



**North Ayrshire Council**

Comhairle Siorrachd Àir a Tuath

**North Ayrshire Council Meeting**

**27 June 2018**

**VOLUME OF MINUTES**

**From 8 December 2018 to 13 June 2018**

<b>Date</b>	<b>Committee</b>	<b>Pages</b>
8 December 2017	Ayrshire Ayrshire Services Joint Cttee	3
19 April 2018	Integration Joint Board	9
1 May 2018	Cabinet	15
15 May 2018	Police & Fire & Rescue Committee	19
16 May 2018	Licensing Committee	25
23 May 2018	Planning Committee	31
29 May 2018	Audit and Scrutiny Committee	43
29 May 2018	Cabinet	51
30 May 2018	Appeals Committee	55
6 June 2018	Licensing Committee	57
13 June 2018	Local Review Body	67



## **AYRSHIRE SHARED SERVICES JOINT COMMITTEE**

### **MINUTES OF MEETING HELD ON FRIDAY 8 DECEMBER 2017 AT 1401 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, John McGhee, Tom Cook and Jim Roberts (all East Ayrshire Council); Councillors Alec Clark, Ian Cochrane and Bob Pollock (all South Ayrshire Council); and Councillor Scott Gallacher (North Ayrshire Council).

**ATTENDING:** Lesley Bloomer, Executive Director - Economy, Neighbourhood and Environment; Carol Boyd, Risk, Safety and Resilience Manager (Ayrshire Civil Contingencies Team) and Jane McGeorge, Ayrshire Civil Contingency Team Co-ordinator (Ayrshire Civil Contingencies Team) (all South Ayrshire Council); Paul Whip, Group Finance Manager (East Ayrshire Council); Stewart Turner, Head of Roads; and Kevin Braidwood, Operations Manager (both Ayrshire Roads Alliance); and Lynn Young, Democratic Services Officer (East Ayrshire Council).

**APOLOGIES:** Councillor Philip Saxton (South Ayrshire Council); and Councillors Joe Cullinane, Marie Burns and Alex Gallagher (all North Ayrshire Council).

**CHAIR:** Councillor Douglas Reid, Chair, East Ayrshire Council.

### **MINUTES OF MEETING HELD ON 23 JUNE 2017**

1. There were submitted and approved as a correct record, the minutes of the meeting of 23 June 2017 (circulated).

### **PROPOSED CALENDAR OF MEETINGS 2018**

2. There was submitted for consideration, the Ayrshire Shared Services Joint Committee draft meetings calendar for 2018 (circulated).

It was agreed to approve the Ayrshire Shared Services Joint Committee meetings calendar for 2018, subject to the meetings of Friday 16 February 2018, Friday 15 June 2018, Friday 7 September 2018 and Friday 7 December 2018 commencing at 1000 hours and not 0930 hours as indicated.

Councillor Bob Pollock, South Ayrshire Council joined the meeting during consideration of the above item.

### **AYRSHIRE CIVIL CONTINGENCIES TEAM**

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3. There was submitted a report dated 10 November 2017 (circulated) by the Head of Property and Risk, South Ayrshire Council which sought approval for the Ayrshire Civil Contingencies Team Service Plan for 2018/19.

The Risk, Safety and Resilience Manager, South Ayrshire Council reported and it was noted that the Risk, Safety and Resilience Team had been awarded the Alarm Member Award Team of the Year at the 2017 Alarm Risk Awards.

Arising from discussion, and in response to particular matters raised, Members received further information as follows:-

- timescales in relation to planned training exercises and the challenges around undertaking a black start (total loss of electrical power) exercise;
- the use of trained and practiced responders working to an up-to-date framework; and
- diversionary plans for Glasgow Prestwick Airport.

Members of the Committee then congratulated the Ayrshire Civil Contingencies Team on the success of the 2017 Alarm Risk Awards.

It was agreed to approve the Service Plan in its current form, acknowledging that there may be additional requests for support added as the wider services from across the three Ayrshire Councils plan their own service delivery for 2018-19.

Councillor Scott Gallacher, North Ayrshire Council left the meeting at this point.

## **AYRSHIRE ROADS ALLIANCE**

### **UK APSE PERFORMANCE NETWORK AWARDS 2017**

4. The Executive Director - Economy, Neighbourhood and Environment, South Ayrshire Council and the Head of Ayrshire Roads Alliance advised and it was noted that at the UK APSE Performance Network Awards held on 7 December 2017, Ayrshire Roads Alliance, representing South Ayrshire Council were a finalist in the Best Performer Category and overall winner for the Most Improved Performer. Members of the Committee then congratulated Ayrshire Roads Alliance on their awards.

### **MINUTES OF MEETING OF 10 NOVEMBER 2017**

5. There were submitted and approved as a correct record, the minutes of the meeting of 10 November 2017 (circulated).

### **AYRSHIRE ROADS ALLIANCE UPDATE ON PERFORMANCE SCORECARD**

6. There was submitted a report dated 16 November 2017 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised of progress made to date against the Performance Scorecard.

During discussion, Members raised the following matters:-

- results from the 2017 East Ayrshire Community Planning Partnership recent Residential Survey which had been reported to Members of the Community Planning Partnership Board on 7 December 2017, in particular to the concerns regarding maintenance of B and C Class roads;
- the use of heavy transport on regular diversion routes off the A77;
- the decline in the percentage of carriageway Category 3 defects repaired within 10 working days and methods being used to improve the target;
- the measurement of success in relation to the use of volunteers to assist with the treatment of roads and footpaths within their own communities;

- the process by which an additional yellow grit bin could be provided within a community;
- the impact of agricultural traffic on minor roads;
- reasons for the 615 street lighting repair lights issued in period 6; and
- the number of penalty notices repealed.

It was agreed:-

- (i) to note the performance scorecard and performance metrics presented in the report;
- (ii) to continue to receive performance scorecard updates; and
- (iii) otherwise, to note the contents of the report.

### **AYRSHIRE ROADS ALLIANCE RISK REPORT AND REGISTER**

7. There was submitted a report dated 16 November 2017 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised on the management of risk associated with the Ayrshire Roads Alliance.

It was agreed:-

- (i) to note the risk register presented in the report;
- (ii) to continue to receive updates on progress; and
- (iii) otherwise, to note the contents of the report.

### **AYRSHIRE ROADS ALLIANCE - REVENUE FINANCIAL MONITORING REPORT**

8. There was submitted a report (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills, East Ayrshire Council which updated on the revenue budget monitoring position for the year to 15 October 2017 for the Ayrshire Roads Alliance.

During discussion, Members raised the following issues:-

- budget variances due to vacancies;
- the allocation of £110,000 parking charges to be allocated to East Ayrshire Council and South Ayrshire Council; and
- the process by which parking fines are budgeted.

It was agreed:-

- (i) to note the financial management position of the Ayrshire Roads Alliance;
- (ii) to note the analysis of budget movements between 2016/17 and 2017/18 as detailed in Appendix 3 of the report;
- (iii) that a further financial update be provided to the next appropriate meeting of the Joint Committee; and
- (iv) otherwise, to note the contents of the report.

### **AYRSHIRE ROADS ALLIANCE - ROADWORKS PROGRAMME 2017/18**

9. There was submitted a report dated 16 November 2017 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised of the progress made with the Road Improvement Programmes within East Ayrshire and South Ayrshire for financial year 2017/2018.

Arising from discussion and in response to particular matters raised, Members received further information as undernoted:-

- the reasons for projects ranked - "carried forward from 16/17";
- an explanation with regards to the reasons for no footway programmes having commenced;
- timescales in connection with the additional park and ride spaces at Yardside Road, Kilmaurs;
- the process by which timber transport funding is secured; and
- an update in respect of the works associated with improvements to New Cumnock with regards to flooding matters.

It was agreed:-

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

### **AYRSHIRE ROADS ALLIANCE - DRAFT SERVICE PLAN 2018/19**

10. There was submitted a report dated 17 November 2017 (circulated) by the Head of Roads - Ayrshire Roads Alliance which sought approval for the Ayrshire Roads Alliance Draft Service Plan for 2018/19.

Arising from discussion and in response to particular matters raised, Members received further information as follows:-

- a transport summit has been agreed for 9 February 2018 to discuss the Ayrshire Growth Deal and the impacts on the transport network;
- the involvement of Ayrshire Roads Alliance in the South-West Rail Partnership; and
- timescales for the implementation of the Mauchline bypass and the Maybole bypass.

It was agreed:-

- (i) to approve the draft Ayrshire Roads Alliance Service Plan for 2018/19;
- (ii) to approve the proposed Performance Indicators for 2018/19;
- (iii) that officers circulate the confirmed finance budgets for 2018/19 to members of the Joint Committee following release of the final settlement figures;
- (iv) that a six month progress update is provided to a future meeting of the Joint Committee; and
- (v) otherwise, to note the contents of the report.

**AYRSHIRE ROADS ALLIANCE - 2017/2018 SERVICE PLAN UPDATE**

11. There was submitted a report dated 17 November 2017 (circulated) by the Head of Roads - Ayrshire Roads Alliance which advised on progress made to date against 2017/18 Ayrshire Roads Alliance Service Plan.

It was agreed:-

- (i) to note the progress against the 2017/18 Service Plan as detailed in the report;
- (ii) to continue to receive progress updates; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1549 hours.





**North Ayrshire Health and Social Care Partnership  
Minute of Integration Joint Board meeting held on  
Thursday 19 April 2018  
at 10.00am, Council Chambers, Cunninghame House, Irvine**

**Present**

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

Stephen Brown, Director of Health and Social Care Partnership  
Shahid Hanif, Interim Head of Finance  
Dr Paul Kerr, Clinical Director  
David MacRitchie, Chief Social Work Officer - North Ayrshire  
Dr Calum Morrison, Acute Services Representative

David Donaghey, Staff Representative – NHS Ayrshire and Arran  
Louise McDaid, Staff Representative – North Ayrshire Council  
Marie McWaters, Carers Representative  
Robert Steel, Chair Kilwinning Locality Forum  
Fiona Thomson, Service User Representative  
Nigel Wanless, Independent Sector Representative  
Heather Malloy, Independent Sector Representative (Depute for Nigel Wanless)  
Vicki Yuill, Third Sector Representatives

**In Attendance**

David Rowland, Head of Service (Health and Community Care)  
Eleanor Currie, Principal Manager (Finance)  
Isabel Marr, Senior Manager, Long Term Conditions  
Michelle Sutherland, Partnership Facilitator  
Karen Andrews, Team Manager (Governance)  
Diane McCaw, Committee Services Officer

**Also In Attendance**

Councillor Anthea Dickson, North Ayrshire Council  
John Burns, Chief Executive, NHS Ayrshire and Arran

**Apologies for Absence**

Alistair Reid, Lead Allied Health Professional Adviser  
David Thomson, Lead Nurse/Mental Health Advisor

## 1. Apologies and Chair's Remarks

Apologies were noted.

