is granted, the wind turbine test facility shall not be operational at the same time as the testing or operational phases of the multi-fuel power station.'*

Ms Holmes and Ms Bowden, Fairlie Community Council, and Ms Dunn, Fairlie resident, addressed the Committee in support of the objections.

Ms Holmes referenced statements made by the applicant during the original application that a combination of energy sector jobs and a future manufacturing facility would lead to improvements in the economy of North Ayrshire and Scotland as whole. However it has since transpired that turbines are produced in England leading local residents to conclude that the economic benefits were exaggerated. Concerns were raised between the levels of low frequency noise which are emitted from the Mitsubishi turbine and the links to adverse impacts on the health of local residents. Further concerns were expressed about the fact that the turbines sited at Hunterston are designed to sit off shore and are much larger and more powerful than turbines designed to be situated close to residential areas. Therefore Ms Holmes believes it would be irresponsible to assume it is safe to test these turbines in this location and members should not approve the application unless they are willing to state publically that there are no health risks to the public. Finally, Ms Holmes stated that the original planning permission was for a temporary period of five years and allowed for the testing of three turbines. She questioned why the testing could not have been completed in five years and why the third turbine had not been erected in this period.

Ms Dunn detailed her personal health problems that have arisen since the testing began, including nausea, dizziness and drowsiness, which she believes is caused by the low frequency noise generated from the turbines. She hoped the Council would reject the planning permission to allow her to feel healthy again.

Ms Bowden gave details of her career in the music industry and knowledge of the damage that can be caused by long term exposure to sound including sounds which are inaudible to the human ear.

Mr Hendley, Arcus Consultancy Services Ltd, Mr Jackson, Spectrum Acoustics, and Mr Kelly, SSE Generation Limited, then addressed the Committee in response to the objectors.

Mr Hendley explained to the Committee that testing on the site did not begin until two years after the original planning permission was granted, therefore the extension would not lead to any further testing than was initially permitted. He also stated that sites for testing this type of turbine are very rare and the current site supports 55 jobs. The Main Issues Report associated with the Local Development Plan 2 was referenced as stating that Hunterson is an important resource for the whole of Scotland. Mr Hendley also informed the Committee that a six week background noise survey was carried out, the results of which received no complaints from Environmental Health.

Mr Jackson spoke about the results of a low frequency noise measurements investigation which found that the noise produced by the turbines did not exceed the levels agreed in the original planning permission. Mr Jackson did acknowledge that the level of background noise may have changed in this time and stated that the applicant would be willing to carry out further tests to determine a new level which would be used as a target which should not be exceeded.

Mr Kelly addressed the objections relating to the lack of economic growth which the site generates by providing information on investment which SSE have made in the Moray Firth and figures to support the benefits to the local and Scottish economy.

The Senior Manager (Planning) informed the Committee that an offer had been received from the applicant to remeasure background noise and re-evaluate noise limits as part of an upcoming operational noise survey for the Mitsubishi turbine.

Councillor Brown, seconded by Councillor Ferguson, moved to continue the application to a future meeting to allow a further background noise survey to be carried out by the applicant.

As an amendment, Councillor Marshall, seconded by Councillor Bruce, moved that the application be considered at this meeting.

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

Accordingly, the Committee agreed to continue the application to a future meeting to allow a further background noise survey to be carried out by the applicant.

#### **4. 16/00793/PP: Site To North Of Knowes Farm, Beith**

Smith Skip Limited submitted a draft Code of Practice for vehicle movement to and from the site to the North of Knowes Farm as set out in Condition 22 of Planning Permission 16/00793/PP which was approved by the Committee on 7 December 2016. Condition 22 states:

*'That within 3 months of the date of the decision, a draft Code of Practice for vehicle movements will be submitted for approval of North Ayrshire Council, as Planning Authority. The draft Code of Practice will include the issues listed on page 4 of the letter dated 14th November 2016, submitted by the AED Planning and Development on behalf of the applicant as part of this application. The development will thereafter be carried out in accordance with any Code of Practice agreed by the Council.'*

The Code of Practice submitted by the applicant addressed the following areas:

- traffic management relating to haulage vehicles travelling to and from the landfill site;
- the establishment of a Liaison Committee to allow information to be circulated and queries answered;
- improvements to the site access road and the provision of wheel cleaning for vehicles using the site;
- consideration taken for large funeral services carried out at a Beith Cemetery
- traffic routing to minimise the use of Kings Road where possible; and
- the establishment of a complaints procedure relating to issues with the condition of the public road.

The Senior Manager (Planning) then outlined the terms of the report, which recommended the Code of Practice in accordance with Condition 22 of Planning Permission 16/00793/PP be approved.

The Committee agreed to approve the Code of Practice in accordance with Condition 22 of Planning Permission 16/00793/PP.

#### **5. The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016**

Submitted report by the Executive Director (Economy and Communities) on the amendments to the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 for betting operators and pay day lenders (PDL).

