



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## **North Ayrshire Council Meeting**

**13 September 2023**

### **VOLUME OF MINUTES**

**From 9 June – 29 August 2023**

<b>Date</b>	<b>Committee</b>	<b>Pages</b>
9 June 2023	Ayrshire Economic Partnership Board	<b>1-2</b>
13 June 2023	Cabinet	<b>3-7</b>
14 June 2023	Planning Committee	<b>8-9</b>
14 June 2023	Local Review Body	<b>10-11</b>
15 June 2023	Integration Joint Board	<b>12-17</b>
19 June 2023	Police and Fire and Rescue Committee	<b>18-20</b>
20 June 2023	Education Appeals Committee	<b>21-22</b>
26 June 2023	Ayrshire Regional Economic Joint Cttee	<b>23-24</b>
27 June 2023	Audit and Scrutiny Committee	<b>25-30</b>
9 August 2023	Licensing Committee	<b>31-36</b>
14 August 2023	Police and Fire and Rescue Committee	<b>37-38</b>
23 August 2023	Planning Committee	<b>39-42</b>
23 August 2023	Local Review Body	<b>43-45</b>
29 August 2023	Cabinet	<b>46-50</b>



## **AYRSHIRE ECONOMIC PARTNERSHIP BOARD**

### **MINUTES OF SPECIAL MEETING HELD ON FRIDAY 9 JUNE 2023 AT 1310 HRS IN THE COUNCIL CHAMBERS, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK AND BY VIDEO CONFERENCE**

**PRESENT:** Councillors Douglas Reid and Maureen McKay, East Ayrshire Council; Councillors Marie Burns, Joe Cullinane and Anthony Gurney, North Ayrshire Council; Councillors Martin Dowey, Peter Henderson and Bob Pollock, South Ayrshire Council; Angela Cox, Ayrshire College; Alastair Dobson, Taste of Ayrshire; Simon Foster, Spirit Aerospace; Morag Goodfellow, Highlands and Islands Enterprise; Jane Martin, Scottish Enterprise; Claire Baird, Ayrshire Chamber of Commerce and Industry; and Paul Zealey, Skills Development Scotland.

**ATTENDING:** David McDowall, Head of Economic Growth; Graham Saunders, Programme Manager - Ayrshire Growth Deal; and Dougal Watt, Senior Auditor (all East Ayrshire Council); Russell McCutcheon, Executive Director - Place; Louise Kirk, Head of Service/Economic Development and Regeneration; and Neale McIlvanney, Interim Head of Service (Growth, Investment and Employability) (all North Ayrshire Council); and George Hunter, Assistant Director - Communities; and Louise Reid, Assistant Director - Strategic Change (both South Ayrshire Council).

**ALSO ATTENDING:** Lynn Young, Democratic Services Officer, East Ayrshire Council.

**APOLOGIES:** Councillor Claire Maitland, East Ayrshire Council; Hisashi Kuboyama, Federation of Small Businesses; and Derek McCrindle, Scottish Enterprise.

**CHAIR:** Councillor Maureen McKay (Items 2-3); and Douglas Reid, Chair (remaining items).

#### **APPOINTMENT OF CHAIR**

1. In the absence of the Chair it was agreed to appoint Councillor Maureen McKay, East Ayrshire Council to Chair the meeting.

#### **PREVIOUS MINUTES**

2. There were submitted and approved as a correct record, the Minutes of the meeting held on 15 May 2023 (circulated).

#### **AYRSHIRE GROWTH DEAL: UPDATE ON IMPLEMENTATION PLAN AND FINANCIAL PLAN 23/24**

3. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised the Economic Partnership Board members on the Revised Implementation Plan (RIP) (v21) 2023/24, and Revised Financial Plan (RFP) 2023-24.

It was agreed to:

- (i) note the updated Communication Protocol; and
- (ii) approve the content of the report and to recommend to the Ayrshire Economic Joint Committee approval of (a) the Revised Implementation Plan 2023-24 and (b) Revised Financial Plan for 2023-24.

Councillors Joe Cullinane, North Ayrshire Council; and Councillor Douglas Reid, East Ayrshire Council joined the meeting during consideration of the above item.

Councillor Reid then took the Chair for the remainder of the business.

#### **AYRSHIRE GROWTH DEAL: UPDATE ON BENEFIT REALISATION PLAN MARCH 2023**

4. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised the Economic Partnership Board on the bi-annual update on the Benefits Realisation Plan (BRP) Update March 23 (Appendix 1) as part of the monitoring and evaluation of progress on the delivery of projects.

It was agreed to:

- (i) ensure that robust communication was in place to promote and enhance the work of the Ayrshire Growth Deal and to explore how such communication could be linked to the launch of the Regional Economic Strategy; and
- (ii) approve the content of the report and to recommend to the Ayrshire Economic Joint Committee approval of (a) the amendments proposed to the Benefits Realisation Plan (BRP) and associated appendices and (b) to note the monitoring and progress made on projects highlighted in the Benefits Realisation Plan (BRP) Update.

#### **AYRSHIRE GROWTH DEAL: PROGRAMME RISK REGISTER UPDATE**

5. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised the Economic Partnership Board members on the update for the Programme Risk Register.

It was agreed to approve the content of the report and to recommend to the Ayrshire Economic Joint Committee approval of (a) the Programme Risk Register and (b) the bi-annual review and reporting of the Programme Risk Register as a separate item on future Partnership Board meetings.

#### **SCOTTISH GOVERNMENT UPDATE ON THE WIDER ECONOMIC POLICY**

6. It was noted that the Board would receive the update at a future meeting.

The meeting terminated at 1400 hrs.

Cabinet  
13 June 2023

**IRVINE**, 13 June 2023 - At a Special Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Marie Burns, Tony Gurney, Alan Hill, Margaret Johnson, Christina Larsen and Shaun Macaulay.

**Also Present**

Cameron Inglis, Davina McTiernan and Eleanor Collier.

**In Attendance**

C. Hatton, Chief Executive, M. Boyd, Head of Service and D. Forbes, Senior Manager (Finance) and F. Walker, Head of Service (People & ICT) (Chief Executive's Service); A. Sutton, Executive Director (Communities & Education); C. Cameron, Director and E. Stewart, Interim Head of Service (Children, Families & Justice) (Health & Social Care Partnership); R. McCutcheon, Executive Director, T. Reaney, Head of Service (Neighbourhood Services), Y. Baulk, Head of Service and A. Elliot, Senior Manager (Housing and Public Protection), N. McIlvanney, Interim Head of Service (Growth, Investment and Employability) and M. Ritchie, Interim Senior Manager (Growth & Investment) (Place); A. Craig, Head of Service, I. Hardy, Team Manager and N. Sugden, Policy Officer (Policy, Performance & Elections), J. Hutcheson, Senior Communications Officer (Communications), S. Wilson and C. Stewart, Committee Services Officers (Democratic Services).

**Chair**

Marie Burns in the Chair.

**1. Declarations of Interest**

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

**2. Regulation of Investigatory Powers (Scotland) Act 2000**

Submitted a report by the Head of Service (Democratic Services) providing an update on the Council's use of the Regulation of Investigatory Powers (Scotland) Act 2000.

Members asked a question and were provided with further information in relation to the powers afforded to the Council and appropriate use of the Act.

Noted.

### **3. Discretionary Housing Payment Policy**

Submitted a report by the Head of Service (Finance) seeking approval of the revised Discretionary Housing Payment policy. The revised policy was attached at Appendix 1 to the report.

The Cabinet acknowledged that a key priority for the Council was addressing child poverty and the cost-of-living crisis, noting that the increased allocation of £315,000 in the budget for 2023/24 ensured support would continue to be provided to those in need.

The Cabinet agreed to approve the revised policy for the administration of Discretionary Housing Payments, as detailed in Appendix 1 to the report.

**Please note – the following item was heard by the Audit & Scrutiny Committee on 27 June 2023, please refer to the minute of that Committee for the decision.**

### **4. Council Tax for Second and Empty Homes, and Non-Domestic Rates Thresholds: Consultation**

Submitted a report by the Head of Service (Finance) outlining the proposed response from North Ayrshire Council to the Scottish Government's consultation on Council Tax for second and empty homes, and non-domestic rates thresholds. The Respondent Information Form was attached at Appendix 1 to the report.

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

- the proposed response to the Scottish Government consultation;
- support for the Council having the powers to decide whether to apply a premium Council Tax on second and empty homes; and
- decisions taken based on supporting evidence and the consequences of applying a premium rate.

The Cabinet agreed to approve the proposed consultation response at Appendix 1 to the report, for submission to the Scottish Government by the consultation deadline of 11 July 2023.

### **5. North Ayrshire Children's Services Plan 2023-26**

Submitted a report by the Director (Health & Social Care Partnership) presenting the North Ayrshire Children's Services Plan 2023-26. This was attached at Appendix 1 to the report.

Councillor Burns thanked officers of the Council and the Health and Social Care Partnership and the young people involved in the first joint Cabinet for care experienced young people which took place on 13 June 2023.

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

- the services and outcomes delivered for families through the expanded Family Centred Wellbeing Service; and
- available resources and additional funding from the Scottish Government ensuring best use of these to improve outcomes for children and families.

The Cabinet agreed to endorse the North Ayrshire Children’s Services Plan 2023-26 attached at Appendix 1 to the report for submission to the Scottish Government.