The Chair thanked Stephen McKenzie for his hard work and dedication and for the contribution he made to the work of the IJB. He welcomed new voting Member Dr Martin Cheyne, Chairman of NHS Ayrshire and Arran, and congratulated Stephen Brown and Donna McKee on their permanent positions.

## 2. Declarations of Interest

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

## 3. Minutes/Action Note

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

### 3.1 Matters Arising

**Volunteering Strategy** - The Third Sector and North Ayrshire have developed a Draft Volunteering Strategy which will go out to engagement shortly and look towards publication in June. Ongoing action.

Action - V. Yuill

**Public Partnership Forum** - Officers met with Fiona Thomson and an update on actions going forward was provided, including an outline of ongoing work with CPPs on joint arrangements, how to work together more effectively and on mapping of existing groups across the HSCP. Once all the ongoing work has been carried out a paper will be brought to the IJB. Fiona Thomson has also identified a Depute for herself and is working on the process to allow the Depute to join IJB. Ongoing action.

Action - F. Thomson

**Peer Support Services Specification for People with Mental Health Problems in North Ayrshire** - The Recovery College is up and running and has been advertised on social media. Uptake is good and an update report will be submitted to IJB after summer. The tender exercise is now at the shortlist process and a report will be provided to IJB on the outcome of the tender once through due process. Action to be removed.

Action - T. Bowers

**Veterans First Point Service** - The service is located in North Ayrshire and accessed by South and East. Full agreement has now been reached across the 3 Ayrshires and Ayrshire and Arran and agreement re funding. Veterans First Point Service will continue and so far uptake has been greater than any Veterans Service elsewhere. Ongoing action.

Action - T. Bowers

**North Ayrshire Citizen's Advice Service** - NACAS wound down on 22 March and the website was taken down as of 28 March. Work is ongoing with Economy and Communities to ensure advice services are available at a local level across North Ayrshire through Better Off North Ayrshire and Money Matters. David advised that he would ensure clinicians are made aware of contacts referral details and that independent advice is available. Currently awaiting information on whether there is a need to re-tender or whether our own services can continue to provide. Ongoing action.

Action - D. Rowland

**Meeting of Locality Chairs** - Meeting took place and Janet McKay advised on discussion around challenges for Chairs of localities, particularly in relation to demands placed on individuals who have other responsibilities. Sharing good practice, a more targeted approach and ensuring learning is transferred to each of the localities was considered. Also considered links between localities and CPP and how to improve. Louise McDaid has asked for new terms of reference. Action to be removed.

Action - Robert Foster

**Strategic Plan** - The final Plan on Agenda for today's meeting. Action to be removed.

Action - Michelle Sutherland

**HSCP Challenge Fund Update** - To receive a presentation to a future meeting on the effective savings model undertaken at Elderbank and Greenwood in relation to reducing the number of accommodated children. Ongoing action - May meeting.

#### **4. Carers**

The Board received a presentation from Isabel Marr, Senior Manager (Long Term Conditions) on building a carer community in North Ayrshire which included information on:-

- the national picture;
- preparations for the Carers Scotland Act 2016;
- North Ayrshire carers, including young carers;
- the way forward in supporting our carers through empowerment; and
- Carers Week 2018 with events planned within all 6 localities.

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

- work with Children and Families and Education colleagues in relation to safeguarding that young carers declare themselves as carers and that assessments are carried out to ensure young carers are protected;
- a young carer representative having been identified in relation to the North Coast Locality;
- financial implications in relation to carer support plans resulting in savings in the long term; and
- the importance of carers having a voice in the community.

The Board congratulated the Team for the work carried out and were encouraged to hear that North Ayrshire appears to be at the forefront in relation to this.

Noted.

## **5. West of Scotland Transformation Plan**

The Board received a presentation from John Burns, Chief Executive of NHS Ayrshire and Arran on proposals for transforming Care Together for the West of Scotland which included:-

- background information on the population within the West of Scotland;
- how health care is currently split across the West of Scotland;
- the inclusive approach to improving the health and well-being of our population;
- empowerment around an individual's experience of care;
- a proposed model of care;
- achieving the best possible value, both financial and for the patient, in all activities;
- supporting and valuing staff; and
- the next steps for developing the regional approach.

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

- improving individual experiences from a carers point of view, particularly where power of attorney is involved;
- that empowering individuals should also include empowering carers;
- models of care going forward and agreement of key principles to support local areas of priority and delivery;
- that any proposals for West of Scotland would not be directive, only encourage stronger collaboration and sharing of best practice;
- no specific action plans/funding around mental health or any other aspects at present;
- resourcing implications and challenges which will be considered once plans are better developed;
- proposed timescales, scope and status in relation to the Plan and any influence on the work of the IJB;
- that in terms of health and social care, key elements are required to inform or influence transformation; and
- the need to broaden discussions out to third and voluntary sector organisations who play an important role.

Noted.

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

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

The report highlighted works underway in the following areas:-

- West of Scotland Delivery Plan Engagement Event held on 28 March 2018;
- Engagement Event for IJB Voting Members and Chief Officers postponed from 1 March 2018 now to be held on Friday 11 May 2018 at the Golden Jubilee Hotel, Clydebank;
- Emergency Exercise Quattro which took place on 14 March 2018 and simulated a mass casualty event testing resilience to respond;
- North Ayrshire Children's Services Strategic Partnership (NACSSP) development event on 26 March 2018 on progress with Getting it Right for You, North Ayrshire Children's Services Plan (2016-20);
- Corporate Parenting short life working group securing funding for a 12 month full-time co-ordinator Mhari McFadzean to oversee the Family Firm policy and implement the staff "Well Connected" Mentoring Scheme;
- Staff Partnership Awards Event "Breakfast for Champions" which took place on 29 March 2018;
- Progress in North Ayrshire and across Ayrshire and Arran in transforming mental health services; and
- Care Opinion ([www.careopinion.org.uk](http://www.careopinion.org.uk)) an independent website about people's personal experiences of registered social services.

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

## **7. IJB Interim Budget 2018/19 Proposals**

Submitted report by Shahid Hanif, Interim Head of Finance on the interim North Ayrshire Health and Social Care Partnership proposals. Appendices A to D provided further detail in connection with the budget proposals, demand pressures, savings and challenge fund projects.

The Board was advised that it would receive a follow-up report with finalised budget proposals once confirmation of the NHS side of the budget is provided. Equality impact assessments have been carried out in respect of all proposed savings.

Martin Cheyne left the meeting at this point.

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

- concerns raised around savings in terms of items 21, 23 and 24 in order to ensure funding is available to cope with pressures;
- that a presentation on the set-aside element of the budget would be beneficial to the Group;
- identified risks and pressures around both sides commissioned services and on required action plans;
- concern around no engagement with trade unions in relation to fine detail on any impact on staff;
- that savings around item 21 related to all services and would be handled sensitively;
- that some mechanism to extend the 35 day respite cap would be helpful; and
- that in terms of items 23 and 24, there are issues around people in hospital not having appropriate care packages in place and that cutting 25 beds does not help this.

The Board agreed (a) to approve the interim budget for 2018/19 for North Ayrshire Health and Social Care Partnership inclusive of all related pressures and savings; and (b) that a presentation be provided to the next meeting on the set-aside element of the budget.

#### **8. NAHSCP Strategic Plan 2018-2021**

Submitted report by Michelle Sutherland, Strategic Planning and Transformation Change Lead on the final version of the Strategic Plan. The full and summary versions of the Plan had been emailed out and hard copies were made available at the meeting.

The Board agreed to (a) approve the Plan for publication, distribution and implementation; and (b) support the implementation of the Plan over its three year life.

#### **9. Organisational Development Strategy 2018-2021**

Submitted report by Michelle Sutherland, Strategic Planning and Transformation Change Lead on the Organisational Development Strategy for the Partnership for 2018-2021.

The Board agreed to approve the Organisational Development Strategy 2018-2021.

The Meeting ended at 11.55 a.m.

Cabinet  
1 May 2018

**IRVINE, 1 May 2018** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

John Bell, Joe Cullinane, Alex Gallagher, Robert Foster, Louise McPhater (Agenda Items 4 – 12); and Very Reverend Canon Matthew McManus and Ian Haining (Church Representatives) (Agenda Items 1-5).

**Also Present**

Shaun MacAulay and Donald L. Reid.

**In Attendance**

E. Murray, Chief Executive, J. Butcher, Executive Director, A. McClelland, Head of Service (Learning, Teaching and Curriculum), D. Walkinshaw, Business Manager, and S. March, Principal Educational Psychologist (Education and Youth Employment); L. Friel, Executive Director, F. Walker, Head of Service (People), P. Doak, Senior Manager, J. Walls, Team Manager, J. Smillie (Senior Manager) (Finance and Corporate Support); K. Yeomans, Executive Director, A. Sutton, Head of Service (Connected Communities), G. Robson, Senior Employability and Skills Manager and A. Laurenson, Senior Manager Regeneration (Economy and Communities); C. Hatton, Executive Director and L. Cree, Senior Manager (Property Management and Investment) (Place); S. Brown, Director (Health and Social Care Partnership); A. Craig, Senior Manager (Legal); A. Todd, Senior Policy and Performance Officer, J. Hutcheson, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Joe Cullinane in the Chair.

**Apologies**

Jim Montgomerie and Elizabeth Higton.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Gallagher, as the Chair of the Largs Viking Festival, declared an indirect financial interest in Agenda Item 9, and took no part in the decision.

## **2. Minutes**

The accuracy of the Minutes of the meeting of the Cabinet held on 20 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

## **3. INSIGHT School Leavers' Attainment Results 2017**

Submitted report and receive presentation by the Executive Director (Education and Youth Employment) on the overall performance of the 2017 school leavers. A detailed analysis of results was provided in Appendices 1 – 4 of the report.

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

- school leavers in SIMD decile 10 performing lower than the national average and the ongoing focus to bring their performance into line with national levels;
- the Attainment challenge and Pupil Equity funding focus on developing better literacy and numeracy skills for targeted groups of learners;
- a range of measures to monitor the spending and impact of the Pupil Equity Fund (PEF);
- guidance to support head teachers with the planning process for the use of the PEF; and
- the implementation of interventions for pupils living in the most deprived areas with support from the Professional Learning Academy and Family Learning Team.