The report stated the effect of the Amendment Order is to amend the Town and Country Planning (Use Classes) (Scotland) Order 1997 to remove betting offices from class 2 (financial, professional and other services) and to add both betting offices and PDL shops to the list of uses excluded from the various use classes (sui-generis). Any material change of use of premises to such offices or shops would require planning permission.

The Committee agreed to note the report.

**6. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 148 Main Street, Largs, KA30 8JN**

Submitted report by the Executive Director (Economy and Communities) on the erection of a flagpole from the front elevation of a property at first floor level, 148 Main Street, Largs, KA30 8JN.

The flagpole, which is used to facilitate the display of a national flag, is understood to have been erected in connection with one of the flats in the upper floors. The site is located within an area identified as part of the settlement of Largs by the Adopted North Ayrshire Local Plan and, by way of its prominent location at high level on a residential property sited on the main southern access road to Largs Town Centre, is held to harm amenity.

The flagpole is therefore held to be contrary to criterion (a) Siting, Design and External Appearance of the General Policy of the LDP.

In the interest of the visual amenity of the area, the report recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the flagpole from first floor level of the building.

Councillor Marshall, seconded by Councillor Bruce, moved that (a) no notice is served, (b) the property owner is asked to submit an application for planning permission for the erection of a flagpole and (c) the Senior Manager (Planning) report to a future meeting of the Committee if no application is received.

As an amendment, Councillor Ferguson, seconded by Councillor Brown, moved that the recommendation of the report is agreed.

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

The Committee agreed that (a) no notice is served, (b) the property owner is asked to submit an application for planning permission for the erection of a flagpole and (c) the Senior Manager (Planning) report to a future meeting of the Committee if no application for planning permission is received.

**7. Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: 116 Main Street, Largs, KA30 8JN**

Submitted report by the Executive Director (Economy and Communities) on an unauthorised advertisement situated at 116 Main Street, Largs, KA30 8JN.

Advertisement consent was sought in 2016 for the installation of a Piaggio Ape three wheeled light commercial vehicle on flat roof with 'Deli il Cardo,' the name of the delicatessen, written on the sides and rear. This application was refused on 21 September 2016 (ref: 16/00679/ADC). The reason for refusal was that the proposal by way of its sitting, design and illumination it was held to have an adverse impact on road safety with the potential to cause unnecessary distraction to drivers on the trunk road, at a roundabout junction where there would be an intensification of turning manoeuvres. This decision followed a consultation response from Transport Scotland, as Trunk Road Authority, that the application should be refused on the grounds of road safety.

A Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 ("Advertisement Enforcement Notice") allows the Council, as Planning Authority, to serve on the owner, lessee and occupier of land and any other person known to the Planning Authority to be displaying the unauthorised advertisement, a notice requiring the removal of an unauthorised advertisement.

In the interest of the public safety of the area, the report recommended that Committee approves the service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to require the removal of the advertisement comprising a Piaggio Ape vehicle from the roof of the building.

The Committee agreed to grant authority for the service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to require the removal of the advertisement comprising a Piaggio Ape vehicle from the roof of the building.

**8. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to South of River Cottage, Montgreenan, Kilwinning**

Submitted report by the Executive Director (Economy and Communities) on a log cabin which has been erected to the south of River Cottage, Montgreenan, Kilwinning.

The log cabin is not considered to be necessary non-residential development associated with agriculture, forestry operations or other established rural business. It is also held to have an adverse visual impact on the surrounding area due to its incongruous design and suburban character. An application for planning permission to retain the log cabin was refused on 30th May 2016 (ref: 16/00290/PP). The refusal was confirmed on appeal to the Local Review Body ("LRB") 25th November 2016.

In the interest of the visual amenity of the area and the character and amenity of the countryside, the report recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the log cabin and return of the land to its condition prior to the erection of the log cabin.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the log cabin and return of the land to its condition prior to the erection of the log cabin.

## **9. Tree Preservation Order: Castlewalk Plantation, Fairlie**

Submitted report by the Executive Director (Economy and Communities) on a proposed Tree Preservation Order on an area to the east of Fairlie.

In 2014, planning permission was granted for the renewal of an unexpired planning permission for the restoration and extension of Fairlie Castle to form a single dwelling house including double garage (Ref. 14/00199/PP). This proposal has been implemented and construction works are ongoing. In September 2015, planning permission was granted for the formation of a new access road and erection of 36 flats and 26 detached dwelling houses at a site to the North of Fairlie Primary School (Ref. 12/00159/PPM). The developer of the site, Dawn Homes, has commenced works and phase 1 of the development is due to complete in Autumn 2017. Dawn Homes has commenced a 12 week statutory, pre-application consultation on a proposed planning application for the development of approximately 100 dwelling houses to south of the site and to east of Castlepark Gardens, Fairlie (Ref. 16/01079/PREAPP).