## **6. Corporate Parenting Plan and The Promise 3 Years On**

Submitted a report by the Director (Health & Social Care Partnership) providing an update on the ongoing work within North Ayrshire to develop the Corporate Parenting Plan and to deliver “The Promise”. The Summary Report on Progress and the Corporate Parenting Plan were attached at Appendices 1 and 2 to the report.

The Cabinet acknowledged and thanked the team involved for the considerable work undertaken in this area and highlighted the benefits that came from “The Promise” in terms of putting young people at the heart of the system.

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

- the impact on services and young people amid growing demand for continuing care in placement; and
- the criteria used by the Council to measure success in “The Promise”.

Noted.

## **7. Child Poverty Strategy 2023-26; Progress report 2022-23 and Action Plan 2023-24.**

Submitted a report by the Executive Director (Communities & Education) on the draft North Ayrshire Child Poverty Strategy covering the period 2023-26, the North Ayrshire Child Poverty Report 2022-23 and the North Ayrshire Child Poverty Action Plan 2023-24 set out in the appendix to the report. The report sought approval to submit the report to the Scottish Government and publish it on the North Ayrshire Community Planning Partnership website.

The Cabinet noted the importance of highlighting the cause of poverty and thanked the Employability team for the considerable work undertaken.

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

- addressing the risks exacerbated by the cost-of-living crisis, specifically to children on the Islands and rural communities; and
- how the reports presented to Cabinet linked into the Child Poverty Strategy.

The Cabinet agreed to approve (a) the North Ayrshire Child Poverty Strategy covering the period 2023-26 and the North Ayrshire Child Poverty Report 2022-23 and Action Plan 2023-24 set out in the appendix to the report; and (b) submission of the report to the Scottish Government in addition to being published on the North Ayrshire Community Planning Partnership website.

#### **8. Children's Rights Report 2020/23**

Submitted a report by the Executive Director (Communities & Education) seeking approval of the North Ayrshire Children's Rights Report 2020/23 attached at Appendix 1 to the report.

The Cabinet agreed to approve the North Ayrshire Children's Rights Report 2020/23 set out at Appendix 1 to the report.

#### **9. Dundonald Crescent, Auchengate.**

Submitted a report by the Executive Director (Place) on the outcome of the Member/Officer Working Group on Dundonald Crescent, Auchengate.

Members asked a question and were provided with further information in relation to how often the Council received requests to adopt a private road and the process undertaken when a request was received.

The Cabinet thanked all involved for the work undertaken to reassess the costs, as noted within the report.

The Cabinet agreed (a) not to undertake the upgrade works at Dundonald Crescent, Auchengate to bring the private road and associated infrastructure up to an adoptable standard; and (b) otherwise to note (i) the findings of the Member/Officer Working Group and (ii) that the maintenance responsibility for the road and associated infrastructure lay with the owners.

#### **10. I3 – Sale of Land at Strategic Investment Campus**

Submitted a report by the Executive Director (Place) seeking approval for a minor increase to the size of an area of land at i3 in Irvine that Cabinet had previously approved to be sold, subject to appropriate conditions. The proposed site location and layout plan were attached at Appendices 1 and 2 to the report, respectively.

Members asked questions and were provided with further information in relation to ensuring the Council maximised the potential of the i3 site.

The Cabinet agreed (a) to approve the increase from 2 acres to 2.498 acres of the area of land to be sold to System Five Off Site Ltd. at the Strategic Investment Campus at i3 Irvine and (b) grant authority to the Executive Director of Place to negotiate the terms of the sale, including a price proportionate to the revised area of land.



## **11. Local Housing Strategy 2023-2028**

Submitted a report by the Executive Director (Place) seeking approval of the proposed Local Housing Strategy 2023 - 2028 and associated action plan attached at Appendices 1 and 2 to the report, respectively.

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

- the use of North Ayrshire Council's internal architects for the development at Irvine Harbour and whether this would be the preferred process for future developments;
- the percentage of new build houses that were built with accessible needs in mind and whether this had alleviated pressure to adapt current housing stock;
- whether the target number of new dwellings would still be achievable by 2028; and
- what powers and resources the Council had to take action in terms of private buildings in disrepair.

The Cabinet agreed (a) to approve (i) the Local Housing Strategy 2023 – 2028 at Appendix 1 to the report and (ii) the associated action plan at Appendix 2; and (b) that these be published and submitted to the Scottish Government.

## **12. North Ayrshire Visitor Management Plan 2023**

Submitted a report by the Executive Director (Place) seeking approval of the amended Visitor Management Plan, to support ongoing actions to manage domestic tourism in North Ayrshire during 2023. The Visitor Management Plan was attached at Appendix 1 to the report.

The Cabinet thanked the team and all involved in the working group for the excellent work undertaken on the Visitor Management Plan.

The Cabinet agreed to approve the draft North Ayrshire Visitor Management Plan for 2023 set out at attached at Appendix 1 to the report.

## **13. Housing Services' Customer Participation Strategy 2023-2028**

Submitted a report by the Executive Director (Place) presenting the draft Customer Participation Strategy 2023-2028 for approval. The Strategy was attached at Appendix 1 to the report.

Members asked a question and were provided with further information in relation to different routes, such as social platforms, that were worth exploring to ensure as wide a range of people as possible was reached.

The Cabinet agreed to approve the content of the draft Customer Participation Strategy 2023-2028 attached at Appendix 1 to the report.

The meeting ended at 4.35 p.m.

Planning Committee  
14 June 2023

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

**Present (Physical Participation)**

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

**Present (Remote Participation)**

Amanda Kerr.

**In Attendance**

Y. Baulk, Head of Service (Housing & Public Protection) and I. Davies, Senior Development Management Officer (Place); and R. Lynch, Senior Manager (Legal Services), J. Niven, Solicitor (Legal Services) and H. Clancy and D. McCaw, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Scott Davidson, Jim Montgomerie and Ian Murdoch

**1. Declarations of Interest**

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

**2. Minutes**

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

**3. Notice under Section 170 of the Town and Country Planning (Scotland) Act 1997: Land at 30-44 Morrison Court, Stevenston KA20 4JS**

Submitted report by the Chief Planning Officer seeking authority to serve a Notice under Section 170 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of land for the abatement of the adverse impact on the local area.

The report advised that the property was a four-storey block of flats with amenity space to all sides, understood to be owned in common with the other flats in Morrison Court. In February 2022, Planning received a complaint regarding the condition of the area. Household furniture items had been dumped in various places including the amenity space around this block.

Whilst some of the items had been cleared, it was noted that further complaints had been received this year by both Planning and Streetscene regarding the condition of the area. The amenity space around the property had been subject to dumping with items of refuse particularly prevalent on the land to the south of the building and in a former bin store to the east. Windows of the entrance area on the southern ground floor elevation had been smashed. Letters had been sent to the owners of all the flats. However, no action had been taken in respect of these areas.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area at the land at 30-44 Morrison Court, Stevenston KA20 4JS.

The meeting ended at 2.10 p.m.

Local Review Body  
14 June 2023

At a Meeting of the Local Review Body of North Ayrshire Council at 2.15 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

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

**Present (Remote Participation)**

Amanda Kerr.

**In Attendance**

Y. Baulk, Head of Service (Housing & Public Protection) and I. Davies, Senior Development Management Officer (Place); and R. Lynch, Senior Manager (Legal Services), J. Niven, Solicitor (Legal Services) and H. Clancy and D. McCaw, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Scott Davidson, Jim Montgomerie and Ian Murdoch.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the Meeting held on 22 February 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Notice of Review: 22/00987/PP – 51 Quarry Road, Irvine**

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

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer and policies affecting the application. The Planning Adviser advised that no site visit or hearing had been requested by the applicant.

The Committee unanimously agreed to continue consideration of the Notice of Review to the next meeting for further information to be submitted relating to neighbouring properties with similar extensions.

The meeting ended at 2.25 p.m.



## **North Ayrshire Health and Social Care Partnership**

**Minute of Integration Joint Board meeting held on  
Thursday 15 June 2023 at 10.00 a.m.**

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

### **Present (Physical Participation)**

#### *Voting Members*

Councillor Margaret Johnson, North Ayrshire Council (Chair)  
Councillor Robert Foster, North Ayrshire Council  
Joyce White, NHS Ayrshire and Arran (Vice-Chair)

#### *Professional Advisers*

Caroline Cameron, Director of Health and Social Care Partnership  
Paul Doak, Head of Service (HSCP Finance and Transformation)/Section 95 Officer  
Scott Hunter, Chief Social Work Officer  
Sharon Hackney, Lead Allied Health Professional

### **Present (Remote Participation)**

#### *Voting Members*

Adrian Carragher, NHS Ayrshire and Arran  
Councillor Anthea Dickson, North Ayrshire Council  
Christie Fisher, NHS Ayrshire and Arran  
Marc Mazzucco, NHS Ayrshire and Arran

#### *Professional Advisers*

Elaine Young, Public Health Representative

#### *Stakeholder Representatives*

Vicki Yuill, Third Sector Representative

### **In Attendance (Physical Participation)**

Billy Brotherston, Independent Chair of ADP  
Michael McLennan, Interim ADP Lead Officer/Partnership Engagement Officer  
Elizabeth Stewart, Interim Head of Service (Children, Families and Criminal Justice)  
Eleanor Currie, Manager, HSCP  
Natalie Young, Trainee Accountant, HSCP  
Michelle Sutherland, Partnership Facilitator, HSCP  
Kerry Logan, Head of Service (Health and Community Care)  
Scott Bryan, Interim Portfolio Programme Manager  
Shannon Wilson, Committee Services Officer  
Diane McCaw, Committee Services Officer

### **In Attendance (Remote Participation)**

Peter McArthur, Senior Manager (Addictions)  
Eileen Bray, CAMHS  
Kenneth MacMahon, CAMHS

## **Apologies**

Councillor Timothy Billings, North Ayrshire Council  
Aileen Craig, IJB Monitoring Officer  
Thelma Bowers, Mental Health Adviser

### **1. Apologies for Absence and Chair's Remarks**

Apologies for absence were noted.