The Cabinet agreed to (a) note the content of the report and the achievements of school leavers in last year's SQA examinations; and (b) approve the measures being taken to make further improvements to the attainment and achievement of future school leavers.

## **4. Early Learning and Childcare Expansion Programme**

Submitted report by the Executive Director (Education and Youth Employment) on the progress of the Early Learning and Childcare Expansion Programme, (ELCP) in North Ayrshire. The infrastructure projects were set on at Appendix 1 to the report, with further supporting information contained in Appendices 2-8.

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

- provision of out-of-school care;
- regular progress reports on the infrastructure projects detailed in Appendix 1;
- potential phasing issues and funding risks associated with higher than anticipated uptake; and
- support for Whitlees Community Centre to identify potential funding options.

The Cabinet agreed to (a) note the progress made by the ELCEP Board to develop its proposed delivery model and receive regular updates on (i) the final review of the pilot sites; (ii) the consultation response on Funding Follows the Child; (iii) the implementation of the phased roll out and the work on the enhancement of the ELC

estate and how this will improve the quality and flexibility of ELC in North Ayrshire; (b) approve the proposal to develop a new ELC and staff training and leadership development at the Montgomerie Park site in Irvine; (c) approve the relocation of the two year old provision currently located at Whitlees Community Centre to the extended facility at St Peters Primary Early Years Class; and (d) approve all infrastructure projects as detailed at Appendix 1 of the report.

## **5. North Ayrshire Education and Youth Employment Policy on the Assessment of Dyslexia and Literacy Needs**

Submitted report by the Executive Director (Education and Youth Employment) on the policy on the assessment of dyslexia and literacy needs. The draft policy document was set out at Appendix 1 to the report.

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

- the likelihood of improved timescales for assessment and intervention; and
- a range of measures to monitor the impact and success of the policy.

The Cabinet agreed to (a) note the content of the report; and (b) support a formal launch of the policy and appropriate communication strategy.

## **6. Directorate Plans – 2018 Update**

Submitted report by the Chief Executive on the Directorate Plans 2015/2018, which were set out in Appendices 1-5 of the report.

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

- detailed annual performance reporting to show what has been achieved within the Health and Social Care Partnership; and
- financial challenge risks which are included in each Directorate Plan as a result of their inclusion on the Strategic risk register.

The Cabinet agreed to (a) approve the 2018 updates on the 2015/18 Directorate Plans; (b) receive six-monthly progress reports, and (c) refer the report to the Audit and Scrutiny Committee for further scrutiny.

## **7. Fire Safety Policy**

Submitted report by the Executive Director (Finance and Corporate Support) on the Fire Safety Policy. The draft policy document was set out at Appendix 1 to the report.

The Cabinet agreed to approve the Fire Safety Policy.

## **8. Better Off North Ayrshire – Progress Report**

Submitted report by the Executive Director (Economy and Communities) on the progress in delivering on the Big Lottery/European Social Fund contract for the delivery of financial inclusion services. Details of the challenges faced and the

mitigation measures which have been put in place, were set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to additional organisations which may want to join the partnership.

The Cabinet agreed to (a) note the update and continuing approach to managing risk; and (b) formally write to Big Lottery Fund to seek written reassurances regarding changes to the funding model which would facilitate recovery of current financial deficit over the course of the 3-year programme.

## **9. Festivals and Events Fund**

Submitted by the Executive Director (Economy and Communities) on the operation of the temporary fund to support community run festivals and events in North Ayrshire.

The Cabinet agreed to approve the (a) proposals for the operation of a temporary fund for community run festivals and events of £150,000; and (b) proposed review of the operation of the fund after the first year.

## **10. Quarry Road, Irvine – Proposals for Phase Two**

Submitted report by the Executive Director (Economy and Communities) on the second phase of development proposals for Quarry Road, Irvine.

Members asked a question and were provided with further information in relation to the public consultation and the issues identified.

The Cabinet agreed to (a) proceed with the proposed specification for the second phase, developed in association with the project design team and KA Leisure; (b) note and support the application submitted for external funding support to SportScotland; and (c) further explore the potential sale of the existing tennis courts at Thornhouse Avenue and the use of any financial receipt to contribute to the later delivery of new tennis courts within the Quarry Road proposals.

## **11. Exclusion of the Public**

Cabinet resolved in terms of Section 50(A)4 of the Local Government (Scotland) Act 1973, to exclude from the Meeting the press and the public for the following item of business on the grounds indicated in terms of Paragraphs 6 and 9 of Part 1 of Schedule 7A of the Act.

### **11.1 Montgomerie House, West Byrehill, Kilwinning**

Submitted by the Executive Director (Place) on the former council offices, Montgomerie House, West Byrehill, Kilwinning.

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

The Meeting ended at 4.25 p.m.

**Police and Fire and Rescue Committee**  
**15 May 2018**

**Present**

Donald L. Reid, Davina McTiernan, Jimmy Miller and Angela Stephen.

**In Attendance**

A. Craig, Senior Manager, Legal Services and M. Anderson, Committee Services Team Leader (Chief Executive's Service).

**Also In Attendance**

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

**Chair**

Councillor Donald L. Reid in the Chair.

**Apologies**

Todd Ferguson, John Glover and Ellen McMaster.

**1. Chair's Remarks**

The Chair took the opportunity to welcome Councillor Miller as a new member of the Committee.

In terms of Standing Order 9.4, the Chair agreed to vary the order of business to allow earlier consideration of items to be presented by Police Scotland, to facilitate Chief Superintendent Main's attendance at another engagement.

**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. Chair and Vice Chair Verbal Updates**

The Chair provided a brief verbal report on a visit by Members of the Committee to the Scottish Fire and Rescue National Training Centre in Cambuslang and the Police Scotland Crime Campus at Gartcosh on 27 March 2018. On behalf of the Committee, he extended his thanks to both agencies for the visit and to officers for making the necessary arrangements.

The Chair also reported on the participation of Police youth volunteers based in Cumnock in the annual litter pick in Beith, and expressed the hope that a similar group would in future be established in Irvine.

The Chair concluded his report by commenting on a presentation given on 19 April 2018 by Karen McCluskey from the Community Justice Scotland team, who had offered a useful insight into the vicious cycle of crime often associated with use of

short prison sentences. He suggested that the Committee may wish to invite the speaker to make a similar presentation to a future meeting.

In the absence of Councillor Glover, there was no Vice Chair update.

The Committee agreed (a) that the Clerk make the necessary arrangements to invite Karen McCluskey of Community Justice Scotland to make a presentation to a future meeting of the Committee; and (b) otherwise, to note the report.

### **3. Minutes**

The accuracy of the Minutes of the Ordinary Meeting of the Committee held on 6 February 2018 and the Special Meeting of the Committee held on 29 March 2018 was confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **4. Performance Report: Police Scotland**

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

Chief Superintendent Main reported on North Ayrshire's strong performance over the course of 2017/18, including a reduction of 6.7% in terms of total crime and a drop in recorded incidents of nearly 2%, and commented on the positive contribution made by both Chief Inspector Shaw's team and Community Planning partners.

Contextual information was provided in respect of domestic abuse, hate crime, violence, disorder and antisocial behaviour, house breakings, serious organised crime, terrorism and domestic extremism and protecting people at risk.

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

- the terminology used in the report, including PYTD (previous year to date) and CYTD (current year to date);
- the circumstances surrounding the steady increase in the reporting of sexual crimes, including the positive impact of rising public confidence in terms of reporting and the growth in sexual crimes associated with social media platforms;
- the statistics relating to the supply of drugs and successes in terms of detections for drug supply;
- prompt Police action to address a recent issue relating to the (incorrect) reporting on social media of the location of two sex offenders;
- the increase in online fraud and acquisitive crimes more generally, and the skills required to tackle this; and
- a successful joint exercise between Police Scotland and colleagues within Trading Standards to tackle the dumping of used tyres, and a forthcoming campaign to address doorstep crime.

Noted.

## **5. North Ayrshire Local Policing Plan 2018-2021**

Submitted report by the Senior Manager, Legal Services, on the terms of the North Ayrshire Local Policing Plan 2018-2021. The Plan itself was set out at Appendix 1 to the report.

Chief Superintendent Main provided information on the Plan which sets out the local policing priorities and objectives for North Ayrshire for 2018-2021. The Plan aligns with Police Scotland's 2026 Strategy and Annual Police Plan for 2018-2019 which details wider policing priorities including those on Serious Organised Crime (SOC), Counter Terrorism and Domestic Extremism.

The five local priorities were detailed as:-

- drug dealing and misuse;
- violence and anti-social behaviour;
- dishonesty;
- road safety; and
- protecting people at risk of harm.

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

- the closure of local Police stations and the effectiveness of the contact centre in terms of call handling; and
- the level of commitment to Neighbourhood Watch and the importance of good communication between the Police and local volunteers.

The Committee agreed to recommend to the Council approval of the Local Policing Plan 2018-2021 set out at Appendix 1 to the report.

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

Submitted report by the Scottish Fire and Rescue Service which provided an update on progress against the North Ayrshire Local Fire and Rescue Plan 2014-17 and gave other key Fire and Rescue updates. A copy of the North Ayrshire Performance report from 1 April 2017 to 31 March 2018 was set out in Appendix 1 to the report.

The report identified a 2% decrease in activity levels across North Ayrshire compared with the corresponding period in 2016/17, and a 7% increase in terms of the preceding three years average. False alarms accounted for 53% of all activity within North Ayrshire, with fire related activity and special service activity accounting for 35% and 12% respectively. Review of performance against the six agreed performance indicators noted that four indicators were above the three year average due to a rise in activity, one had seen a reduction in the respective three year average of more than 5%, with one indicator seeing a slight reduction of 2% over the rolling 3 year average. In terms of year on year comparisons, four indicators have seen a decrease from the previous twelve month period, with two indicators increasing.

The report provided an update in terms of public consultation feedback on the transformation agenda, the agreement reached on the terms and conditions of service

of Uniformed personnel, and a demonstration of the Rapid Response Unit which took place on 2 May 2018 at the Regional Training Centre, Portlethen.

Area Manager Jim Scott also reported verbally on:-

- a typographical error within the summary data provided as part of Appendix 1 to the report, the total number of false alarms within North Ayrshire being 1,312 and not 131; and
- an announcement by the Scottish Fire and Rescue Service's Chief Officer of his intention to retire at the end of March 2019.