In December 2016, a request was received from a member of the public that consideration be given to the imposition of a Tree Preservation Order on an area to the east of Fairlie, comprising of Castlewalk Plantation, Fairlie Plantation and Fairlie Glen, and two smaller groupings at Glaisdale Burn (Appendix 2 to the report).

The Senior Manager (Planning) provided the committee with details of the historic and cultural significance associated with the trees located in Castlewalk Plantation (Appendix 2, Area A). The other areas covered in the request were determined not to be under significant threat from future development (Fairlie Plantation and Fairlie Glen (Appendix 2, Areas B and C)) or to offer limited amenity value (Two groupings at Glaisdale Burn (Appendix 2 Area D)).

The TPO would be effective from the date of service and would continue to be enforced until the end of six months or until the order is confirmed. There will also be a statutory period for consultation, during which representations on the TPO can be made.

The report recommended that (a) a Tree Preservation Order is served on the site owners in respect of all the trees and woodland within the boundary of Castlewalk Plantation (outlined in Appendix 1 to the report) in order to protect existing trees and woodland both in the interests of amenity and their historic or cultural significance and (b) Dawn Homes as the developer for new housing development, which is located close to the Castlewalk Plantation, are notified.

The Committee agreed to (a) serve a Tree Preservation Order is on the site owners in respect of all the trees and woodland within the boundary of Castlewalk Plantation (outlined in Appendix 1 to the report) in order to protect existing trees and woodland both in the interests of amenity and their historic or cultural significance and (b) notify Dawn Homes as the developer for new housing development, which is located close to the Castlewalk Plantation.

#### **10. Scottish Government Consultation on the High Hedges (Scotland) Act 2013**

Submitted report by the Executive Director (Economy and Communities) on the Call for Evidence by the Scottish Ministers on the operation of the High Hedges Act.

The High Hedges (Scotland) Act 2013 came into force in April 2014 and aimed to provide a solution to the problem of high hedges which adversely affect an occupant's reasonable enjoyment of domestic property. The Consultation invites written responses to allow the Local Government and Communities Committee to review experiences thus far and consider any suggestions on how the Operation of the Act may be improved before a final report is published.

A response based on previous applications and enquiries has been prepared (detailed in Appendix 1 to the report). It was recommended that this response be submitted to the Scottish Government as the Council's response to the Call for Written Evidence.

The Committee agreed to submit the response as detailed in Appendix 1 to the report.

#### **11. Scottish Government Consultation Papers: Unconventional Oil and Gas, and Fees for Monitoring Surface Coal Mine**

Submitted report by the Executive Director (Economy and Communities) on two Scottish Government consultation papers: Unconventional Oil and Gas, and Fees for Monitoring Surface Coal Mines.

The consultation on Unconventional Oil and Gas identifies the most likely areas for extraction of unconventional oil and gas in Scotland. The report highlighted that North Ayrshire has not been identified by the British Geological Survey as having geological potential for unconventional gas and oil extraction. The report recommended that the Committee note the consultation.

The consultation on Fees for Monitoring Surface Coal Mines seeks views on the Scottish Government's proposal to enable planning authorities to charge operators for undertaking monitoring of surface coal mining permissions, including planning conditions; legal agreements and restoration financial guarantees. The report recommends that the consultation on Fees for Monitoring Surface Coal Mines be noted and that the Council, as Planning Authority, respond broadly supporting the proposals and requesting that consideration be given to the introduction of similar monitoring fees for other mineral sites.

The Committee agreed to (a) note the consultation papers and (b) (i) support the introduction of fees for monitoring surface coal mines and (ii) request the introduction of such fees for other mineral sites.

## **12. Local Development Plan 2 - Progress Update**

Submitted report by the Executive Director (Economy and Communities) on the Development Plan Scheme.

The Development Plan Scheme (DPS) has a crucial role in coordinating public involvement on LDP2 and ensuring the plan-making process is project managed. It is a statutory document outlining the key stages in preparing LDP2 and when people can get involved. The document was first published in 2015, and with revisions made in 2016. Appendix 1 to the report provided the proposed third edition of the DPS.

The report recommended that the Committee (a) note recent progress on preparation of the North Ayrshire Local Development Plan 2; and (b) authorise publication of Development Plan Scheme.

The Committee agreed to (a) note recent progress on preparation of North Ayrshire Local Development Plan 2; and (b) authorise publication of the Development Plan Scheme as detailed in Appendix 1 to the report.

The meeting ended at 3.05 p.m.



Local Review Body  
8 March 2017

**Irvine, 8 March 2017** - At a Meeting of the Local Review Body of North Ayrshire Council at

**Present**

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

**In Attendance**

A. Hume, Planning Adviser to the Local Review Body (Economy and Communities); J. Law, Legal Adviser to the Local Review Body; A. Little, Committee Services Officer and E. Gray, Committee Services Support Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Robert Barr and Joe Cullinane.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 16 November 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Notice of Review: N/16/01056/PP - Site to the south of Shore House, Brodick, Arran**

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers for the erection of a dwellinghouse at the site to the south of Shore House, Brodick, Arran.