The Chair welcomed Councillor Robert Foster as a voting Member of the IJB, Kerry Logan as the newly appointed Head of Service (Health and Community Care) and Sharon Hackney as Lead Allied Health Professional, to the IJB.

### **2. Declarations of Interest**

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

### **3. Minutes**

The accuracy of the Minutes of the meeting held on 11 May 2023 were confirmed and the Minutes signed in accordance with Paragraph 7(10) of Schedule 7 of the Local Government (Scotland) Act 1973.

#### **3.1 Matters Arising from the Action Note**

Updates in terms of the Action Note were detailed as follows:-

- **2022-23 – Month 7 Financial Performance** – Report on Dental Services – Scheduled for 24 August 2023.
- **The Promise in North Ayrshire Update on Progress** – on Agenda 15 June 2023 - action closed.
- **Implementation of the National CAMHS and Neurodevelopmental Specifications** – Update report to be presented to IJB in August 2023.
- **Director's Report** – Update to a future meeting regarding commissioned services – Scheduled for September 2023.
- **Suicide Prevention: Strategy, Learning and Development** – Summary of training levels and availability to be provided to IJB – date tbc.

Eileen Brae, CAMHS representative, gave a verbal update on the current position regarding implementation of the National CAMHS and Neurodevelopment specifications, including information on Extreme Team meetings on a weekly basis, the establishment of a number of project scopes and communication workstreams.

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

- an anticipated July 2024 opening for the CAMHS facility at West Road, Irvine;
- the continued commitment to work towards the 1 August deadline for the provision of alternative referral pathways for young people; and
- additional funding provided to the Neurodevelopmental Empowerment & Strategy Team (NEST) for the delivery of non-diagnostic dependent support.

Noted.

Adrian Carragher joined the meeting at this point.

#### **4. Medication Assisted Treatment (MAT) Standards Update**

The Board received a presentation by Peter McArthur, Senior Manager (Addictions) in respect of the MAT Standards including information on implementation and evaluation of Standards 1-5, scoping requirements for Standards 6-10, progress and developments during 2022/23, and other developments relative to non-fatal overdose and residential rehabilitation pathways.

The Independent Chair of the Alcohol and Drugs Partnership (ADP) advised the Board on the work undertaken by the Senior Manager (Addictions) and the Interim ADP Lead, which had contributed to significant progress with recent workstreams and production of the Annual Performance report to be presented to a future IJB.

Kenneth McMahon left the meeting at this point.

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

- MAT Implementation Support Team (MIST) benchmarking scores related to Standards 6-10 and currently detailed as RAG status amber; and
- identification of increased measures to improve the RAG status in connection with Standards 6-10.

Noted.

#### **5. North Ayrshire ADP Annual Reporting Survey 2022/23**

Submitted report by Michael McLennan, Interim ADP Lead Officer on the proposed North Ayrshire ADP Annual Reporting Survey response for submission to the Scottish Government. The full Survey, with question responses, was detailed at Appendix 1 to the report.

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

- recruitment of support to further develop the work of the ADP;
- the format of questions posed by the Scottish Government;
- feedback provided by the Scottish Government following submission of the Survey response;
- support pathways regarding community and criminal justice services;
- anticipated key learning arising from the reporting information provided to the Scottish Government; and
- the impact of the cost-of-living crisis on the number of referrals to support services.

Councillor Dickson left the meeting at this point.

The IJB agreed to approve the responses contained in the ADP Annual Reporting Survey for submission to the Scottish Government, as detailed in the Appendix to the report.



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

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

Peter McArthur left the meeting at this point.

The report provided an update on the following areas:-

- National Developments that included the launch of Coming Home Dynamic Support Registers aimed at reducing out of area residential placements and inappropriate hospital stays for people with learning disabilities and complex care needs, publication of the national 'Dementia Strategy for Scotland: Everyone's Story' on 31 May 2023, and the National Care Service programme of events for Summer 2023; and
- North Ayrshire Developments that included the opening of the new staff accommodation on the Isle of Arran on 22 May 2023, the resignation of Councillor Louise McPhater from the IJB with the subsequent appointment of Councillor Robert Foster to the IJB and IJB Performance and Audit Committee, the development and launch of the refreshed North Ayrshire HSCP website, changes to the delivery of 'Day Services' following the remobilisation which began in June 2022, the positive impact of Naloxone distribution to counteract the effects of an opioid overdose, and Scottish Government confirmation that face coverings are no longer required in hospitals, health centres, community sectors, primary care social work and care homes.

Noted.

## **7. Directions and Review of Integration Scheme**

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation), on the Directions and Review of the Integration Scheme. Pan-Ayrshire work to progress a number of key aspects of integration had recently been recommenced following a pause due to the Covid-19 pandemic. The work covered the use of Directions, the development of a Joint Strategic Commissioning Plan and large hospital Set Aside budgets, along with the review of the Integration Scheme. The report detailed an update on progress with the workstreams.

Members asked a question and were provided with further clarification in relation to the complex budget set aside position.

The Board (a) agreed to take forward a review of the Integration Scheme in 2023; and (b) to otherwise note the recommencement of work in relation to the implementation of Directors and associated pan-Ayrshire workstreams.

## **8. 2022-23 Year End Performance**

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation), providing an overview of the IJB's financial performance for the year ended 2022-23

and the implications for the IJB's overall financial position including an update on the financial impact of the Covid-19 response. Appendix A to the report detailed the Objective Summary as at 31 March 2023 with Appendix B providing the reserves position in detail. Appendices C and D provided information on 2022/23 savings and highlighted the movement in the overall budget position respectively.

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

- the use of reserves to balance the budget and clarification around the element of surplus monies earmarked for specific purposes;
- the future focus on building reserve levels; and
- how VER scheme funding would be utilised by the Partnership.

The Board agreed to (a) note the overall integrated financial performance for the financial year 2022-23 and the overall year-end underspend of £7.938m, adjusted to £3.719m after earmarking of funds which had been received for a specific purpose; (b) note the updated costs of the Covid response and the funding received; (c) note that outwith the IJB overall position, the £2.321m debt repayment had been made to North Ayrshire Council as planned; (d) approve the budget changes outlined at section 2.11 of the report; and (e) approve the proposed earmarking of the in-year surplus as detailed in the report, leaving a balance of £6.448m in free general fund reserves.

## **9. Community Wealth Building Update**

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation), providing an update on Community Wealth Building and on the recent establishment of a working group to progress this agenda within the Partnership. Appendix 1 to the report detailed the 'Anchor Charter' signed by the IJB in October 2021 in conjunction with partner agencies.

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

- the enthusiastic response from services in terms of the Community Wealth Building employment pillar recruitment process; and
- the requirement for each NHS Board to have a Strategy and Action Plan in terms of Community Wealth Building.

The Board agreed (a) to receive future updates in connection with the Community Wealth Building agenda; and (b) otherwise to note the work carried out to date.

## **10. Corporate Parenting Plan and The Promise Three Years On**

Submitted report by Elizabeth Stewart, Interim Head of Service (Children, Families and Justice) in relation to ongoing work to develop the Corporate Parenting Plan and to deliver "The Promise" to Children and Young People. The report detailed the progress in North Ayrshire to lay the foundations in Phase 1 of The Promise delivery plan which would enable the ambitious 10-year change plan to 2030 to be carried out and key actions to be progressed. The Promise Summary Report on progress and the

Corporate Parenting Plan (2023-2026) were detailed at Appendices 1 and 2 to the report respectively.

Noted.

Adrian Carragher left the meeting at this point.

## **11. North Ayrshire Children's Services Plan 2023-26**

Submitted report by Elizabeth Stewart, Interim Head of Service (Children, Families and Justice) presenting the North Ayrshire Children's Services Plan 2023-26, which was detailed in full at Appendix 1 to the report.

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

- the impact on services of continuing care, where 16-year-old young people in care ask to remain in placement until the age of 21; and
- how the Whole Family Wellbeing Fund will support delivery of holistic whole family support services.

The Board agreed to endorse the North Ayrshire Children's Services Plan 2023-26, as detailed in the Appendix to the report, for submission to the Scottish Government.

## **12. Whistleblowing Update**

Submitted report by Karen Callaghan, Corporate Governance Co-ordinator, in relation to whistleblowing concerns raised in Quarter 4 (January - 31 March 2023).

Noted.

The meeting ended at 12.10 p.m.

Police and Fire and Rescue Committee  
19 June 2023

**IRVINE, 19 June 2023** - At a Meeting of the Police and Fire and Rescue Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Donald Reid, Stewart Ferguson, Jean McClung, Donald L. Reid and John Sweeney.

**In Attendance**

R. Lynch, Senior Manager Legal Services, Claire Cochrane, Solicitor (Legal Services), H. Clancy and D. McCaw, Committee Services Officers (Chief Executive's Service).

**Also In Attendance**

Chief Superintendent F. Hussein and Chief Inspector F. Normansell (Police Scotland); Area Commander I. McMeekin, Station Commander D. Murray and Watch Commander D. Wilson (Scottish Fire and Rescue Service).

**Chair**

Councillor Donald Reid in the Chair.