The Senior Manager (Legal Services) then provided a short verbal update, confirming that, in accordance with the decision of the Special Meeting held on 29 March 2018, a consultation response in respect of the Scottish Fire and Rescue Service Transformation had been prepared and submitted on behalf the Committee.

Members asked questions, and received clarification, on the likely timescale for the introduction to Arran of the new Rapid Response Unit and the features associated with this type of appliance.

Noted.

## **6. Scottish Police Authority (SPA): Annual Review of Policing Policy**

Submitted letter from the SPA requesting feedback to assist with the Annual Review of Policing for 2017/18 which requires to be laid before Parliament in Autumn 2018 and which includes an assessment of the performance of Police Scotland and the SPA. A set of questions to inform the review was attached as an appendix to the report.

Discussion took place on the following feedback Members would wish included in responding to the questions set out at Appendix 1:-

- the open, responsive and comprehensive nature of Police Scotland's engagement with local scrutiny (question 1);
- the important role played by Community Policing, including participation in Locality Partnership, Neighbourhood Watch and Community Council meetings (question 1);
- the strong correlation between the local police plan and community priorities (question 2);
- the provision by Police Scotland of detailed reports to Committee and the responsiveness of its officers with regard to Members' questions (question 3);
- the commitment to communication, Community Policing and effective joint working as examples of elements of policing which are working well locally (question 4);
- the importance of ensuring the Police are fully equipped to undertake their duties with the best equipment available (question 5);
- the effective nature of partnership working arrangements locally, including MADART and joint initiatives between Police Scotland and Trading Standards (question 6);

- the value to greater local councillor involvement in the work of the SPA (question 7); and
- the importance which the Committee places on localism (question 10).

The Committee agreed that it be remitted to the Senior Manager (Legal Services), in consultation with the Chair, to prepare a final response to the questions set out at Appendix 1 to the report, based on the feedback provided by Members during discussion at the meeting.

The meeting ended at 3.50 p.m.



**Licensing Committee**  
**16 May 2018**

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

A. Craig, Senior Manager, Legal Services, W. O'Brien, Solicitor, (Licensing), S. Montgomery, Solicitor (Litigation), D. Robertson, Civic Licensing Standards Officer, A. Toal, Administrative Assistant, M. Anderson, Committee Services Team Leader, and E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance**

Sergeant D. Dougan and E. Blackwood (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Todd Ferguson.

**1. Chair's Remarks**

The Chair made reference to a decision by the Committee at its meeting on 7 March 2018, advising that, in respect of Item 4.7 (Late Hours Catering Licence: LHCL/127 (New) – Pizza Cake (Stevenston) Limited), the period covered by the licence should have read Monday – Sunday and not Monday – Friday.

Noted.

**2. Order of Business**

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow Agenda Item 4 (Taxi and Private Hire Car Vehicle Specification and Inspection Standards) to be considered in public, prior to making a resolution to exclude the public for the remaining items of business.

**3. 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.

#### **4. Minutes**

The Minutes of the meeting of the Special Meeting of the Committee held on 7 March 2018 and the Ordinary Meeting on 18 April 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **5. Taxi and Private Car Vehicle Specification and Inspection Standards**

Submitted report by the Chief Executive on the Taxi and Private Hire Car Specification and Inspection Standards under the Civic Government (Scotland) Act 1982, Section 10(2) and 10(5).

Suggested changes to the documents were detailed at Section 3 of the report. The proposed "Taxi and Private Hire Car Vehicle Approval Specification" was set out at Appendix 1 to the report. The current "Guidance – Taxi and Private Hire Vehicle Inspections - Inspection and failure criteria" was provided at Appendix 2 and proposed revised guidance circulated separately as a 'to follow' paper.

Members discussed the background to the draft documents, receiving clarification of the need, in terms of Section 10(2) of the Civic Government (Scotland) Act 1982, to ensure taxis and private hire cars are safe for that use.

Members then considered in detail the issues set out in Section 3.3 of the report and agreed as follows:-

- Road Fund – agreed that there was no need for the Council to verify this;
- Pass with Minor Advisory – agreed that this alone should cause a 'fail' of the Section 10(2) inspection and, further, that it be remitted to the Solicitor (Licensing) and Corporate Transport Manager to amend further the detailed wording of the Inspection Standards in light of changes to the MOT Standards;
- Tow-balls – agreed there should be a cover in place when the tow-ball was not in use;
- Tyre Tread Depth – agreed, for reasons of safety, to adopt the following Inspection Standard "tread depth must be more than 2.00 mm across 75% of the centre width of the tyre and, for the remaining 25% of the width, the tread must be visible (unless it is a tyre defined as a raised tread shoulder)"
- Window Tinting – noted that this was not part of the MOT test and agreed to the Inspection Standard: Window-tinting (all windows, including the rear and side windows) – Reason for Failure: any degree of tinting is a reason for failure, except where pre-installed by the vehicle's manufacturer"
- Engine Capacity – noted three options, namely (i) the Committee could continue with the present Specification ("1.4 model"), (ii) the Committee could amend the Specification to refer to a figure measured in "Brake Horse Power" and (iii) the Committee could amend the Specification to "The minimum engine size must be suitable in the opinion of the Licensing Authority for the role as Taxi and Private Hire Car and must meet the original manufacturer's specification", and agreed to adopt option (iii), noting that the term "suitable" was sufficiently specific given that the Council's Specification already referred to luggage capacity, the size of the rear seat, the seating capacity and the number of doors

- Mileage Range for Electric Cars – discussed, and rejected, the option of setting a minimum mileage range for electric cars

The Committee agreed (a) to approve (i) the "Taxi and Private Hire Car Vehicle Approval Specification" set out at Appendix 1 to the report and (ii) the "Guidance – Taxi and Private Hire Vehicle Inspections - Inspection and failure criteria" which was circulated as a 'to follow' paper, subject to the amendments set out above; (b) that it be remitted to the Solicitor (Licensing) and Corporate Transport Manager, to make such amendments to the wording of the documents as may be required to reflect changes to the MOT system; and (c) to note that the approved documents would be published on the Council's website.

## **6. Exclusion of the Public**

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

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 (Information relating to the financial or business affairs of any particular person (other than the authority)), Paragraph 14 (Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime) and Paragraph 15 (The identity of a Protected Informant - where Protected Informant is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance).

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

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

### **PART A: Hearings**

#### **7.1 Taxi Driver's Licence - TDL/00978 – Gordon Hewitt**

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

The Solicitor (Licensing) set out the background to the hearing and referred to a letter submitted by Police Scotland setting out a request for an ordinary Suspension in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

## **Decision**

Having regard to the information presented, Councillor D. L. Reid, seconded by Councillor Gallacher, moved 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. There being no amendment, the Motion was declared carried.

### **7.2 Taxi Driver's Licence - TDL/02083 (New) – Brian Stephens**

The Committee, at its meeting on 18 April 2018, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

The applicant, having been duly cited to attend was present and accompanied by his father. 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 referred to a letter submitted by Police Scotland setting out an objection in respect of the application.

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

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

## **Decision**

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

### **7.3 Taxi Driver's Licence - TDL/01029 (Renewal) – Michael Rawley**

The Committee, at its meeting on 18 April 2018, agreed, on the basis of the information presented, to proceed to a Hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the hearing and to the fact that the applicant's DVLA entitlement would cease of 3 September 2018. The licence holder then addressed the Committee on the issues raised and responded to questions.

## **Decision**

The Committee unanimously agreed that the application be granted (i) in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year and (ii) on condition that the applicant inform the Council of the outcome of the DVLA licence renewal application.

### **PART B: Applications for Grant/Renewal of Licences**

#### **7.4 Taxi Driver's Licence: TDL/00164 (Renewal) – Craig McPherson**

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

#### **7.5 Taxi Driver's Licence: TDL/00945 (Renewal) – James Haswell**

The Committee unanimously agreed (a) that the application be granted (i) in terms of Schedule 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982 for a period of one year and (ii) on condition that the applicant inform the Council of the outcome of the DVLA licence renewal application.

#### **7.6 Taxi Driver's Licence: TDL/01327 (Renewal) – Craig McCready**

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

#### **7.7 Taxi Licence: TL/01774 (Renewal) – Robert Whyte**

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.

#### **7.8 Taxi Driver's Licence: TDL/02097 (New) – Grant Davidson**

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.

#### **7.9 Taxi Driver's Licence: TDL/02090 (New) – Malcolm McPherson**

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

### **7.10 Taxi Driver's Licence: TDL/02098 (New) – Alasdair Barr**

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

### **7.11 Taxi Driver's Licence: TDL/02104 (New) – Graeme McKee**

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.

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

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

### **8.1 G.L.**

At its meeting held on 7 March 2018, the Committee unanimously agreed to continue consideration of this matter to allow the applicant a further opportunity to attend a hearing.

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

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

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

### **Decision**

Councillor D.L. Reid, seconded by Councillor McTiernan, moved to grant the application for Landlord Registration. There being no amendment, the motion was declared carried.

The meeting ended at 11.45 p.m.

**Planning Committee**  
**23 May 2018**

**Present**

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

**In Attendance**

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Senior Manager (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

**Also In Attendance**

A. Wilson and S. Wilson, Attix CIC (representing the applicant) and Lynn Kerr (objector) (agenda item 4.1).

**Chair**

Councillor Marshall in the Chair.

**1. Order of Business**

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow Agenda Item 4.1 (18/00292/PP - 51 Holmhead, Kilbirne) to be considered prior to Agenda Item 3.1 (18/00340/PPPM - Site To South Of 128-130 Meadowfoot Road, West Kilbride).

**2. Declarations of Interest**

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

**3. Minutes**

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

**4. 18/00292/PP - 51 Holmhead, Kilbirne**

GKN Properties have applied for planning permission for the erection of a restaurant with takeaway facility and ATM at 51 Holmhead, Kilbirnie. A significant number of objection letters and letters of support were received and were summarised in the report.

The Chair advised of a formal request to address the Committee with respect to this application which had been received and granted. The applicants were also invited to attend the meeting to respond to the objections raised.