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

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

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

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

Councillor Bruce spoke in support of the application, providing additional information and his views in respect of:-

- the site dimensions and development density which would not represent overdevelopment of the site;
- the linear development pattern of the site which would not conflict with the existing linear pattern of the area;
- the picturesque views that would be afforded by the development;
- ample circulation around the development and parking provision for two vehicles within the site footprint;
- the desirable location of the development site with direct access to Shore Road;
- the existing boundaries of the site that would be remain in situ;
- careful consideration of neighbouring properties in the design of the dwelling to afford privacy;
- that no objections were received from Arran Community Council or local residents;
- support that had been expressed for the application by the residents of neighbouring properties; and
- that the development would not establish an undesirable precedent for other similar developments, as each planning application is considered on its own merits.

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

The Local Review Body, therefore agreed to (a) grant the application; and (b) that the Decision Notice be drafted by Officers, agreed by the Chair and, thereafter, signed by the Proper Officer for issue to the applicant.

The meeting ended at 3.40 p.m.

Cabinet  
14 March 2017

**IRVINE, 14 March 2017** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

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

**In Attendance**

E. Murray, Chief Executive; C. Hatton, Executive Director, Y. Baulk, Head of Service (Physical Environment), R. McCutcheon, Head of Service (Commercial) D.Hammond, Senior Manager, L.Cree, Senior Manager (Property Management and Investment) and C. Dempster, Team Manager (Place); L. Friel, Executive Director,, D. Forbes, Senior Manager (Financial Management, P.Doak, Senior Manager (Internal Audit, Risk and Performance) and M. McTeague, Category Manager/Team Leader (Supplies and Services) (Finance and Corporate Support); D. Rowland, Head of Service (Health and Community Care) (Health and Social Care Partnership); K. Yeomans, Executive Director, J. Miller, Senior Manager (Planning) and A. Laurenson, Team Manager (Regeneration)(Economy and Communities); A. Hale, Equality and Health Policy Officer, J. Hutcheson, Communications Officer, M. Anderson, Committee Services Team Leader and H. Clancy, Committee Services Support Officer (Chief Executive's Service).

**Chair**

Councillor Cullinane in the Chair.

**Apologies for Absence**

Peter McNamara and Jim Montgomerie.

**Please note that the decisions contained in the Minutes are subject to call-in by Elected Members until 12.00 noon on Tuesday 21 March 2017. No action can be taken meantime.**

**1. Declarations of Interest**

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

**2. Order of Business**

The Chair, in terms of Standing Order 9.3, agreed to vary the order of business to allow earlier consideration of Agenda items 17 (Exclusion of the Public) and 17.1 ( Wind Down of Irvine Bay Regeneration Company and Transition Arrangements).

### **3. Minutes**

The accuracy of the Minutes of the Ordinary Meeting held on 28 February 2017 and the Special Meeting of the Cabinet held on 1 March 2017 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973, subject to the following amendment in respect of Agenda item 9 (Award of the Framework - Provision of Person Centred Community Support for Children/Young People with a range of disabilities and needs) of the Minute of the Ordinary Meeting, to reflect that the Cabinet agreed to award the Framework to Rainbow Services in addition to the Richmond Fellowship Scotland, the Mungo Foundation, Sense Scotland and Ayrshire Children's Services.

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

Cabinet resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following items of business on the grounds indicated in terms of Paragraphs 8 and 10 of Part 1 of Schedule 7A of the Act.

#### **4.1 Wind Down of Irvine Bay Regeneration Company and Transition Arrangements**

Submitted report by the Executive Director (Economy and Communities) on the wind down of the Irvine Bay Regeneration Company.

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

- progress on the Ayrshire Growth Deal and the next steps in the process;
- the likely cost to North Ayrshire Ventures Trust of managing the facilities referred to in Section 2.11 of the report; and
- the impact of the proposals on the total number of staff working on regeneration development in North Ayrshire.

The Cabinet (a) agreed to (i) enter into a transfer agreement to be signed by the Council, the Scottish Government, Irvine Bay Regeneration Company and North Ayrshire Ventures Trust; setting out the terms on which assets and liabilities will transfer to North Ayrshire Ventures Trust, (ii) the terms of purchase of land at the former NACCO site, Irvine and land at Ardrossan Quayside from the Irvine Bay Regeneration Company and (iii) the terms of purchase from Irvine Bay Regeneration Company of their 50% share in Ardrossan North Beach LLP; and (b) note (i) the progress made by the Irvine Bay Regeneration Company since its inception and through their legacy business plan, (ii) proposals for the transfer of Irvine Bay Regeneration Company assets (properties and finance) remaining at wind up to North Ayrshire Ventures Trust and (iii) proposals for a review of the future delivery of regeneration priorities and functions by the Council.

## **5. Equality Mainstreaming and Equality Outcomes Report**

Submitted report by the Chief Executive on the Equality Mainstreaming Report for 2015/2016 and the Equality Outcomes Report and Action Plan 2017-2021. The mainstreaming and outcomes reports were set out at Appendices 1 and 2 to the report.