**Apologies**

Nairn McDonald, Davina McTiernan and Angela Stephen.

**1. Chair's Remarks**

The Chair welcomed Councillor Stewart Ferguson and Chief Inspector Fraser Normansell to their first meeting of the Police and Fire and Rescue Committee.

**2. Declarations of Interest**

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

**3. Minutes**

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

**4. Scottish Fire and Rescue Service Performance and Service Update**

Submitted report by the Scottish Fire and Rescue Service (SFRS) which provided information on progress against the North Ayrshire Local Fire and Rescue Plan for the period 1 April 2022 – 31 March 2023. Appendix A to the report provided an analysis of the performance across six indicators, using the rolling three-year average as a basis of measuring performance.

The statistical information identified a 2.7% decrease in activity levels across the local authority when compared to the corresponding period in 2021/22. A further review of the three-year average indicated a 1.9% increase in overall operational activity during a similar timeframe. Data on false alarms accounted for 60% of all demand within North Ayrshire, with fire related and special service activity accounting for 24% and 16% respectively.

Updates were also provided in relation to recent changes to support budget planning necessities to maintain effective services while optimizing resources and managing costs, the discontinuation of the response to automatic fire alarm calls from 1 July 2023 where no fire confirmation is received, recent recruitment within the Service, and the celebration of 50 years' service by Watch Commander Fred Williams from Dalry Community Fire Station.

The Chair, on behalf of the Committee, expressed best wishes and congratulations to Watch Commander Fred Williams on 50 years' service.

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

- staffing implications arising from the cessation of automatic fire alarm response at specific premises, unless confirmation of a fire had been received;
- the extent of automatic fire alarm calls which were real incidents;
- consultation and engagement which had taken place regarding future response to automatic fire alarm calls;
- the fact that 6% of operational activity related to false alarm calls;
- additional clarification on unwanted fire alarm criteria; and
- ongoing partnership work to reduce deliberate fire setting.

Area Commander McMeekin offered to meet with local Members to discuss concerns and to provide further information regarding deliberate fire setting in the Saltcoats and Stevenston and Irvine Moor areas.

Noted.

## **5. Police Scotland Performance Update**

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Policing Plan for the period 1 April 2022 – 31 March 2023 together with an overview of year end performance. A summary of current local policing plan priorities was also detailed.

The report provided information on North Ayrshire's performance, including a 4.1% decrease in the total number of crimes. The report further outlined progress in the areas of serious crime, safer communities, acquisitive crime, community wellbeing, road safety and public confidence with additional contextual information being provided by Superintendent Frew to the meeting.

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

- environmental health and cleanliness issues in connection with anti-social behaviour;
- the number of discontinued calls to the 101 number and the direction to members of the public to utilise email and online web forms as alternative methods of contact;
- the various methods used for collation of statistics;
- the reduction of full-time staffing levels within some sections of Police Scotland;
- full-time equivalent staffing levels being included within future reports;
- a zero-tolerance approach to drug driving and the use of drug wipes to determine those individuals driving under drugs influence;
- the enforcement of traffic violations by Police Scotland; and
- the benefits of CCTV cameras as a crime deterrent.

Chief Inspector Hussein offered to meet with local Members to discuss concerns and to provide further information regarding anti-social behaviour related to cleanliness and environmental health issues.

The Committee then discussed the Safer Shores multi-agency partnership initiative to safeguard those who visited the Ayrshire coast. Reference was made to the recent 'car cruise' which drew large crowds to the Irvine Beach area and caused major congestion and disruption. Police Scotland advised on the requirement for enhanced levels of co-ordination to take forward plans to manage the next scheduled 'car cruise'. Chief Inspector Hussein advised that the August Committee report would have a focus on the Safer Shores initiative and the 'car cruise'.

Noted.

## **6. Urgent Items**

In terms of Standing Order 10.8, the Chair agreed that the following item be considered as urgent to allow the Committee to receive up-to-date information.

### **6.1 Fireworks and Pyrotechnic Articles (Scotland) Act 2022**

The Senior Manager, Legal Services, advised the Committee that in terms of the Fireworks and Pyrotechnic Articles (Scotland) Act, 2022 which was introduced last year, Local Authority powers to designate firework control zones would come into effect on 22 June 2023. The Scottish Government were currently preparing guidance for Local Authorities on how to consider and establish the new zones. A report or Members briefing would be prepared once the guidance was released.

Noted.

The meeting ended at 3.40 p.m.

Education Appeal Committee  
20 June 2023

**IRVINE**, 20 June 2023 - At a Meeting of the Education Appeal Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Chloé Robertson (North Ayrshire Council); and Jim Smith and Val Gibson (Lay Members).

**In Attendance**

P. Gosnay, Senior Manager (Education), S. Colligan, Headteacher (St Matthews Academy); and K. McDowall, Clerk to the Education Appeal Committee.

**Also in Attendance**

Appellants

**Chair**

Councillor McDonald in the Chair.

**1. Declarations of Interest**

Councillor Robertson advised the Committee that she was a pupil at St Matthews Academy under the current Head Teacher, having left 5 years ago but having applied the objective test, considered she could remain impartial. The Clerk advised this information should be put to the Appellants who should then have the opportunity to have a reconstituted Committee if they were concerned in respect of a potential conflict of interest. The Appellants were subsequently advised of same and agreed they were happy to proceed.

**2. Minutes**

The Minutes of the Meeting held on 30 March 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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

**4. Appeal Against the Education Authority's Decision to Exclude a Pupil from School**

Submitted report by the Chief Executive on an appeal against the Education Authority's decision to exclude a pupil from school.

The appellants, having been invited to attend, were present. The Senior Manager (Education) and Headteacher (St Matthews Academy) were also in attendance.

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

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

The Education representatives and the appellants summed up their cases. Thereafter, both parties withdrew to allow the Committee to deliberate.

### **Decision**

The Committee agreed to (a) uphold the appeal; and (b) annul the Education Authority's decision to exclude the pupil from school.

The reason and the material consideration for the decision was that the Education Appeal Committee were of the view that the decision to exclude was not proportionate in that there did not appear to be any malice or ill intent on the part of the child. The Committee agreed that the language used was inappropriate and potentially harmful, but the majority view was that the exclusion was a disproportionate response, particularly given that it was the first time the child had used such language and appeared to show remorse.

The meeting ended at 12.25 p.m.



## **AYRSHIRE ECONOMIC JOINT COMMITTEE**

### **MINUTES OF MEETING HELD ON MONDAY 26 JUNE 2023 AT 1000 HRS IN THE WILLIAM MURDOCH ROOM, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK/MS TEAMS**

**PRESENT:** Councillors Douglas Reid, Clare Maitland and Maureen McKay, East Ayrshire Council; Councillors Marie Burns and Anthony Gurney, North Ayrshire Council; Councillors Martin Dowey and Peter Henderson, South Ayrshire Council; Angela Cox, Ayrshire College; and Derek McCrindle, Scottish Enterprise.

**ATTENDING:** Eddie Fraser, Chief Executive; Dougal Watt, Senior Auditor; David McDowall, Head of Economic Growth; Graham Saunders, Interim Strategic Manager and Programme Manager - Ayrshire Growth Deal, all East Ayrshire Council; Craig Hatton, Chief Executive; Russell McCutcheon, Executive Director - Place; Neale McIlvanney, Interim Head of Service (Growth, Investment and Employability); and Louise Kirk, Head of Service/ Economic Development and Regeneration, all North Ayrshire Council; Eileen Howat, Chief Executive; and Simon Yeardley, Special Property Projects Co-ordinator; both South Ayrshire Council; and Stuart Nelson, Democratic Services Officer, East Ayrshire Council.

**APOLOGIES:** Councillor Joe Cullinane, North Ayrshire Council; Councillor Bob Pollock, South Ayrshire Council; Simon Foster, Spirit Engineering Systems; and Paul Zealey, Skills Development Scotland.

**CHAIR:** Councillor Douglas Reid, Chair.

### **PREVIOUS MINUTES**

1. There were submitted (circulated) and approved as a correct record, the Minutes of the meeting held on 22 May 2023, with no matters arising.

Councillor Peter Henderson joined the meeting at this point.

### **AYRSHIRE GROWTH DEAL: UPDATE ON IMPLEMENTATION PLAN 2023 - 24 AND FINANCIAL PLAN 2023 - 24**

2. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council, which advised on the Revised Implementation Plan (RIP) (v21) 2023-24, and the Revised Financial Plan (RFP) 2023-24.

It was agreed:

- (i) to approve the Revised Implementation Plan 2023-24;
- (ii) to approve the Revised Financial Plan for 2023-24; and
- (iii) to note the updated Communication Protocol.

### **AYRSHIRE GROWTH DEAL: UPDATE ON BENEFITS REALISATION PLAN - MARCH 2023**

3. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council, which advised on the bi-annual update of the Benefits Realisation Plan (BRP) (updated March 2023), as part of the monitoring and evaluation of progress on the delivery of projects.

It was agreed:

- (i) to approve the amendments proposed to the Benefits Realisation Plan (BRP) and associated appendices, as set out at Appendix 1 to the report; and
- (ii) to note the monitoring of, and progress made on, projects highlighted in the Benefits Realisation Plan Update.

#### **AYRSHIRE GROWTH DEAL - PROGRAMME RISK REGISTER UPDATE**

4. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council, which advised on the update for the Programme Risk Register.

It was agreed:

- (i) to approve the updated Programme Risk Register as submitted; and
- (ii) that, in future, the Programme Risk Register be reviewed quarterly and reported on that basis as a separate item to future Partnership Board meetings.