Lynn Kerr, a local resident, addressed the Committee in terms of her objections to the application. Ms Kerr referred to policy TC5 of the North Ayrshire Local Development Plan which sets out criteria which local shops, cafes and hot food uses outwith the

town centres must comply with and questioned if the application did so as there is no need, in her view, for an additional takeaway in the town. The area is mainly residential to the North of the site. Concerns with increased traffic volume on an already busy road and the impact that this would have on pedestrian safety were also raised, the inadequate sight lines and the need to move the bus stop. Ms Kerr also referred to the historic uses of the site, a bus garage and cinema, and stated her belief that due to the amount of time which has passed since these uses they should not be considered relevant. Ms Kerr questioned if the application was materially different to an application refused by the Committee in 2017 for a hot food take away, ATM and carwash. Ms Kerr concluded that while the site is an eyesore which requires development she does not believe that the current proposal is appropriate.

Allan Wilson, of Attix CIC, then addressed the Committee, on behalf of the applicants, in response to the objectors. Mr Wilson provided the Committee with information on the work carried out by Attix CIC, a non-profit organisation and their focus of regenerating the Garnock Valley, and North Ayrshire as a whole, by increasing inward investment and employment.

Mr Wilson spoke about the work which has been carried out by the applicant since a previous application for planning permission for the site was rejected in 2017 and his belief that the current application is materially different. The Committee were informed that the applicant has attracted a market leader to operate a franchise on the site and the belief that this will bring an economic benefit to the area including up to 25 jobs. Mr Wilson spoke about the previous uses and the current state of the site and the mixed uses for neighbouring sites. He then addressed the concerns raised regarding road safety and outlined how the 12 space car park in addition to the 18 spaces at the Co-op site would reduce the number of cars parked at the roadside which has the potential to make the road safer. He also highlighted the work which was carried out between the applicant and transport officials to ensure the proposal meets safety standards. In his opinion Policy TC 5 is sequential.

Ms Kerr was then given opportunity to make final comments. She noted the adverse impact of late opening. She questioned whether sight lines for vehicles leaving the car park had been submitted and stated that residents currently feel the road is already dangerous enough for pedestrians. She also stated that while there may no appropriate town centre locations for this development, this is not reason enough to use the proposed site which is not appropriate for this type of development.

Members then asked questions of the objector and applicant and were provided further information on:-

- the proposed opening hours of the restaurant and whether there were any plans to extend these in the future;
- the number of takeaways currently operating in Kilbirnie and their opening hours;
- an objection which had been submitted suggesting the site was more appropriate for housing as this would have less impact on traffic; and
- other options for operators for the site and whether these had been explored.

The Senior Manager then outlined the terms of the planning report. A recommendation was made by officers that the application be granted subject to the conditions set out in the report.

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

- neighbouring properties which are also owned by the applicant;
- the capacity of the proposed restaurant;
- the impact of noise from ventilation systems and lights from the carpark would have on neighbouring residential properties and possible conditions which can be put in place to minimise this;
- the fact that the application does not comply with policy TC5 and other material considerations which should be taken into account; and
- who will be responsible for constructing and managing the site.

As a motion, Councillor Barr, seconded by Councillor McMaster, moved that application be granted subject to the conditions set out in the report.

As an amendment, Councillor McNicol, seconded by Councillor Foster, moved that the application be rejected as it (a) does not comply with Policy TC5 if the Local Development Plan and (b) there is currently sufficient hot food takeaway provision in Kilbirnie.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried.

Accordingly, the Committee agreed to refuse the application for the following reasons:

1. That the proposed development is contrary to Policy TC5 of the Local Development Plan.
2. There is currently sufficient hot food takeaway provision in Kilbirnie.

#### **5. 18/00340/PPPM - Site To South Of 128-130 Meadowfoot Road, West Kilbride**

Gladman Developments Ltd have applied for planning permission in principle for residential development, access, open space, landscaping and associated engineering works at the site to the South of Meadowfoot Road, West Kilbride. 15 letters of objection were received and summarised in the report.

The Senior Manager (Planning) outlined the terms of the planning report, advised that a further 5 letters of objection had been received. The points raised were already addressed within the report and made reference to a letter which had been received from the applicant in response to issues raised in the report. Reference was also made to three letters, forwarded by the applicant, from three housebuilders who noted their interest in the site.

As a motion, Councillor Reid moved that the Committee grant planning permission in principle. There being no seconder, the motion fell.

As a further motion, Councillor McNicol, seconded by Councillor Clarkson, moved that the application be refused for the reasons stated in the report. There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to refuse the application for the following reasons:-

1. That the proposed development is contrary to Policy RES1 of the Adopted North Ayrshire Local Development Plan, as there is an adequate supply of allocated housing land both within North Ayrshire and in the North Coast & Cumbraes' Sub-Housing Market Area. The approval of this development would prejudice the current housing land supply and the proper planning of the area.
2. That the proposed development is contrary to Policy ENV2 of the North Ayrshire Local Development Plan in that the proposal would represent unjustified development in the countryside, would not constitute small scale growth of existing rural housing groups and would set an undesirable precedent for other unjustified development within the countryside.
3. That the proposed development is contrary to Policy ENV2 in that it is an application for Planning Permission in Principle leading to a lack of detail about the siting, design, and external appearance of any future development and raising significant concerns about criterion c) of the General Policy of the Local Development Plan, as it would potentially be detrimental to the visual amenity of the area resulting in a significant adverse impact on the landscape setting of West Kilbride.
4. The proposed development would be contrary to the General Policy of the Adopted North Ayrshire Local Development Plan, as there would be insufficient capacity within the educational provision for the area to accommodate the development. The applicant has failed to assess any contribution for infrastructure or developer contributions to address this matter as required in terms of criterion (g).

**6. 18/00171/MSC - Site To North West Of Chapelton Mains, Seamill, West Kilbride**

Hope Homes (Scotland) Ltd have applied for approval of matters specified in conditions 1-9 of Planning Consent N/16/00561/PPPM and the submission of detailed affordable housing proposals for Phase 2 of development at the site to the north west of Chapelton Mains, Seamill. Four letters of objection were received and summarised in the report.

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

1. That prior to the commencement the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details regarding the proposed drainage of surface water, routing of drainage into the Firth of Clyde, details of proposed connections to the public sewerage system and details regarding the proposed treatment of contamination or pollution contained with surface water prior to its discharge into the Firth of Clyde. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:
  - (i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;
  - (ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;
  - (iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;
  - (iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of construction of Phase 2 (formerly Phase 4) of the development, full details of the design of the proposed footpaths, street lighting and the temporary vehicular access onto the A78 trunk road shall be submitted for the written approval of North Ayrshire Council as Planning Authority in consultation with Transport Scotland. The proposed temporary access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 5. The junction shall be completed in accordance with the details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.
4. That notwithstanding the details within plan 09/16-P01 B, the proposed vehicular access completed in compliance with condition 1 is temporary, and shall be entirely removed within 3 months of the date of completion of the adjoining phase of development, outlined as Phase 3 within drawing No. P03.
5. That the affordable housing units, hereby approved, shall be completed no later than 31 March 2020, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

6. That, notwithstanding the plans hereby approved, all windows on the side, western, elevations of blocks 1, 2 and 3 shall be fitted with obscured glazing. Prior to the commencement of the development, hereby approved, details of the obscured glazing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the obscured glazing, which may be approved, shall be installed and retained permanently, all to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for trees within and outwith the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt: - there shall be no treeworks undertaken during the main bird breeding season (March - September); - all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development. The development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
8. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details and samples of the proposed external finishes.

#### **7. 18/00328/PPM - Blairland Farm, Dalry**

Blair Trust Co Per Saffery Champness and Persimmon Homes have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary conditions 1,2,3,4 and 5 of Planning Permission in Principle (15/00103/PPPM). Three letters of objection were received and summarised in the report.

The conditions relate to the timing of the submission of various technical studies in advance of considering the first matters specified in conditions (MSC) application for the development. It is proposed that, instead of submitting the various technical studies in advance, they would be submitted at the same time as the first application for MSC.

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

1. That, along with the first application for the approval of matters specified in conditions (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.

2. That, along with the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, along with the first application for the approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:
  - there shall be no drainage connections to the trunk road drainage system;
  - all foul water arising from the development must be collected and diverted away from operational railway land;
  - all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
  - the SuDS scheme shall not be sited within 10 metres of railway infrastructure.

Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.

5. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively. The detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.
  
6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:
  - (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
  - (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
  - (c) Night time internal level, 45dB LA Max (2300-0700).

Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.

7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. Thereafter, the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme to be agreed in writing with North Ayrshire Council as Planning Authority. On completion of the proposed works, written verification, detailing what was done by way of any remediation, shall also be submitted to North Ayrshire Council as Planning Authority.

8. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.
9. That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
10. That prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.
11. That prior to the commencement of the development hereby approved, the developer shall submit details of the frontage landscaping treatment along the boundary with the A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland TRBO.
12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland TRBO shall be erected and maintained along the proposed boundary of the site with the proposed A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.
13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100\_R\_1\_1\_2\_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.

14. That the development shall initially be limited to a maximum of 20 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 20 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

**8. 18/00379/ALO - Site To South And West Of Tighenmenach, Blackwaterfoot, Brodick**

Ian McChlery have applied for the removal of a Section 75 obligation attached to Planning Permission N/04/00937/PP relating to occupancy.

Planning Permission N/04/00937/PP was granted by the Planning Committee on 7 February 2005, subject to a Section 75 obligation and conditions. The Section 75 obligation stipulated that the house must be occupied only by a person either currently or last employed locally in agriculture, or in forestry, or their dependants, or a widow or widower of such a person.

The Committee agreed to grant the application.

**9. Condition No. 1 of Planning Permission (Ref. 17/00740/PP) at Hunterston A Power Station, West Kilbride**

Submitted report by the Executive Director (Economy and Communities) on the proposed cladding as which has been submitted as required by Condition No. 1 of Planning Permission (Ref.17/00740/PP).

On 20th September 2017, the Planning Committee resolved to grant planning permission for the replacement of the weather envelope cladding to the Hunterston A reactor buildings. Planning permission was granted subject to condition 1 which states:

*“That prior to the commencement of the installation of the cladding works, hereby approved, full details/samples of the proposed cladding, including colour, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.”*

The applicant has since submitted details on the manufacturer, profile, colour, material and gauge of the proposed cladding and the Committee were presented with a sample.

The Committee agreed to approve the proposed cladding system and discharge Condition 1 of Planning Permission 17/00740/PP.

## **10. Urgent Items**

The Chair agreed that the following item be considered to allow the matter to be considered without delay.