Members asked a question, and received clarification, on opportunities for scrutiny of the draft reports.

The Cabinet agreed to approve the Equality Mainstreaming Report for 2015/2016 and the Equality Outcomes Report and Action Plan 2017-2021 set out in Appendices 1 and 2 to the report.

## **6. Procurement EU Tender Plan - 2017/18 and 2018/19**

Submitted report by the Executive Director (Finance and Corporate Support) on the EU Procurement Tender Plan for Financial Years 2017/18 and 2018/19. The proposed tender plan was set out at Appendix 1 to the report.

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

## **7. Strategic Risk Register 2017/18 and Risk Management Framework (Page )**

Submitted report by the Executive Director (Finance and Corporate Support) on the Strategic Risk Register for 2017/18 and the updated Risk Management Framework. The Strategic Risk Register was set out at Appendix 1 to the report. Appendix 2 contained the Risk Management Policy and Strategy, together with a Risk Management Matrix and Guide, and a Leadership and Accountability Guide.

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

- the recommendation by Audit Scotland to include Brexit;
- the rating of the risks associated with Brexit and that of the overall financial environment; and
- the assessment of risk associated with a further referendum on Scottish Independence.

The Cabinet agreed to approve the Strategic Risk Register and the Risk Management Framework set out in Appendices 1 and 2 to the report.

## **8. Revenue Budget 2016/17 : Financial Performance to 31 January 2017**

Submitted report by the Executive Director (Finance and Corporate Support) on the financial performance for the Council at 31 January 2017. Supporting documentation was set out in Appendices 1-12 of the report.

The Cabinet agreed to (a) note (i) the information and financial projections outlined in the report, (ii) the utilisation of the 2016/17 General Fund surplus agreed by Council, (iii) the current financial projection for the Health and Social Care Partnership and (iv) the proposed allocation of HRA balances identified at Section 2.9 of the report; and (b) approve (i) the carry forward of £0.218m identified at Section 2.5 (vi) of the report and (ii) the virements detailed in Appendix 11.

## **9. Capital Programme Performance to 31 January 2017**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress in delivering the Capital Investment Programme as at 31 January 2017. Details of projected expenditure by project against the revised budget for 2016/17 were set out at Appendix 1 to the report.

The Cabinet agreed to (a) approve the revisions to budgets outlined in the report; and (b) note (i) the General Services and HRA expenditure and revised budgets to 31 January 2017 and (ii) the forecast of expenditure to 31 March 2017.

## **10. Local Authority Energy White Label**

Submitted report by the Executive Director (Place) to progress proposals to establish a local authority led 'Energy White Label' in order to provide a locally branded, low tariff energy supply option to domestic customers and local businesses within North Ayrshire, as well as potentially to the corporate estate.

Members asked a question and were provided with further information in relation to other Scottish local authorities which are also considering an Energy White Label.

That Cabinet agreed to (a) test potential supplier appetite through publication of an outline 'Prior Interest Notification', to understand the willingness and capacity of licensed suppliers to meet the objectives of the proposed energy white label, with officers also undertaking soft market testing through existing customer engagement channels; and (b) remit to the Executive Director (Place) the preparation of formal tender documentation (invitation to tender, project specification and outline contract), and initiation of a competitive procurement exercise to procure a white label energy supply partner, subject to a positive response by the market to (a) above.

## **11. Asset Management Plans**

Submitted report by the Executive Director (Place) on the new Estate Strategy, updated Property Asset Management Plan, updated Housing Asset Management Plan for the period 2017-2020 and updated Open Space Asset Management Plan set out at Appendices 1-4 of the report.

That Cabinet agreed to approve the Estate Strategy, the Property Asset Management Plan, the Housing Asset Management Plan and the attached Open Space Asset Management Plan, set out at Appendices 1-4 of the report.

## **12. Update on closure of public toilets**

Submitted report by the Executive Director (Place) on the planned Council closure of public toilets on Arran and Cumbrae and in Irvine and West Kilbride from 1 April 2017.

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

- grant support being provided to support essential improvement and accessibility works on Cumbrae and whether similar support would require to be provided on Arran and in West Kilbride; and
- the process for considering a valid petition in respect of Arran public toilet closures.

That Cabinet agreed to (a) note (i) the good progress made to date in securing arrangements for the community asset transfer of facilities, (ii) that the toilets at East Road, Irvine will close on 31 March 2017 following the opening of the new Portal Leisure Centre to the general public and (iii) that the public conveniences subject to Community Asset Transfer (CAT) will operate under a licence agreement from 1 April 2017 until the formal CAT process is completed later this year and (iv) that, should a community delivery model not be identified for West Kilbride and four of the facilities in Arran, public toilets in these areas will close on 31 March 2017; and (b) support the continued dialogue with community groups in Arran and West Kilbride, which seek to finalise community asset transfer arrangements for the public conveniences in these locations.