The meeting terminated at 1029hrs.

Audit and Scrutiny Committee  
27 June 2023

At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.15 a.m. involving participation by remote electronic means.

**Present**

John Bell, Eleanor Collier, Cameron Inglis, Tom Marshall, Matthew McLean and Davina McTiernan.

**Also Present**

Timothy Billings, Stewart Ferguson, Todd Ferguson, Margaret Johnson and Christina Larsen.

**In Attendance**

M. Boyd, Head of Service (Finance), A. Craig, Head of Service (Democratic), S. Wilson and D. McCaw, Committee Services Officers (Chief Executive's Service).

**Chair**

Councillor Bell in the Chair.

**Apologies**

Ian Murdoch, Donald Reid and John Sweeney.

**1. Declarations of Interest**

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

**2. Call-In: Council Tax for Second and Empty Homes and Non Domestic Rates Thresholds: Consultation**

Submitted report by the Chief Executive on a call-in request received in respect of a decision taken by Cabinet on 13 June 2023 on the proposed response from North Ayrshire Council to the Scottish Government consultation on Council Tax for second and empty homes, and non-domestic rates thresholds. The original Cabinet report and consultation response were attached at Appendix 1 to the report. Appendix 2 to the report contained briefing notes provided by the Head of Service (Finance) in response to the matters raised in the call-in request form.

The Cabinet on 13 June 2023 agreed to approve the proposed consultation response at Appendix 1 to the report, for submission to the Scottish Government by the consultation deadline of 11 July 2023.

Subsequently, a call-in request was received from Councillors Billings, T. Ferguson and Stephen in the following terms:-

## Reason for Call-In

“That the response to the Scottish Government consultation will form the basis of North Ayrshire’s policy if this becomes policy and therefore, the Council’s responses should be as complete and considered as possible. The current response makes several assumptions about the potential benefits of charging additional council tax on second homes that are not supported by any evidence. North Ayrshire Council is currently undertaking wide-reaching research into the housing supply and housing demand on Arran, with the aim of ascertaining where the housing gaps are on Arran and what needs to be done to fill the gaps. There is no reference to this work in the response.

Other specific items are:

Question 2 – people with a second home for work purposes – the current response is ‘don’t know’ and only suggests that key workers and staff in vital services should be exempt from additional tax. We already know that our island economies are struggling and that there is a shortage of staff across all sectors of the economy, therefore, if somebody needs to get a second home to take up employment on Arran or Cumbrae they should not be penalised with additional council tax.

Question 3 – The issues with the answer to this question are that it makes some assumptions and does not provide a complete answer to the question. In particular:

- there is an assumption that local authorities must have this power as it is ‘important’ so that they can influence the housing market to increase the availability of houses for local people. There is no evidence that just making more houses available will increase the availability of housing for the people that Arran needs to support local businesses or public services. Arran already has more houses for sale per head of the population compared with the rest of North Ayrshire, including properties at the cheaper end of the housing stock.
- the answer assumes that a second home is used intermittently, which some may be. However, a second home that is also rented out as a holiday let would come into this category. There needs to be recognition between the various types of second home usage because anecdotal evidence suggests that holiday makers will spend more money in local restaurants and shops than a permanent resident.
- there is an assumption that the same tax levels would be appropriate for all areas within the local authority whereas it is possible that different levels of tax on second homes could be needed depending on the local circumstances. In addition it may be appropriate to have different levels of additional council tax on different levels of council tax. For example, if the main purpose of the additional council tax is to increase the availability of affordable housing for sale there is no point in penalising people living in houses rated at G for council tax as these will never be ‘affordable’ homes.

Question 4 – this question is about the maximum level of taxation. The response from does not recognise that levels of taxation will depend on modelling and impact assessment. However, it does not include recommendations that local authorities should have full flexibility on level of taxation so that different levels of taxation could be used in different areas of the local authority and that different levels of taxation could be appropriate for differently tax rated properties.

The response does not make it clear that levels of taxation for second homes and empty homes must be considered together as one would not want to encourage a home to be left empty because the level of taxation would be less.

Question 5 – all of the factors in this section are about the availability of housing. There are no factors relating to the assessment of the housing needs for an area, and if the change in housing availability caused by increases in council tax on second homes would benefit the housing needs of the area. In addition the response does not include the possible harm caused by additional levels of council tax. For example, if the result of increased taxation was a glut of houses for sale causing a fall in prices forcing existing home owners into negative equity thereby stagnating the Arran housing market.

Question 8 – this response already states that local authorities should have flexibility to impose additional council tax on empty properties depending on local circumstances. However, it does not state that levels of empty home taxation must be considered along side second home taxation, and that local authorities should have the flexibility to vary rates across the authority area and across properties with different council tax rates.

Question 21 – the response is confusing several issues many of which are not related to the question. The response does recognise that further assessment is required but there are gaps in the response and there are some implied assumptions that are not supported by evidence. In particular, there is nothing about assessment of housing need and housing supply, and what changes in the housing market that imposing increases in council tax could have. The question asks for the opinion about what changes in taxation might have on local business. There are two ways in which business could be impacted – first is that there is a change in economic activity of the people occupying properties, the second is that there could be changes in the supply of properties for people to live in who work in local businesses. However, until there is a full assessment of the relationship between housing demand, housing supply, and economic activity of property residents it is not possible to make an assessment on the impact that any changes in council tax levels could help support.”

#### Desired Outcome

“The desired outcome is that the wording of the response to the Scottish Government’s consultation on council tax on second homes is amended to make the wording neutral when referencing the potential effects that higher levels of council tax, and there is reference to all the possible impacts that interference with the housing market could have.

There should also be reference to the housing research that NAC is doing and that should be an integral part of the decision-making process before any decisions are made regarding increases in council tax for second homes.

Other specific changes are:

Question 2 – response changed to ‘yes’ and that it should apply to all people who move away from their main home to take up employment. Local authorities need to support people moving to islands to take up employment and should not penalise anybody moving to an island for work purposes with additional council tax. It should be noted that if the person moving to take up work rented a second home for job purposes they would not be penalised so why should somebody who purchases a home be penalised for taking up employment.

Question 3 –the response should:

- state that if local authorities have the power to increase the council tax for second homeowners there must be evidence that the housing need would be solved by forcing second homeowners to put their homes up for sale.
- recognise that there may be a difference in economic benefit from having a permanent or holiday resident which must be fully assessed so as not create unintended harm to the local economy.
- state that local authorities must have fully assessed the housing supply and demand factors for any area where additional second home tax is being considered, and have evidence that imposing additional tax will help have a positive influence on the housing market;
- state that local authorities should be able to have different levels of council tax supplements for different areas within the local authority.
- state that local authorities should be able to have different levels of additional council tax for different rated properties so that local authorities have the flexibility to promote positive changes in specific areas of the housing stock that are in short supply.

Question 4 – the response should include recommendations that if local authorities are going to impose additional council tax then the rates of taxation should be based on full assessment of local circumstances, and the levels of tax could be different in different geographic area and could be different for properties with different tax ratings. The purpose of this is to give local authorities to use its powers flexibly so as to support the desired response within the housing market whilst not penalising or damaging other aspects of the area’s economy or community.

The response should also make it clear that rates for empty and second homes must be linked and have the same flexibility so that there is no benefit in leaving a property empty.

Question 5 – the list of main factors must include an assessment of the housing needs for an area, so that before imposing council tax increases on second homes there is some assurance that the changes in local housing supply will actually have a positive impact on the assessed housing need. The response must include reference to possible negative effects of falling property prices causing economic hardship for existing homeowners, such as negative equity and stagnation of the housing market.

Question 8 - the NAC answer should restate that councils should have total flexibility to impose additional council tax on empty homes depending on locally agreed criteria and circumstances, and that this will include varying tax levels in different geographic area and across different council tax bands.

Question 21 –The question asks for the opinion about what changes in taxation might have on local business. There are two ways in which business could be impacted – first is that there is a change in economic activity of the people occupying properties, the second is that there could be changes in the supply of properties for people to live in who work in local businesses. However, until there is a full assessment of the relationship between housing demand, housing supply, and economic activity of property residents it is not possible to make an assessment on the impact that any changes in council tax levels could help support.

Therefore, the response to this question must start with the assumption that the local authority has assessed the local supply and demand for housing, and that the potential changes caused by imposing increases in council tax will have a positive impact on the local shortage of housing types and will support increases in the overall economic activity in the area.

Before introducing tax changes local authorities must be confident that imposing council tax increases will have a realistic expectation of positive changes in the housing market and increases in overall economic activity.”

The Head of Democratic Services summarised the procedure for considering the call-in request in terms of Standing Orders and referred to the Cabinet decision.

Thereafter, the Members who had requested the call-in were invited to speak. Councillor Billings advised that he would speak to the call-in request, with Councillor T. Ferguson being available to support, if required. Councillor Billings then addressed the Committee in support of the call-in request with further comment being provided by Councillor T Ferguson.

The Chair then invited Councillor Larsen, as the Cabinet Member for Finance, to address the meeting. Councillor Larsen explained the reasoning for the Cabinet decision and referred to an explanatory note from the Head of Service (Finance) provided at Appendix 2 to the report.

Councillor T. Ferguson left the meeting at this point.

The Head of Service (Finance) was also heard in relation to the report presented to Cabinet and on issues raised by the call-in, reference being made to the explanatory note at Appendix 2 to the report.

Councillor T. Ferguson rejoined the meeting at this point.