### **10.1 18/00412/MSC - Site To North West Of Chapelton Mains, Seamill, West Kilbride**

The Senior Manager (Planning) informed the Committee of an application for planning permission which had been received from Hope Homes seeking approval of matters specified in conditions 1-9 of Planning Consent N/16/00561/PPPM and the submission of detailed housing proposals for Phase 3 of development at the site to the north west of Chapelton Mains, Seamill.

The Committee were informed of ongoing work for Phase 1 of the development and the applicant's desire to continue to the next phase seamlessly if the application be approved. The application is due to be determined by the Planning Committee following the summer recess however this would result in a delay which would not allow for the continuation of works.

The Committee agreed to delegate powers to the Executive Director (Economy and Communities) to determine the application for Materials Specified in Conditions (18/00412/MSC).

The Meeting ended at 3.40 p.m.



## **Audit and Scrutiny Committee**

### **29 May 2018**

At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m.

#### **Present**

Marie Burns, Margaret George, Joy Brahim, Alan Hill, Donald Reid and John Sweeney.

#### **In Attendance**

E. Murray, Chief Executive, L. Friel, Executive Director, S. Hanif, Head of Finance (HSCP), M. Boyd, Head of Service (Finance), D. Forbes, Senior Manager (Financial Services), P. Doak, Senior Manager (Internal Audit, Risk and Performance), A. M. Fenton, Team Manager (Internal Audit) and J. Hamilton, Senior Manager (Employee Services) (Finance and Corporate Support); Y. Baulk, Head of Physical Environment, J. Barrett, Senior Manager (Homelessness and Community Safety) and K. Campbell, Facilities Manager (Place); S. Brown, Director North Ayrshire Health and Social Care Partnership; J. Butcher, Executive Director (Education and Youth Employment); A. Sutton, Head of Service Connected Communities and M Strachan, Senior Business Manager (Economy and 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).

#### **Chair**

Councillor Burns in the Chair.

#### **Apologies**

Tom Marshall

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

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

#### **2. Minutes**

The Minutes of the meeting of the Audit and Scrutiny Committee held on 27 March 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **3. Operational Budget Management in the Health and Social Care Partnership**

Submitted report and presentation by the Executive Director (Finance and Corporate Support) on a progress update on the operational budget management in the Health and Social Care Partnership.

The Committee received a presentation on the financial management, governance and accountability framework of the HSCP, which included:-

- How does the Health and Social Care Partnership Work (HSCP)?
- Details of the 2018/19 Budget;
- A summary of the 2018/18 budget;
- Financial governance and control framework;
- Financial framework tracker – 2018/19, the golden rules and examples of the tracker;
- The role of HSCP Managers;
- The role of Finance; and
- A summary of the current position.

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

- Difficulties in forecasting demand, particularly in areas such as mental health and secure accommodation and a range of work that is undertaken to assist in projecting and managing the demand for services;
- Delegation of functions to the Integration Joint Board (IJB) and the Health and Social Care Partnership and their obligation to spend within budget;
- The governance arrangements in place for the IJB and the HSCP;
- The role of the IJB's Performance and Audit Committee, the Council's Audit and Scrutiny Committee, NHS Board and NHS Audit Committee in scrutinising the performance of the IJB and the HSCP;
- The setting of the NHS budget that will now be finalised in June 2018; and
- The IJB deficit of £5.7m owed to the Council and the varying financial positions of other IJBs across Scotland.

The Committee agreed to (a) note the actions and assurances being given by the Health and Social Care Partnership to strengthen financial management, governance and accountability; and (b) receive regular financial updates.

#### **4. Directorate Plans 2018 Update**

Submitted report by the Chief Executive on the 2018 update on the Council's Directorate Plans for 2015/18. Appendices 1-5 set out the Directorate Plans for Democratic Services, Finance and Corporate Support, Education and Youth Employment, Economy and Communities and Place, respectively. A new Strategic Plan for the Health and Social Care Partnership, which was approved on 19 April 2018 was attached at Appendix 6.

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

### Democratic Services

- Performance indicator data due in April 2018 that had not been available for inclusion within the report but which will feature in the annual report.

### Finance and Corporate Support

- the delivery of services via digital applications and the use of technology to allow staff to work smarter;
- The percentage of calls answered by the Contact Centre which relates to the speed the calls are answered;
- information on how long it takes to answer calls and callers who terminated their call before it is answered that could be provided by the telephony system; and
- The success of the Council Tax Bill competition in encouraging residents to move to e-billing and lessons learned for future initiatives to increase numbers further;
- The use of Community Benefit clauses as part of the procurement of services to provide employment opportunities; and
- Work that is being done to improve the rates of Council Tax Collection, debt recovery and Freedom of Information.

### Education and Youth Employment

- A report that will be presented to Cabinet in August 2018 and a future meeting of the Audit and Scrutiny Committee on the Pupil Equity Fund and a breakdown of how each school has used this funding;
- Work that is being done to ensure all staff have had a PPD in the last 12 months;
- A number of Head Teacher vacancies as a result of retirements due to health and personal issues; and
- The breadth and depth of choice in the curriculum for senior pupils which is achieved by the grouping of schools to provide advanced highers;

### Economy and Communities

- Positive engagement levels from the public, Community Councils and Elected Members on the Local Development Plan 2 and requests from other Councils to observe our work in this area; and
- Recognition by the Scottish Government of our integrated approach to Active Communities work and selection as a demonstrator of the CPP approach.

## Place

- The higher take up of school meals during winter months and work that is underway to increase the take up of paid school meals;
- New Scottish Government standards that will be in place by June 2018 for school meals;
- Work that is also being undertaken in partnership with Education and Youth Employment and young people to attract them to take up school meals; and
- A report to Cabinet in May 2018 seeking approval to extend the successful grounds maintenance participatory budgeting initiative across all localities.

The Committee was requested to consider topics for scrutiny at future meetings.

The Committee agreed to (a) note the updates of the Directorate Plans at Appendices 1-5; (b) receive 6-monthly progress reports; (c) note the Health and Social Care Partnership's Strategic Plan at Appendix 6; and (d) that Members consider topics for scrutiny for future meetings of the Committee.

### **5. Health and Social Care Partnership Care Inspection Reports**

Submitted report by the Executive Director (Health and Social Care Partnership) on the findings and grades relating to Health and Social Care Partnership managed services over 2017/18.

Appendix 1 to the report provided details of 17 external inspections that had been conducted by the Care Inspectorate during 2017/18. Six areas had improved grades, two areas were downgraded and all others sustained their previous grades.

Noted.

### **6. Care Inspection of North Ayrshire Housing Support Services**

Submitted report by the Executive Director (Place) on the annual Care Inspectorate reports for North Ayrshire Council Housing Support Service and Ardrossan Short Stay Hostel. Appendix 1 to the report provided information on the assessment of the quality and performance of the Ardrossan Short Stay Hostel. Details of the assessment of Housing Support Services was provided at Appendix 2 to the report. Both services were graded as excellent.

Members asked questions and were provided with further information in relation to the 19 bedded unit at Ardrossan that had historically been used to house families but which is now used to house single people.

Noted.

**7. Maximising Attendance**

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on sickness absence trends for the period 2013/14 – 2017/18, an analysis of trends and the policies, procedures and proactive interventions to support the Council's workforce. A range of statistical information was provided, including 9.35 average days lost per employee, set against the target of 7.53 average days.

Members asked questions and were provided with further information in relation to a range of stress policies in place, including referrals to Occupational Health, to support employees.

Noted.

**8. Internal Audit Reports Issued**

Submitted report by the Executive Director (Finance and Corporate Support) on the findings of Internal Audit work during March and April 2018. The findings from five separate audit assignments were detailed at Appendix 1 to the report, together with their respective executive summary and action plans.

Members asked questions and were provided with further information in relation to range of issues identified with the Lagan system that will be examined as part of the Digital Strategy.

The Committee agreed to note the outcome of the Internal Audit work carried out during the period.

**9. Internal Audit and Corporate Fraud Action Plans: Quarter 4 Update**

Submitted report by the Executive Director (Finance and Corporate Support) on the progress made in implementing the agreed actions from the Internal Audit and Corporate Fraud reports as at 31 March 2018. Appendix 1 to the report provided full details of seven actions which were not started or only partially complete at 31 March 2018.

Noted.

**10. Internal Audit Annual Report**

Submitted report by the Executive Director (Finance and Corporate Support) on the Internal Audit Annual Report 2017/18, attached at Appendix 1, that outlined the role of Internal Audit, the performance of the section during the year, the key audit findings and the annual audit assurance statement.

Members asked questions and were provided with further information in relation to the follow up process that will report on progress in relation to email controls in Education and Youth Employment.

Noted.

## **11. Corporate Fraud Team Annual Report**

Submitted report by the Executive Director (Finance and Corporate Support) on the work of the Corporate Fraud team during 2017/18, which included information on the internal and external investigations undertaken, proactive work during 2017/18, the Council's participation in the National Fraud Initiative exercise, and a number of International Fraud awareness-raising events held across North Ayrshire.

Members asked questions and were provided with further information in relation to joint working with Housing Services in relation to tenancy abandonments to trace the tenant and recover the property.

Noted.

## **12. Accounting Policies**

Submitted report by the Executive Director (Finance and Corporate Support) on the accounting policies to be adopted in the preparation of the Council's annual accounts for the year to 31 March 2018, outlined in Appendix 1 to the report.

The Committee agreed to approve the accounting policies as detailed in Appendix 1 to the report.

## **13. Annual Governance Statement**

Submitted report by the Executive Director (Finance and Corporate Support) on the Council's Annual Governance Statement for 2017/18 which was attached at Appendix 1 to the report. The Annual Governance Statement, which will be included within the annual accounts, explained how the Council complies with the Code of Governance Framework and outlined the governance framework in place and changes made to strengthen the framework during 2017/18.

The Committee agreed to approve the Annual Governance Statement, as outlined in Appendix 1 to the report.

## **14. Local Scrutiny Plan and National Scrutiny Plan 2018/19**

Submitted report by the Executive Director (Finance and Corporate Support) on the Local Scrutiny Plan (LSP) for North Ayrshire for 2018/19 and the National Scrutiny Plan. The LSP which had been previously been circulated to Members, provided information on the scrutiny risks identified, proposed scrutiny responses and expected scrutiny activity for the Council during 2018/19

The Committee noted that no specific scrutiny is required in North Ayrshire for the sixth successive year.

**15. External Audit Action Plans Quarter 4**

Submitted report by the Executive Director (Finance and Corporate Support) which provided (a) information on the progress made in implementing the agreed action plans arising from the external audit of the Council's 2015/16 and 2016/17 accounts; and (b) details of all the incomplete actions, along with the latest management comments (Appendix 1). The Committee was advised that the partially complete action had now been concluded.