### **13. Road Maintenance Programme 2017/18**

Submitted report by the Executive Director (Place) on the proposed Roads and Street Lighting Maintenance Programme for 2017/18. The proposed Roads and Street Lighting Maintenance Programme 2017/18 was set out in the appendices to the report.

Members asked a question, and were provided with further information, in relation to the mechanism for assessing the investment of the additional resources agreed by North Ayrshire Council at its budget setting meeting held on 1 March 2017.

That Cabinet agreed to (a) note (i) the approach taken to determining the asset maintenance programme for Roads and Street Lighting and (ii) that the programme will be issued to the Locality Planning Partnerships for information; and (b) approve the Roads and Street Lighting Maintenance Programme for 2017/18, as shown at Appendix 1a and 1b to the report.

### **14. Utilisation of Surplus Affordable Housing Grant 2016/17**

Submitted report by the Executive Director (Place) on the receipt and expenditure of surplus Scottish Government affordable housing grant to expedite the acquisition of development land associated with sites noted in the Strategic Housing Investment Plan (2017/18-2021/22). The SHIP was set out at Appendix 1 and site plans contained in Appendices 2 and 3 to the report.

Members asked a question, and were provided with further information, in relation to reviewing the business plan to determine the use of savings in future.

The Cabinet agreed to approve the utilisation of surplus Scottish Government affordable housing grant for 2016/17 (i) to acquire land assets at Corsehillhead, Kilwinning, Sharon Street, Dalry, St. Michael's Wynd, Kilwinning, and Tarryholme Drive, Irvine (as shown in the site plans at Appendix 2 to the report) from the General Fund and transfer to the Housing Revenue Account for the sum of £1,233,500; and (ii) for Cunninghame Housing Association to acquire Balnagowan (Skelmorlie), Sharphill (Phase 4) (Saltcoats) and Montgomerie Street (Ardrossan) (as shown in the site plans at Appendix 3 to the report) for the sum of £2,250,000.

## **15. Health and Care Governance Arrangements**

Submitted report by the Director (Health and Social Care Partnership) on the proposed Health and Care Governance Framework for Integrated Health and Social Care.

The Cabinet agreed to (a) approve the proposed Clinical and Care Governance Framework and reporting arrangements for Integrated Health and Social Care Partnerships; and (b) support the proposed arrangements for Complaints and Feedback, Risk, Public Protection, Staff Governance, Workforce Planning and Internal Audit.

## **16. Care at Home Outsourced Service Provision**

Submitted report by the Director (Health and Social Care Partnership) on the current care at home in-house and outsourced service provision.

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

- whether the Care at Home services referred to covered only older people or also those with a disability;
- the position in terms of Self-Directed Support and the related hourly rate;
- the hourly rate for in-house and outsourced provision;
- the feasibility of the proposed split between in-house and outsourced provision, given market conditions and anticipated increases in demand; and
- the quality control arrangements in place in respect of the management of services and the quality of service provision;

The Head of Service (Health and Community Care) corrected a typographical error within Section 2.14 (third bullet point) of the report, clarifying that the in-house hourly rate was marginally higher than that of outsourced provision. He undertook to provide Members with clarification of the hourly rate for self-directed support service provision compared with that for other Care at Home provision.

The Cabinet agreed to endorse the tendering for Care at Home Services based on the Integration Joint Board endorsed future split of care at home delivery between in-house and outsourced service provision, with a maximum in-house provision of 70% and minimum outsourced service of 27.5% depending on the market locally, representing a maximum 9% shift.

## **17. Vacant and Derelict Land Funding**

Submitted report by the Executive Director (Economy and Communities) on the expenditure of funds allocated by the Scottish Government through the Vacant and Derelict Land Fund in 2017/18. The Scottish Government funding criteria were set out at Appendix 1. Sites within North Ayrshire which meet the funding criteria were listed in Appendix 2 to the report.

The Cabinet agreed to (a) note the VDLF award of £1.751m for 2017/18; (b) approve (i) the submission of a local delivery plan for the expenditure of funds in 2017/18 to the Scottish Government and (ii) the principle of the majority of future funding beyond 2017/18 being allocated to Irvine Enterprise Area, Lochshore, Irvine Harbourside/Ardeer and Ardrossan North Shore as priority projects.

## **18. Consultation of the Future of the Scottish Planning System**

Submitted report by the Executive Director (Economy and Communities) on the Scottish Government's Consultation "Places, People and Planning - 18 January 2017". The proposed consultation response was set out at Appendix 1 to the report.

Members asked a question, and were provided with clarification, in relation to the proposed response to question 10(a) on community involvement in the preparation of the Development Plan Scheme.

The Cabinet agreed to approve the Council's response to the Scottish Government consultation on the findings of the independent review of the planning system, as set out in Appendix 1 to the report.

The meeting ended at 3.55 p.m.