Members asked questions of Councillors Billings and Larsen and the Head of Service (Finance) and were provided with further information in relation to:-

- the importance of the consultation in relation to any future legislation to be issued to Councils;

- any future Council Tax levels on second and empty homes being determined by the full Council, should additional powers be allocated by the Scottish Government;
- challenges concerning affordable housing availability within the island community of Arran;
- whether evidence-based impact assessments should inform any consultation response;
- the timeframe for submission of the consultation response;
- support for the principle of the Council having financial flexibility to utilise any powers allocated; and
- the requirement for evidence-based modelling around affordable housing needs on Arran should additional powers be assigned.

Councillor Marshall, seconded by Councillor McLean, moved that the Committee agree to accept the terms of the call-in request and refer the matter to the Cabinet for further consideration.

As an amendment Councillor Collier, seconded by Councillor McTiernan, moved that the Committee agree not to support the call-in request and that the previous decision of Cabinet should stand, with the consultation response being submitted to the Scottish Government by the 11 July 2023 deadline.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Bell, Collier and McTiernan (3) and for the motion, Councillors Inglis, Marshall and McLean (3). There being an equality of votes, the Chair exercised his casting vote in terms of Standing Order 19.6, and the amendment was declared carried.

Accordingly, the Committee agreed not to support the call-in request and that the previous decision of Cabinet should stand, with the consultation response being submitted to the Scottish Government by the 11 July 2023 deadline.

The meeting ended at 11.10 a.m.



Licensing Committee  
9 August 2023

**IRVINE**, 9 August 2023 - At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m.

**Present**

Eleanor Collier, Nairn McDonald, Cameron Inglis, Jean McClung, Matthew McLean and Ronnie Stalker.

**In Attendance**

W. O'Brien, Solicitor (Licensing), A. Toal, Administration Assistant, S. Dalgoutte, Senior Clerical Assistant (Licensing) and C. Stewart and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Also in Attendance**

Sergeant D, Markin and E. Blackwood (Police Scotland); and Janeine Barrett, Senior Manager (Homelessness and Community Safety), Katie Bell, Team Manager, Gillian Tolmie, Policy Officer and Agnieszka Dopierala, Policy Officer (Housing Strategy & Development (Place)).

**Chair**

Councillor Collier in the Chair.

**Apologies**

John Bell, Christina Larsen, Donald L. Reid and Angela Stephen.

**1. Declarations of Interest**

In respect of the second Urgent Item on the agenda 'Second Hand Car Dealer's Licence SHDL/036: Colin MacDonald', Councillor McLean made a transparency statement advising that he had been involved in a casework enquiry concerning the applicant. Having applied the objective test, he assessed that it was an interest in terms of the Councillors' Code of Conduct which would prevent him from taking part in the decision. Accordingly, Councillor McLean advised that he would leave the meeting during consideration of this item of business.

**2. Minutes**

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

**3. Exclusion of the Public**

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

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

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

It was agreed that the Resolution would operate for the entire business of the meeting.

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

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

#### **Appendix A: Licences and Permits where Hearings have been convened**

##### **4.1 Taxi Driver's Licence: TDL/02389 (New): Jack Hendry**

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

Police Scotland addressed the Committee on the terms of a letter setting out their representation.

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

#### **Decision**

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

##### **4.2 House in Multiple Occupation Licence: HMO/026 (New): North Ayrshire Council**

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

The applicant, represented by Janeine Barrett, Senior Manager (Homelessness and Community Safety) then addressed the Committee on the terms of the application.

## **Decision**

The Committee unanimously agreed to extend the Temporary Exemption Order for a further period of three months.

### **4.3 Street Trader Operator's Licence: STL/O/534 (New): Daisy McConnachie**

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

Two objections had been received in respect of the application, and the two objectors, having been duly cited to attend, were not present.

The applicant read out a written statement in support of her application, a copy of which was circulated to Members of the Committee.

## **Decision**

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

## **Appendix B - Applications for the grant or renewal of Licences and Permits**

### **4.4 Metal Dealer's Licence: MDL/065 (Renewal): George Payling**

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

There was a Police representation in connection with this application.

## **Decision**

The Committee agreed to defer consideration of this application to a future meeting to allow the applicant to attend.

### **4.5 Second Hand Dealer's Licence: SHDL/205 (Renewal): George Payling**

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

There was a Police representation in connection with this application.

## **Decision**

The Committee agreed to defer consideration of this application to a future meeting to allow the applicant to attend.

### **4.6 Taxi Licence: TL/452 (New): Alasdair Drummond and Russell Drummond**

The applicants, having been duly cited to attend, were not present.

## **Decision**

The Committee agreed (a) to treat the proposed vehicle in the circumstances of the case as justifying an exception to Paragraph 12 of the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) ("Wheelchair Accessible Vehicles"); and (b) to continue consideration of the Taxi Licence application to allow for the possible use of Delegated Powers to determine the application.

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

Submitted report by the Head of Democratic Services on Landlord Registration matters.

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

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

Officers from Housing Services were present and provided further background information in relation to the application. They were also heard in response to questions from Members.

#### **Decision**

Councillor McDonald, seconded by Councillor McClung, moved that the Landlord Registration should be removed forthwith on the basis that the Registered Person was no longer a fit and proper person to act as a Landlord.

Councillor Collier, seconded by Councillor Inglis, moved an amendment that the case should be continued to the next meeting of the Committee (Wednesday 6 September 2023 at 10.00 a.m.):

- (a) for all necessary works to be carried out to the house which was the main house being discussed so that it met both the "Tolerable Standard" and the "Repairing Standard",
- (b) for the Housing Section to re-inspect the house and to report to the Committee, and
- (c) for the Housing Section to report to the Committee on the condition of the other houses in North Ayrshire which were:
  - (1) covered by the Registration (or the Registration held by the Director of the Limited Company), and
  - (2) occupied by tenants or other occupiers.

On a division and a roll call vote, there voted for the amendment Councillors Collier, Inglis and Stalker (3) and for the motion, Councillors McDonald, McClung and McLean (3), and on the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee agreed to continue the case to the next meeting of the Committee.

## **6. Urgent Items**

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

### **6.1 Taxi Licence TL/174: Alan McTurk**

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

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

#### **Decision**

The Committee agreed that the proposed vehicle should be treated in the circumstances of the case as justifying an exception to the Council's Taxi and Private Hire Car Vehicle Approval Specification under Civic Government (Scotland) Act 1982, Sections 10(2) and 10(5) (which normally prevents a vehicle from first being licensed as a Taxi or Private Hire Car if it is already over 8 years old, counted from the date of First Registration), and accordingly granted the Vehicle Substitution application under Section 10(5) of the Civic Government (Scotland) Act 1982.

The Committee considered that the facts:

- (a) that the vehicle was over 9 years old and had a mileage of 80,000; and
- (b) would immediately be the subject of a 6-monthly inspection cycle, were relevant factors in allowing an exception.

Councillor McLean, having declared an interest in the following item, left the meeting at this point in the proceedings.

### **6.2 Second Hand Car Dealer's Licence SHDL/036: Colin MacDonald**

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

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

#### **Decision**

The Committee unanimously agreed (a) to grant the temporary application subject to the Council's standard conditions in terms of Paragraph 7 of Schedule 1 of the Civic Government (Scotland) Act 1982 and (b) that the grant of the full application would be dealt with under Delegated Powers subject to there being no relevant objections or adverse representations other than that considered by the Committee on 9 August 2023.

The meeting ended at 12 noon.

Police and Fire and Rescue Committee  
14 August 2023

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

**Present (Physical Participation)**

Donald Reid, Nairn McDonald, Stewart Ferguson, Angela Stephen and John Sweeney.

**Present (Remote Attendance)**

Jean McClung and Donald L. Reid.

**Also Present (Physical Participation)**

Cameron Inglis.

**In Attendance**

R. Lynch, Senior Manager Legal Services, S. Wilson and D. McCaw, Committee Services Officers (Chief Executive's Service).

**Also In Attendance**

Superintendent S. Baber and Inspector S. Dougan (Police Scotland); Area Commander I. McMeekin and Station Commander N. Shearer (Scottish Fire and Rescue Service).

**Chair**

Councillor Donald Reid in the Chair.

**Apologies**

John Glover and Davina McTiernan.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the Meeting of the Police and Fire and Rescue Committee held on 19 June 2023 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Scottish Fire and Rescue Service Performance and Service Update**

Submitted report by the Scottish Fire and Rescue Service (SFRS) which provided information on progress against the North Ayrshire Local Fire and Rescue Plan for the period 1 April 2023 – 30 June 2023 including an analysis of the performance across six indicators, using the rolling three-year average as a basis of measuring performance.

The statistical information identified an increase in total incident activity levels together with primary and secondary fires, false alarms and non-fire casualties. Decreases were indicated for special services and fire casualties. Additional contextual information was provided by Area Commander McMeekin to the meeting.

Updates were also provided in relation to HM Fire Service Inspectorate conducting a review of operational and service delivery with the Ayrshire review commencing in August, and the current review of the Local Fire Plan which would be brought to Committee for consideration and comment.

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

- resilience appliances and operational cover available across Local Authority areas to mitigate risk throughout the Service;
- challenges faced in relation to recruitment of on-call personnel; and
- partnership working and early intervention initiatives to tackle heightened instances of deliberate fire setting.

The Chair, on behalf of the Committee, thanked Scottish Fire and Rescue for the recent Briefing at Kilwinning Fire Station.

Noted.

Councillor Inglis left the meeting during consideration of this item.