Noted.

**16. Strategic Risk Register**

Submitted report by the Executive Director (Finance and Corporate Support) which provided information on (a) a review of the Strategic Risk Register undertaken for 2018/19, attached at Appendix 1 to the report; (b) the removal of three strategic risks, namely Health and Safety, Information and Brexit; and (c) details of Very High Risks, High Risks and Risks removed from the register.

Members asked questions and were provided with further information in relation to an Officers Group that is assessing the risks of Brexit.

The Committee agreed to (a) request that the Chief Executive provide a report on the finding of the Brexit Officers' Group; and (b) otherwise note the report.

**17. Local Government in Scotland: Challenges and Performance 2018**

Submitted report by the Executive Director (Finance and Corporate Support) which highlighted the key messages and issues from the Audit Scotland national report "Local Government in Scotland: Challenges and Performance 2018".

Noted.

**18. Exclusion of the Public**

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

**Non Disclosure of Information**

In terms of Standing Order 19 (Disclosure of Information), the information contained within the following report is confidential information within the meaning of Section 50A of the 1973 Act and shall not be disclosed to any person by any Member or Officer.

### **19.1 Corporate Fraud Reports Issued**

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

Noted.

The meeting ended at 12.45 p.m.

Cabinet  
29 May 2018

**IRVINE, 29 May 2018** - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

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

**Also Present**

Christina Larsen and Donald L. Reid.

**In Attendance**

E. Murray, Chief Executive, J. Butcher, Executive Director (Education and Youth Employment); M. Boyd, Head of Service (Finance), E. Gunn-Stewart, Head of Service (Customer and Digital Services), B. Quigley, Senior Manager (IT), J. Hamilton, Senior Manager (Employee Services) and A. Lyndon, Senior Manager (Corporate Procurement) (Finance and Corporate Support); C. McAuley, Head of Service (Economic Growth), A. Noble, Programme Manager (Inclusive Growth) and J. McHarg, Senior Manager (Participation and Empowerment) (Economy and Communities); Y. Baulk, Head of Service (Physical Environment) and T. Reaney Senior Manager (Streetscene) (Place); S. Brown, Director (Health and Social Care Partnership); A. Fraser, Head of Democratic Services; M. Davison, Senior Manager (Democratic Services), M. Sugden, Communications Officer and H. Clancy, Committee Services Officer (Chief Executive's Service).

**Chair**

Joe Cullinane in the Chair.

**Apologies**

Jim Montgomerie.

**1. Declarations of Interest**

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

**2. Minutes**

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

### **3. The Technology Strategy and Information and Communications Technology (ICT) Asset Management Plan**

Submitted report and received presentation by the Executive Director (Finance and Corporate Support) on the Technology Strategy and ICT Asset Management Plan for the period 2018-2021. The Technology Strategy was set out at Appendix 1 and the Asset Management Plan was set out at Appendix 2 to the report.

The presentation provided information on the challenges faced, the vision, current applications review, a platform based approach and the benefits of a cloud approach, network and IT procurement implications.

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

- insufficient bandwidth to support cloud adoption;
- improvements in our security and reduction of internal support costs if we move to a cloud approach; and
- installation of a second broadband pipe at Cunninghame House and the upgrade to the Bridgegate House pipe both being used for disaster recovery failover.

The Cabinet agreed to approve the Technology Strategy and ICT Asset Management Plan for the period 2018-2021.

### **4. Local Government Benchmarking Framework (LGBF) 2017/18**

Submitted report by the Chief Executive on the results of the LGBF indicators for 2016/17 and to highlight Directorates' priorities which were set out at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to the percentage of council dwellings that are energy efficient and 90% of our Housing Stock passed the Energy Efficiency Standard for Social Housing (ESSH).

The Cabinet agreed (a) that further work will continue within Directorates to identify improvement activity in the priority areas; and (b) to submit the report to the Audit and Scrutiny Committee.

### **5. Maximising Attendance Performance – 2017/18 Summary**

Submitted report by the Executive Director (Finance and Corporate Support) on the year end summary of sickness absence for 2017/18.

Members asked a question and were provided with further information in relation to the significant improvements over most age bands.

The Cabinet agreed to endorse the approach to absence management.

## **6. Strategic Housing Investment Plan 2018-2023: Inclusion of additional site at Main Street, Kilbirnie**

Submitted report by the Executive Director (Place) on the conversion of the Kilbirnie Housing Office to amenity housing.

Members asked a question and were provided with further information in relation to the physical access problems with the relocation of the Housing Office and the Welfare Reform Advice Team having no impact on access to the service or quality.

The Cabinet agreed to approve the inclusion of the conversion of the Kilbirnie Local Housing Office to amenity housing in the Strategic Housing Investment Plan 2018 – 2023.

## **7. Tender – Ardrossan Road, Seamill (Hope Homes)**

Submitted report by the Executive Director (Place) on the development of 31 new Council homes at Ardrossan Road, Seamill.

The Cabinet agreed to exempt the development of 31 new Council homes at Ardrossan Road, Seamill from the Council's Standing Orders Relating to Contracts to enable award of the contract to Hope Homes.

## **8. Grounds Maintenance Participatory Budgeting**

Submitted report by the Executive Director (Place) on the grounds maintenance mainstream participatory budgeting (PB) approach. A short film was also played showing the driving force behind the Grounds Maintenance Participatory Budgeting approach.

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

- location of herb gardens and wildlife meadows;
- a follow up consultation within the Three Towns Locality being held before the concept is rolled out across the other localities; and
- changes currently in place at Ardrossan North Shore with flower beds planted with potatoes.

The Cabinet agreed (a) to note the progress made on the grounds maintenance participatory budgeting; (b) to endorse the approach taken to engage and identify priorities; and (c) this approach will be extended and implemented across the remaining localities from 1st April 2019.

## **9. Community Wealth Building for North Ayrshire Council**

Submitted by the Executive Director (Economy and Communities) on the findings of the Economic Footprint Report. The findings are set out at Appendix 1 and the Action Plan is set out at Appendix 2 to the report.

The Cabinet agreed (a) to note the recommendations of the Economic Footprint Report – Appendix 1; (b) the Action Plan set out in Appendix 2 of the report to support a community wealth building approach for North Ayrshire Council; (c) to approve that a report on Community Wealth Building be taken to the Community Planning Partnership; (d) a joint partnership working approach with East Ayrshire Council and South Ayrshire Council; and (e) the report be presented to the Interim Ayrshire Development Board

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

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

### **10.1 Health and Social Care Interim Contracts Update**

Submitted by the Executive Director (Finance and Corporate Support) on the Health and Social Care Partnership Interim Contracts arrangements.

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

The Meeting ended at 3.30 p.m.

Appeals  
Committee 30 May  
2018

**IRVINE, 30 May 2018** - At a Meeting of the Appeals Committee of North Ayrshire Council at 10.30 a.m.

**Present**

Councillors John Easdale, Jimmy Miller and Robert Foster.

**In Attendance**

M. Barbour, Solicitor (Litigation) and F. Carlyle, HR Adviser.

**Also In Attendance**

D. MacRitchie, Senior Manager (Criminal Justice Services Health and Social Care Partnership); R. Lightfoot, HR Adviser; and the Appellant; Appellant's representative and Appellant's witness.

**Chair**

Councillor John Easdale in the Chair.

**1. Declarations of Interest**

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

**2. 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 the Health and Social Care Partnership.

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

In terms of Standing Order 5.7, the Chair agreed to adjourn the proceedings at 11.35 a.m. The hearing reconvened at 11.45 a.m., with the same Members, Officers and other parties present and in attendance.

The Appellant was given the opportunity to respond to the issues raised and to ask questions of the Service Representative. Members of the Committee were also given the opportunity to ask questions.

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

In terms of Standing Order 5.7, the Chair agreed to adjourn the proceedings at 12.35 p.m. The hearing reconvened at 12.45 p.m., with the same Members, Officers and other parties present and in attendance.

The Appellant's representative left the meeting at this point.

After summing up their respective cases, the Service Representative together with the Appellant, her representative and witness withdrew from the hearing to allow the Committee to deliberate.

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

The Meeting ended at 13:45 p.m.

**Licensing Committee  
6 June 2018**

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

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

**In Attendance**

E. Anderson, Private Sector Team Manager, B. Ferry and G. Tolmie Policy Officers (Private Sector) (Place); E. McLaren, Team Manager (Litigation), W. O'Brien, Solicitor, (Licensing), A. Toal, Administrative Assistant (Legal Services) and A. Little, Committee Services Officer (Chief Executive's Service).

**Also in Attendance**

Inspector McMillan, Sergeant Dougan and V. Thomson (Police Scotland).

**Chair**

Councillor McNicol in the Chair.

**Apologies**

Angela Stephen.

**1. Order of Business**

The Chair, in terms of Standing Order 9.4, agreed to vary the order of business to allow Appendix B – Application 1: HMO/020 (New) - Housing (Scotland) Act 2006 - Graham Conrathe to be considered as the last application by the Committee. The Team Manager (Litigation) advised the Committee during this item. The Solicitor (Licensing) advised the Committee throughout the meeting, left the meeting before the last item of business and did not return.

**2. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor McTiernan declared an indirect, non-pecuniary interest in Agenda Item 4, Case 2, the circumstances being that one of the landlords in question A.M. was personally known to her, and left the meeting for that item of business.

**3. Minutes**

The Minutes of the meeting of the Meeting of the Committee held on 16 May 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

The 'Exempt Information' concerned is that described in Section 7A, Paragraph 6 (Information relating to the financial or business affairs of any particular person (other than the authority)), Paragraph 14 (Any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime) and Paragraph 15 (The identity of a Protected Informant - where Protected Informant is defined in Part III as a person who informs the Local Authority about a past, present or future crime, breach of statutory duty, breach of planning control, or nuisance).

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

The Committee unanimously resolved, in terms of Standing Order 21, to suspend Standing Order 23, to allow consideration of Hearing 1, Pizza Cake Ltd.

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

#### **PART A: Hearings**

##### **5.1 Late Hours Catering Licence: LHCL/127 - Pizza Cake Ltd**

The Committee agreed that the decision of the meeting on 7 March 2018 was that a Late Hours Catering Licence be granted for the period from 11.00 p.m. until 1.00 a.m., Monday-Sunday, subject to conditions in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) 1982.