Licensing Committee  
15 March 2017

**IRVINE , 15 March 2017** - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m

**Present**

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

**In Attendance**

W. O'Brien, Solicitor (Licensing), K. Sharkey, Solicitor (Contracts and Licensing), D. Robertson, Enforcement Officer and C. Pollock, Licensing Administration Officer; S. McKenzie, Senior Manager (Protective Services) and A. Miller, Environmental Health Officer (Economy and Communities); E. Anderson, Team Manager (Private Sector Housing) (Place), and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

Sergeant G. Griffiths and D. Hastings, Licensing Administrator (Police Scotland)

**Chair**

Councillor McNicol in the Chair (Agenda Items 5 and 1-3 (Hearings 1-4, inclusive)).  
Councillor Marshall in the Chair for the remainder of the meeting.

**Apologies for Absence**

John Easdale.

**1. Chair's Remarks**

The Chair, in terms of Standing Order 9.3, to vary the order of business to allow consideration of an Urgent Matter immediately following Agenda Item 2 (Minutes) and after a resolution to exclude the press and public from the meeting. The Chair agreed that a further Urgent Matter be considered at the end of the meeting.

**2. Declarations of Interest**

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

**3. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 22 February 2017 was confirmed, and the Minutes were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **4. Exclusion of 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 the following items of business, 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 Act 1983.

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 14 ("Any action taken or to be taken in connection with the prevent, investigation or prosecution of crime") and Paragraph 15 ("The identity of a Protected Informant").

#### **5. 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.

##### **5.1 Civic Government (Scotland) Act 1982: Public Entertainment Licence: PEL/468 (Temporary) - William Newsome**

The applicant, having been duly cited to attend, was present. The applicant has applied for a temporary Public Entertainment Licence for the period between 16 and 19 March 2017.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

#### **Decision**

Councillor Marshall, seconded by Councillor Barr, moved that the application for a temporary Public Entertainment Licence be granted, subject to the Council's standard conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

## **6. Civic Government (Scotland) Act 1982: Licensing Matters**

Submitted report by the Chief Executive on Hearings to be determined and applications for the grant or renewal of licences and permits, all in terms of the Civic Government (Scotland) Act 1982.

### **Part A: Hearings**

#### **6.1 Taxi Driver's Licence: TDL/00119 (New) - Nicol John Harris**

The applicant, having been duly cited to attend, was present and accompanied by a prospective employer. Representatives of 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 of Police Scotland then addressed the Committee on the terms of a letter setting out a representation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

Councillor Barr, seconded by Councillor McLean, 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.

#### **6.2 Itinerant Metal Dealer's Licence: MDL/059 (New) - Craig Neil**

The Committee, at its meeting held on 22 February 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend, was present. Representatives of 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 of Police Scotland then addressed the Committee on the terms of a letter setting out a representation in relation to the application. Thereafter, the applicant addressed the Committee on the issues raised and responded to questions.

The applicant and representatives of Police Scotland then withdrew to allow the Committee to determine whether justice could not be done except by having regard to the applicant's "Spent Convictions" in terms of the Rehabilitation of Offenders Act 1974, Section 7(3). The applicant and representatives of Police Scotland returned to hear the Committee's decision on this matter.

Councillor Barr, seconded by Councillor Marshall, moved that justice could not be done except by having regard to the applicant's "Spent Convictions".

As an amendment, Councillor McMillan, seconded by Councillor McLean, moved that the applicant's "Spent Convictions" were should not be considered.

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

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

### **Decision**

Councillor Barr, seconded by Councillor Marshall, moved that the application be refused on the basis that the applicant is not a fit and proper person to be the holder of an Itinerant Metal Dealer's Licence.

As an amendment, Councillor Reid, seconded by Councillor McMillan, moved that the application the application be granted.

On a division, there voted for the amendment 5 and for the motion 3, and the amendment was declared carried.

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

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

### **6.3 Taxi Driver's Licence & Taxi Licence: TL/0194 & TDL/01355 - James Hollas and Michael Ferguson**

The Committee, at its meeting held on 22 February 2017, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

Having been duly cited to attend, one of the licence holders was present.

The Solicitor (Licensing) and the Council's Enforcement Officer set out the background to the Hearing as previously intimated in writing to the licence holders. Thereafter, the licence holder addressed the Committee on the issues raised and responded to questions.

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

#### **Decision**

Councillor Barr, seconded by Councillor Bruce, moved that the licence holders receive a letter regarding their future conduct and that no action be taken in respect of an 'Ordinary Suspension' of the licence under Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried.

### **6.4 Street Trader Operator's Licence: STL/O/414 - Neil David McIntyre**

The Committee, at its meeting on 14 December 2016, agreed to (a) find that the ground of Suspension stated in Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 (that the holder of the licence is not or is no longer a fit and proper person to hold the licence) was established, and that the Licence STL/O/414 should be suspended; (b) fix the period of Suspension as one calendar month, in terms of Paragraph 11(11); and (c) agree that, given the circumstances of the case, the Suspension should take immediate effect, in terms of Paragraph 11(10).