#### **4. Police Scotland Performance Update**

Submitted report by Police Scotland on performance in relation to the North Ayrshire Local Policing Plan for the period 1 April 2023 – 30 June 2023. A summary of current local policing plan priorities was also detailed.

The report provided information on North Ayrshire's performance, including an 8.6% increase in the total number of crimes. The report further outlined progress in the areas of serious crime, violence against women and girls, safer communities, community wellbeing, road safety and public confidence with additional contextual information provided by Superintendent Baber to the meeting.

Superintendent Baber further advised on personnel changes including that Chief Superintendent Faroque Hussain had been temporarily promoted to the role of Assistant Chief Constable, temporary Chief Superintendent Raymond Higgins had assumed the role as Ayrshire Divisional Commander, and Jo Farrell would commence the role as Chief Constable on 9 October 2023.

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

- age and height restrictions for children travelling in the front seat of cars and on the use of car and booster seats;
- any offence criteria in relation to the use of motorised scooters and bicycles in different areas such as roads, private land, parks and common ground;

- the rise in hate crime in comparison to the other Ayrshire Local Authorities;
- plans to tackle the increase in transphobic hate crime;
- the impact on anti-social behaviour statistics resulting from the reduction in late hours opening venues across North Ayrshire; and
- any expected local changes following the announcement of Police Scotland staff cuts.

At the invitation of the Chair, Superintendent Baber also provided further information on:

- the establishment of a multi-agency command structure for the July 2023 'Car Cruise' event following major congestion and disruption caused by an earlier event in May 2023. Contact was made with organisers who were co-operative and engaged with road policing partners in an attempt to ease disruption. A total of 54 offences were identified and Superintendent Baber thanked all involved partner agencies in connection with the joint approach to manage the event and to mitigate disruption for future events;
- the 999 and 101 average response times and discontinued call numbers across the service and on the recent update to Android mobile devices which resulted in silent 999 calls being triggered accidentally. Superintendent Baber advised that the modernisation programme in connection with the online reporting system was ongoing; and
- the Safer Shores initiative where the partnership approach adopted by Prevention First continued to have a positive impact.

Noted.

Councillor McClung left the meeting during consideration of this item.

The meeting ended at 16.20 p.m.



## **Planning Committee 23 August 2023**

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

### **Present**

Timothy Billings, Scott Davidson, Cameron Inglis, Jim Montgomerie and Chloé Robertson.

### **Also Present**

John Sweeney.

### **In Attendance**

Y. Baulk, Head of Service (Housing & Public Protection), A. Finlayson, Chief Planning Officer; I. Davies and A. Hume, Senior Development Management Officers (Planning) and N. McAteer, Planning Officer (Place); and R. Lynch, Senior Manager, J. Niven, Solicitor (Legal Services) and C. Stewart, H. Clancy and S. Wilson, Committee Services Officers (Democratic Services) (Chief Executive's Service).

### **Chair**

Councillor Billings in the Chair.

### **Apologies**

Robert Foster, Amanda Kerr, Davina McTiernan and Ian Murdoch.

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

On behalf of Members, Councillor Billings, Chair, introduced and warmly welcomed Allan Finlayson, newly appointed Chief Planning Officer, to his first meeting of the Planning Committee.

### **2. Declarations of Interest**

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

### **3. Minutes**

The Minutes of the Meeting held on 14 June 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **4. Planning Enforcement Charter**

Submitted report by the Executive Director (Place) on the updated Planning Enforcement Charter, set out at Appendix 1 to the report.

The Chief Planning Officer highlighted that a Planning Authority must keep its enforcement charter under review and must update and republish it every two years. North Ayrshire Council's Planning Enforcement Charter was last reviewed and republished in March 2021.

The Committee agreed to approve the updated Planning Enforcement Charter set out in Appendix 1 to the report.

#### **5. 23/00388/PPM: Bonded Warehouse Chivas Bros Ltd, Balgray, Beith**

Chivas Bros Ltd. have applied for a change of use of agricultural land to form extension to bonded warehouse complete to include the erection of 5 no. double cell and 3 no. triple cell warehouses, associated earthworks, internal access roads, SuDS and landscaping at the Chivas Bros Ltd. site at Balgray, Beith.

The Senior Development Management Officer advised the Committee on representations received and officer responses in terms of the application.

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

- the issue of black mould forming on all outside surfaces, which was deemed not to be a planning consideration;
- the uses of the warehousing and whether it could be used for any other purpose; and
- the condition surrounding landscaping to enhance and encourage biodiversity.

Councillor Billings, seconded by Councillor Inglis, moved that the application be granted subject to a condition. There being no amendment, the motion was declared carried.

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

1. That no development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation to be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the applicant shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority. The CEMP shall take into account the management of construction traffic to and from the site, and shall include information about the roads to be used and their suitability for heavy goods vehicles. Consideration shall be given to the potential impacts on safety within the village of Gateside particularly during school drop-off and pick-up times. The CEMP shall also identify the hours of working for the construction of the development. Thereafter, the development

shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, for the avoidance of doubt, surface water arising from the development of the site, including during construction operations, shall be treated and managed using a SuDS system. Prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the development of the site (during construction and operational phases) has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of any landscaping works, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of landscaping and planting. The finalised scheme shall be based on the landscape plan hereby approved and as per the recommendations Part 5 (Planting for Wildlife) of the Preliminary Ecological Appraisal submitted in support of the application (Wild Surveys project number WSWS4047.23 dated 18 April 2023). The scheme shall include details of species, planting densities, soil treatment, aftercare and future management. All tree and plant species shall be selected to enhance biodiversity and support nature/wildlife, with future management measures designed to minimise the use of chemical pesticides and manufactured fertilisers. The scheme as may be approved shall be implemented prior the development becoming operational and retained/managed permanently thereafter to the satisfaction of North Ayrshire Council as Planning Authority. Any trees or areas of planting which fail shall be replaced until successfully established.
5. That the recommendations contained in Part 5 of the Preliminary Ecological Appraisal submitted in support of the application (Wild Surveys project number WSWS4047.23 dated 18 April 2023) shall be implemented during the course of the development. For the avoidance of doubt, no vegetation clearance or soil stripping works shall be undertaken during the main bird breeding season of March - September.

**6. 23/00436/PP: Old Pavilion, Lamlash, Brodick**

Fergie's have applied for siting of a burger van within one car parking space for a temporary period of three years at the Old Pavilion, Lamlash, Brodick, Isle of Arran.

The Senior Development Management Officer advised the Committee on representations received and officer responses in terms of the application.

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

- the issue of what effect the application might have on the character of the conservation area;
- the issue of availability of parking in the surrounding area adjacent to the application site; and
- ownership of the car park, including landowners' permission.

Councillor Billings, seconded by Councillor Davidson, moved that the application be granted on the basis that the impact on parking and on the conservation area was negligible and that the snack van had operated for a considerable period at this location and operated over 5 days a week (normally Tuesdays to Saturdays) between the hours specified in the application (between 10am and 4pm), and that the van should be removed from the location, when not in use and trading. There being no amendment, the motion was declared carried.

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

1. That the siting of the snack van shall cease within 3 years of the date of decision.
2. That the use hereby shall only take place between the hours of 10am and 4pm Tuesday to Saturday, and at no other time.

The meeting ended at 3.00 p.m.

## **Local Review Body 23 August 2023**

At a Meeting of the Local Review Body of North Ayrshire Council at 3.15 p.m. involving participation by remote electronic means.

### **Present**

Timothy Billings, Scott Davidson, Cameron Inglis, Jim Montgomerie and Chloé Robertson.

### **In Attendance**

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

### **Chair**

Councillor Billings in the Chair.

### **Apologies**

Robert Foster, Stewart Ferguson, Amanda Kerr, Davina McTiernan and Ian Murdoch.

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

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

### **2. Minutes**

The Minutes of the Meeting held on 14 June 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **3. Notice of Review: 22/00987/PP – 51 Quarry Road, Irvine**

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

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant, the Report of Handling submitted by the appointed officer and the background to the continuation of the Review from the June meeting for the submission of further information relating to neighbouring properties with similar extensions, which had now been provided by the applicant. Photographs and plans of the site were displayed. The Planning Adviser advised that no site visit or hearing had been requested by the applicant.

Members asked questions and were provided with further information in relation to neighbouring properties with different and alternative types of extensions, some of which could have been built under previous permitted development rights legislation.

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

Councillor Inglis, seconded by Councillor Robertson, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the officer's decision and refuse planning permission.

#### **4. Notice of Review: 23/00126/PP: 14A Ferry Road, Fairlie**

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

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

Members asked questions and were provided with further information in relation to the different changes that had taken place in the past to adjacent properties, with various extensions, which had demonstrated a lack of consistency in terms of the overall style of the streetscape.

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

Councillor Inglis, seconded by Councillor Montgomerie, moved that the Local Review Body uphold the appeal and grant planning permission. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to grant the application, for the following reason:-

1. The proposal does not comply with the relevant provisions of the development plan, however other material considerations indicate otherwise and planning permission can be granted.

#### **5. Notice of Review: 23/00309/PPP: Mid Lambroughton Farm: by Cunninghamhead**

Submitted report by the Head of Democratic Services on a Notice of Review by the applicant in respect of a planning application refused by officers under delegated powers. The Notice of Review documentation, Planning Officer's Report of

Handling, Location Plan and Planning Decision Notice, were provided as appendices to the report.

After hearing the Legal Adviser, it was agreed that information relating to the statement of case, as submitted by the agent for the applicant, had been inadvertently omitted from the report. Accordingly, the Local Review Body agreed to continue consideration of the Notice of Review to the next meeting of the LRB to enable this information to be included in the report.