##### **5.2 Street Trader Licence: STL/O/478 (new) Kala Dmitri Prokopov**

The Committee was advised that the application had been withdrawn.

Noted.

##### **5.3 Taxi Driver's Licence: TDL/00164 (Renewal) - Craig McPherson**

The Committee at its meeting held on 16 May 2018, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representative from Police Scotland then addressed the Committee on the terms of a letter dated 19 April 2010 setting out the observations of the Deputy Chief Constable Designate of Police Scotland on the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

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

#### **5.4 Taxi Driver's Licence: TDL/01235 - Kevin Blades**

The Solicitor (Licensing) advised the Committee of a request from Police Scotland, for an ordinary suspension in terms of Paragraph 11 of Schedule 1 of the Civic Government (Scotland) Act 1982.

The licence holder, having been duly cited to attend, was present at the hearing and was represented. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representative from Police Scotland then addressed the Committee on the terms of a letter dated 18 May 2018 setting out the observations of the Deputy Chief Constable Designate of Police Scotland. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor McClung, seconded by Councillor McTiernan moved to suspend the licence for the unexpired portion of the duration of the licence in terms of Paragraph 11 (11) of Schedule 1 of the Civic Government (Scotland) Act 1982. There being no amendment, the motion was declared carried, Councillor Easdale dissenting.

The Committee agreed to consider Hearings 5 and 6 relating to Kevin Blades simultaneously, but made separate decisions.

## **5.5 Taxi Licence: TL/043 (Renewal) and TL/074 (Renewal) Kevin Blades**

The licence holder, having been duly cited to attend, was present at the hearing and was represented. Representatives from Police Scotland were also in attendance.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representative from Police Scotland then addressed the Committee on the terms of a letter dated 18 May 2018 setting out the observations of the Deputy Chief Constable Designate of Police Scotland. Thereafter the applicant and his representative addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

The Committee unanimously agreed to grant applications TL/043 (renewal) and TL/074 (renewal) in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years.

## **5.6 Taxi Driver's Licence; TDL/02090 (New) Malcolm McPherson**

The Committee at its meeting held on 16 May 2018, agreed on the basis of the information presented, to proceed to a suspension 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 at the hearing. Representatives from 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 representative from Police Scotland then addressed the Committee on the terms of a letter dated 25 April 2018 setting out the observations of the Deputy Chief Constable Designate of Police Scotland on the application.

### **Decision**

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

### **5.7 Taxi Driver's Licence: TDL/02098 (New) Alasdair S Barr**

The Committee noted that the Taxi Driver's Licence number should be TDL/02098 and not TDL/02089 as referred to on the Agenda

The Committee at its meeting held on 16 May 2018, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the licence holder. The representative from Police Scotland then addressed the Committee on the terms of a letter dated 30 April 2018 setting out the observations of the Deputy Chief Constable Designate of Police Scotland on the application. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

#### **Decision**

Councillor Reid, seconded by Councillor Easdale, moved that the application be granted in terms of Schedule 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.

Police Scotland representatives left the meeting at this point.

### **5.8 Taxi Driver's Licence: TDL/01327 (renewal) Craig McCready**

The Committee at its meeting held on 16 May 2018, agreed on the basis of the information presented, to proceed to a suspension hearing in terms of Paragraph 4(2) of Schedule 1 of the Civic Government (Scotland) Act 1982.

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

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

#### **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 one year.

### **5.9 Taxi Licence: TL/006 (New) Connie Dalzell, Chantel Dalzell, Patrick Young**

The applicant, Connie Dalzell, having been duly cited to attend, was present at the hearing and was accompanied by her husband. Ms Dalzell produced a letter from the other two applicants confirming her authority to speak for them.

The Solicitor (Licensing) set out the background to the Hearing as previously intimated in writing to the applicant. The Committee was advised that the application for the renewal of the Taxi Operator's Licence had not been received within the specified timescale and therefore required to be considered as a new application.

The applicant addressed the Committee on the issues raised and responded to questions, relating to the vehicle not being wheelchair accessible.

#### **Decision**

Councillor Reid, seconded by Councillor Gallacher, moved that the application be granted, as an exception to the policy in respect of vehicles being wheelchair accessible, in terms of Paragraph 5(1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of three years. There being no amendment, the motion was declared carried.

### **5.10 Public Entertainment Licence: PEL/546 (Temporary) - Juliana Gray**

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

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

#### **Decision**

Councillor McClung, seconded by Councillor McTiernan, moved that the application be granted. There being no amendment, the motion was declared carried, Councillor Barr dissenting.

Councillor Easdale left the meeting at this point.

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

### **5.11 Taxi Driver's Licence: TDL/00256 (Renewal) - Daniel Tudhope**

The Committee unanimously agreed (a) to grant the application in terms of Schedule 5 (1)(a) of Schedule 1 of the Civic Government (Scotland) Act 1982 for a period of one year; (b) that the Solicitor (Licensing) write to the licence holder to advise of the grant of licence for one year and not three years, as applied; and (c) that in the event that the licence holder requires a three year licence, the application, proceed to a Hearing.

### **5.12 Taxi Driver's Licence: TDL/01539 (Renewal) - Gordon McKenzie**

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

### **5.13 Taxi Licence: TL/421 (New) - Edward McCallie and Pauline Alexander**

The Committee considered whether or not the application should be refused under Section 10(3) of the Civic Government (Scotland) Act 1982 (Taxi Numbers Limitation Policy) and unanimously agreed (a) to treat the application as an exception to that policy; and (b) to delegate authority to the Solicitor (Licensing) to grant the application provided that the applicant submits a vehicle meeting the requirements of Section 10(2) of the Civic Government (Scotland) Act 1982 as to suitability, safety and insurance.

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

Submitted report by the Chief Executive on Landlord Registration matters.

### **6.1 J.C.**

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 the Registered Person remained a 'fit and proper' person to be entered on the Register.

The Team Manager (Private Sector Housing) and Policy Officers (Private Sector) then addressed the Committee on the terms of a report on the condition of a tenanted property owned by the Registered Landlord. Thereafter the Registered Landlord addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

The Committee agreed (a) to continue consideration of this matter to the next meeting; and (b) in the event the Private Sector Housing Team being satisfied that all repairs were completed and properly certified, the Registered Landlord would not require to attend the meeting in August 2018.

## **6.2 A. M.**

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

The applicant had previously been registered but his registration was removed in 2018 due to failures in the legal duties applying to Landlords, and at the time the Committee had issued Notices under Section 94 (commonly known as 'Rent Penalty Notices') on several of the Landlord's houses. He was now applying again for registration and was seeking the removal of those notices.

The Solicitor (Licensing) advised on information received in respect of the applicant, which raised the question of whether or not the applicant was a 'fit and proper' person to be entered on the Register.

The Team Manager (Private Sector Housing) and Policy Officers (Private Sector) then addressed the Committee on the terms of a report on the condition of a number of tenanted properties owned by the applicant. Thereafter the applicant addressed the Committee on the issues raised and responded to questions.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

### **Decision**

Councillor Reid seconded by Councillor McClung, moved to continue consideration of this matter to a future meeting to allow the applicant a further opportunity to provide to the Private Sector Housing Team evidence, in respect of all houses contained in the application, confirming that appropriate insurance indemnity was in place and that all works necessary to allow the various premises to satisfy the Tolerable Standard, Repairing Standard and other legal standards. There being no amendment, the motion was declared carried.

## **6.3 S.B.**

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 the Registered Person remained a 'fit and proper' person to be entered on the Register.

The Team Manager (Private Sector Housing) and Policy Officers (Private Sector) then addressed the Committee on the terms of a report on the condition of a number of tenanted properties owned by the Registered Landlord. Thereafter the Registered Landlord addressed the Committee on the issues raised and responded to questions.

The Committee noted that one property was not currently occupied.

Both parties then withdrew to allow the Committee to deliberate, returning to hear the Committee's decision.

## **Decision**

Councillor Reid seconded by Councillor McTiernan, moved (a) in terms of Section 89 of Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 to remove the Registered Person from the Register of Landlords; (b) to issue a Notice under Section 94 (commonly known as a 'Rent Penalty Notice') in respect of the properties included in the Registration which the Committee was satisfied were currently occupied; and (c) that the Private Sector Housing Team provide a report to the next meeting on the other tenanted properties owned by Registered Landlord. There being no amendment, the motion was declared carried.

The Solicitor (Licensing) left the meeting for the following item of business.

### **6.4 HMO/020 (New): Housing (Scotland) Act 2006 - Graham Conrathe**

The Team Manager (Litigation) set out the background to the application. The Committee was satisfied that the letter from a neighbour was a "valid written representation". There were no other "valid written representations". The Committee considered whether (a) an oral hearing should be held; or (b) the case should be determined on the basis of the application, the written representation and any written response from the applicant. The Committee decided to proceed to determine the application and not continue consideration to a later hearing.

The Committee unanimously agreed to grant the application under Section 129(2)(a) of the Housing (Scotland) Act 2006, for period of three years.

The meeting ended at 2.00 p.m.



**Local Review Body**  
**13 June 2018**

**Present**

Tom Marshall, Timothy Billings, Ian Clarkson, Robert Foster, Christina Larsen, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

R. Middleton, Senior Development Management Officer (Economy and Communities); A. Craig, Senior Manager (Legal Services); and A Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Marshall in the Chair.

**Apologies for Absence**

Robert Barr and Shaun Macaulay.

**1. Declarations of Interest**

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

**2. Minutes**

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

**3. Notice of Review: N/18/00165/PP: Stevenston, 24 Hillcrest Wynd  
Formation of a two storey extension to the rear of a semi-detached dwelling  
house**

Submitted report by the Chief Executive on a Notice of Review by the applicant in respect of an application for planning permission refused by officers under delegated powers for the erection of a two storey extension to the rear of a semi-detached dwellinghouse.

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

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

The Committee agreed that there was enough information provided to determine the appeal without a hearing.

Members asked questions and were provided with further information on similar developments in the local area, including permission for a development in 2006.

Councillor Clarkson, seconded by Councillor McNicol, moved that the Local Review Body grant the application, on the grounds that the proposed extension would not have a significantly adverse impact on neighbouring properties. There being no amendment, the motion was declared carried.

Accordingly, having considered all of the information, the Local Review Body agreed to grant the application, subject to the following condition:-

That notwithstanding the details in the approved plans the proposed side, western, windows at first floor level shall be fitted with obscure glazing. The obscure glazing shall be installed prior to the occupation of the development and maintained in perpetuity.

The Meeting ended at 2.30 p.m.