At its meeting held on 22 February 2017, the Committee was advised of complaints received that the licence holder had operated his vehicle during the period of his Suspension and of a related report submitted to the Procurator Fiscal. The Committee unanimously agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 11 (7) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) and the Council's Enforcement Officer set out the background to the Hearing as previously intimated in writing to the licence holder. The Enforcement Officer also made reference to the content of an electronic

communication from Police Scotland. Thereafter, the licence holder and his representative addressed the Committee on the issues raised and responded to questions.

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

### **Decision**

Councillor Barr, seconded by Steel, moved that the circumstances of the case justified suspension of the licence in terms of Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 and that the period of Suspension should be the unexpired portion of the duration of the Licence.

As an amendment, Councillor Reid, seconded by Councillor Marshall, moved that the circumstances of the case justified suspension of the licence in terms of Paragraph 11(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 and that the period of Suspension should be two calendar months, in terms of Paragraph 11(11), effective from 28 days from the date of the meeting.

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

Accordingly, the Committee agreed to (a) find that the ground of Suspension stated in Paragraph 11(2)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 (that the holder of the licence is not or is no longer a fit and proper person to hold the licence) was established, and that the Licence STL/O/414 should be suspended; (b) fix the period of Suspension as two calendar months, in terms of Paragraph 11(11), effective from 28 days from the date of the meeting.

Councillor McNicol left the meeting and Councillor Marshall assumed the Chair at this point.

### **6.5 Public Entertainment Licence: PEL/464 (New) - Michael Stirling**

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

The Solicitor (Licensing) and the Council's Senior Manager (Protective Services) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

### **Decision**

The Committee unanimously agreed to grant the application subject to (i) the Council's standard conditions in terms of Paragraph 5 (1) (a) of Schedule 1 of the Civic Government (Scotland) Act 1982 and (ii) a further condition requiring that no equipment should be used unless it had been inspected by Council officers not more than seven days before the proposed date of use, and that up-to-date safety

certification should be in place and exhibited to the Council prior to each use of the equipment on site.

#### **6.6 Public Entertainment Licence: PEL/274 (Renewal) - Irvine Bay Events Limited**

Representatives of Irvine Bay Events Limited, having been duly cited to attend, were present.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter, the representatives of Irvine Bay Events Limited addressed the Committee on the issues raised and responded to questions.

#### **Decision**

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

#### **6.7 Booking Office Licence: BOL/019 (New) - Elaine Connor**

The applicant, 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. Thereafter, the applicant referred to a letter submitted in support of her application and responded to questions.

#### **Decision**

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

#### **6.8 Public Charitable Collection - Breast Way Round, MacMillan Cancer Support Committee**

The applicant, having been duly cited to attend, was not present or represented. The applicant has applied for a Charitable Collection on Sunday 23 April 2017, which is outwith the Council's policy.

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

#### **Decision**

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

subject to the Council's standard conditions.

#### **6.9 Breeding Establishment for Dogs Licence: BR/008 (New) - Vicky Barnhill**

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

The Solicitor (Licensing) and the Council's Environmental Health Officer set out the background to the Hearing as previously intimated in writing to the applicant. Thereafter, the applicant addressed the Committee on the issues raised, including on the terms of a letter of objection to the application, and responded to questions.

#### **Decision**

The Committee unanimously agreed to grant the application subject to the Council's standard conditions.

### **Part B: Applications for Licences and Renewal of Licences**

#### **6.10 Taxi Licence: TL/174 (Partnership Amendment) - Andrew Spence, Craig Spence & Alan McTurk**

The Committee unanimously agreed to grant the application in terms of Paragraph 9 of Schedule 1 of the Civic Government (Scotland) Act 1982.

#### **6.11 Taxi Driver's Licence: TDL/01380 (Renewal) - James Gilmour Hollas**

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.

#### **6.12 Taxi Driver's Licence: TDL/00247 (New) - John Kerr**

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.

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

Submitted report by the Chief Executive on Landlord Registration matters.

#### **7.1 J.F.**

The Registered Landlord, having been cited to attend, was not present, but was represented.

The Solicitor (Licensing) and the Team Manager (Private Sector Housing) advised on information received in respect of the Registered Landlord which raised the question of whether or not he remained a 'fit and proper' person to be entered on the Register.

Details of the matter raised had been intimated in writing to the Registered Person, whose representative responded to the matters raised and answered questions.

### **Decision**

The Committee unanimously agreed that (a) to take no action in respect of the matter, subject to the Registered Landlord effecting the necessary repairs to the property within a period of 28 days; and (b) this failing, the matter be the subject of further consideration at a future meeting.

### **8. Urgent Item**

The Chair advised of information received in respect of a Registered Landlord which required to be the subject of hearing.

The Committee agreed, in the circumstances, that the matter be considered at a Special Meeting of the Committee to be held on 20 March 2017 immediately following the conclusion of the meeting of the Licensing Board.

The Meeting ended at 12.40 p.m.