## **6. Notice of Review: 23/00249/PP: 33 High Road, Saltcoats**

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

The Planning Adviser to the Local Review Body summarised the Notice of Review submitted by the applicant and the Report of Handling submitted by the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser advised that no site visit or hearing had been requested by the applicant.

Members asked questions and were provided with further information in relation to the nature and design of roof styles of similar properties in the surrounding area, in terms of visual impact and in terms of consistency of design.

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

Councillor Montgomerie, seconded by Councillor Inglis, moved that the Local Review Body uphold the appeal and grant planning permission, subject to appropriate conditions.

As an amendment, Councillor Billings, seconded by Councillor Davidson, moved that the Local Review Body uphold the officer's decision to refuse the application for the reasons outlined in the Decision Notice.

On a division and roll call vote, three voted for the amendment Councillors Billing, Davidson and Robertson (3) and for the motion, Councillors Inglis and Montgomerie (2). The amendment was declared carried.

Accordingly, the Local Review body agreed to uphold the officer's decision and refuse planning permission.

The meeting ended at 4.20 p.m.

Cabinet  
29 August 2023

**IRVINE**, 29 August 2023 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

**Present**

Marie Burns, Tony Gurney, Alan Hill, Margaret Johnson, Christina Larsen and Shaun Macaulay.

**Also Present**

Cameron Inglis and Eleanor Collier.

**In Attendance**

C. Hatton, Chief Executive, M. Boyd, Head of Service and D. Forbes, Senior Manager (Finance) (Chief Executive's Service); A. Sutton, Executive Director and R. Leith, Head of Service (Communities) (Communities & Education); T. Reaney, Head of Service (Neighbourhood Services), N. McIlvanney, Interim Head of Service (Growth, Investment & Employability), L. Kirk, Interim Head of Service (Economic Development & Regeneration) and F. Ellis, Senior Manager (Housing & Public Protect) (Place); P. Doak, Head of Service (HSCP Finance & Transformation) (Health and Social Care Partnership); A. Craig, Head of Service, I. Hardy, Team Manager (Policy, Performance & Elections), J. Hutcheson, Senior Communications Officer (Communications), S. Wilson and H. Clancy, Committee Services Officers (Democratic Services).

**Chair**

Marie Burns in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the Meeting of the Cabinet held on 30 May 2023 and 13 June 2023 (Special) were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

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

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



#### **4. BUILD Project – Exempt Item**

Submitted a report by the Executive Director (Place) providing Cabinet with an update on the current status of the BUILD project.

Noted.

**The following item is subject to the call-in procedure per the Council's Scheme of Administration and will be considered at a meeting of Audit & Scrutiny Committee. No action can be taken meantime.**

#### **5. B714 Upgrade**

Submitted a report by the Executive Director (Place) updating Cabinet on the progress of the B714 Upgrade and seeking approval for the reallocation of funding to support project delivery. Further information on the funding reallocation proposals were attached at Appendix 1 to the report.

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

- levelling up inflationary pressures and what mitigating factors were in place to manage these; and
- whether a justification had been provided to the Council on why a previously expressed commitment to fund the improvements was not being adhered to.

The Cabinet agreed (a) to the submission of the updated Outline Business Case to the UK Government for approval, informed by feedback on the draft submission; and (b) to approve the reallocation of Council funding, detailed at Appendix 1, to support the delivery of the project, subject to the approval of the Final Business Case.

#### **6. Revenue Budget 2023/24: Financial Performance to 30 June 2023**

Submitted a report by the Head of Service (Finance) advising Cabinet of the financial performance for the Council at 30 June 2023.

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

- action being taken to address and reduce the overspend within the Health and Social Care Partnership; and
- the cause of the overspend within Waste Services and the work being undertaken to reduce this.

The Cabinet agreed (a) to approve the virements detailed at Appendix 7 to the report; and (b) to note (i) the information and financial projections outlined in the report, (ii) the latest financial projection for the Health and Social Care Partnership highlighted at section 2.6 of the report and (iii) the potential impact of the review of Strathclyde Pension Fund on future budget pressures.

## **7. Capital Programme and Treasury Management Performance to 30 June 2023**

Submitted a report by the Head of Service (Finance) advising Cabinet of progress in delivering the Capital Investment Programme 2023/24 and the associated Treasury Management performance to 30 June 2023.

Members asked a question and were provided with further information in relation to the major risk, and long-term impact, of inflationary pressures.

The Cabinet agreed (a) to approve the virement proposals noted within the HRA programme detailed at Appendix 2 to the report, and (b) to note (i) the revisions to budgets outlined in the report, (ii) the General Services and HRA revised budgets at 30 June 2023, (iii) the forecast expenditure to 31 March 2024, including the additional investment of £5.000m to support the B714 upgrading project as detailed at sections 2.12 and 2.13 of the report; and (iv) the estimated performance against the Prudential Indicators set out in the Treasury Management and Investment Strategy.

## **8. Health and Safety Annual Report 2022/23**

Submitted a report by the Head of Service (Finance) providing Cabinet with an updated report on the Health and Safety performance within Council Services during 2022/23.

Members asked questions and were provided with further information in relation to the Working Group that was established and the action taken to reduce the number of Aggression and Violence incidents within the Education Service.

Noted.

**The following item is subject to the call-in procedure per the Council's Scheme of Administration and will be considered at a meeting of Audit & Scrutiny Committee. No action can be taken meantime.**

## **9. Council Tax Multipliers: Scottish Government Consultation**

Submitted a report by the Head of Service (Finance) for Cabinet to consider the consultation response in respect of the review of the level of Council tax multipliers for Band E to Band H properties. The proposed consultation response was noted at Appendix 1 to the report.

Having noted the importance of recognising that this was a consultation response, and that decisions on Council Tax setting were made at full Council as part of the annual budget setting process and that no changes were being made to the Council Tax levels currently set, the Cabinet agreed to approve the Consultation response from North Ayrshire Council included in Appendix 1 to the report, for submission to the Scottish Government by 20 September 2023.

## **10. North Ayrshire Council Plan 2023-28: Performance Management Framework**

Submitted a report by the Chief Executive to consider and agree the Council Plan 2023 – 2028 Performance Management Framework. The Council Plan was attached at Appendix 1 to the report.

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

- engagement with partners and partnership working, both locally and nationally, for a whole system approach to wider issues; and
- whether the targets set out in the report were both ambitious and realistic.

The Cabinet agreed (a) to approve the Council Plan 2023-28 Performance Management Framework attached at Appendix 1 to the report; and (b) to refer the Performance Management Framework to the Audit and Scrutiny Committee for consideration.

## **11. Crown Estates Scotland – Memorandum of Understanding**

Submitted a report by the Executive Director (Place) seeking approval to renew a Memorandum of Understanding with Crown Estates Scotland.

The Cabinet agreed that the Council continues the partnership agreement with Crown Estates Scotland, to further explore investment opportunities to support North Ayrshire Council's regeneration and economic development priorities.

**The following item is subject to the call-in procedure per the Council's Scheme of Administration and will be considered at a meeting of Audit & Scrutiny Committee. No action can be taken meantime.**

## **12. Visitor Levy (Scotland) Bill**

Submitted a report by the Executive Director (Place) seeking approval to respond to active consultations on the Visitor Levy (Scotland) Bill and setting out working arrangements for exploration of the potential benefit and impact of a visitor levy.

The Cabinet, having welcomed the principle of having fiscal flexibility at a local level, irrespective of whether it was ultimately exercised, agreed (a) to authorise officers to respond to consultations on the Visitor Levy (Scotland) Bill as detailed in Appendix 1 to the report by expressing support for the introduction of a levy, subject to further exploration of costs and benefits; and to note the formation of an internal Visitor Levy Officer Working Group which would engage with the Tourism Forum, businesses and regional stakeholders to inform any future emerging proposals related to the implementation of a visitor levy.

### **13. Tree and Woodland Management Policy**

Submitted a report by the Executive Director (Place) seeking Cabinet approval on the proposed updated Tree and Woodland Management Policy. The updated Tree and Woodland Management Policy was attached at Appendix 1 to the report.

The Cabinet agreed to approve the updated Tree and Woodland Management Policy, attached at Appendix 1 to the report.

### **14. Memorial benches, Plaques and Other Memorial Opportunities**

Submitted a report by the Executive Director (Place) providing an overview and seeking Cabinet approval of the appropriate options to be supported for memorials for members of the public to remember a loved one. In addition to the examples of the options from other organisations/charities contained in paragraphs 2.23 and 2.24 of the report, the offering from the local community charity in Arran at Arran Memorial Garden in Shiskine was highlighted.

The Cabinet agreed to approve the range of memorials options set out in the report.

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

Submitted a report by the Executive Director (Communities and Education) on applications by Locality Partnerships to allocate CIF funding to proposed projects. Appendices 1-3, respectively, set out applications by Arran Locality Partnership (Arran Geopark) for £79,853, The Three Towns Locality Partnership (Saltcoats Active Lifestyles Team (SALT)) for £45,600 and Kilwinning Locality Partnership (the Corra Foundation) for £36,000 across a three-year period.

The Cabinet, having reviewed the submissions against the CIF criteria, agreed to approve the applications in relation to (i) Arran Geopark, (ii) Saltcoats Active Lifestyle Team (SALT) and (iii) the Corra Foundation, in the amount of £79,853, £45,600 and £36,000 (the latter across a three-year period).

The meeting ended at 4:05 p.m.