



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Council Meeting

1 November 2023

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AYRSHIRE ECONOMIC JOINT COMMITTEE

MINUTES OF MEETING HELD ON MONDAY 22 MAY 2023 AT 1400 HRS IN THE COUNCIL CHAMBERS, 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, Peter Henderson and Bob Pollock, South Ayrshire Council; Simon Foster, Spirit Aerosystems; Angela Cox, Ayrshire College; Jane Martin, Scottish Enterprise and Paul Zealey, Skills Development Scotland.

ATTENDING: Eddie Fraser, Chief Executive; David McDowall, Head of Economic Growth; Graham Saunders, Programme Lead - Ayrshire Growth Deal; and Dougal Watt, Senior Auditor, all East Ayrshire Council; Craig Hatton, Chief Executive; Russell McCutcheon, Executive Director - Place; Neale McIlvanney, Ayrshire Growth Deal; all North Ayrshire Council; Eileen Howat, Chief Executive; George Hunter, Assistant Director - Communities; Louise Reid, Assistant Director: Strategic Change; and Simon Yeardeley, Special Property Projects Co-ordinator; all South Ayrshire; and Christine Baillie, Democratic Services Team Leader, East Ayrshire Council.

CHAIR: Councillor Douglas Reid, Chair.

PREVIOUS MINUTES

1. There were submitted and approved as a correct record, the Minutes of the meeting held on 20 February 2023 (circulated).

AYRSHIRE GROWTH DEAL - PROGRAMME UPDATE

2. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council which advised members of the progress of the Ayrshire Growth Deal and the development of its component projects as at 28 April 2023 (Appendix 1 of the report).

It was agreed:

- (i) to note the updates provided in the report;
- (ii) to note the progress across the Ayrshire Growth Deal Programme;
- (iii) to note actions to address anticipated slippage of business case milestones and risk to financial drawdown;
- (iv) to note the main strategic and operational risks and the updated Risk Register; and
- (v) to note the communication update.

AYRSHIRE GROWTH DEAL - DIGITAL PROJECTS UPDATE

3. The Committee received a verbal update on the Ayrshire Growth Deal - Digital Projects Update by Louise Reid, Assistant Director: Strategic Change, South Ayrshire Council, as follows:-

The Ayrshire Economic Partnership Board at its meeting on 27 April 2023 agreed there was no consensus on a preferred option to re-scope the Digital projects and further agreed to remit to lead officers from South Ayrshire Council to explore options to re-

align the funds within the digital work streams of the Regional Economic Strategy and liaise with both the Scottish and UK Governments to discuss options and requirements for reprofiling.

Six options were presented as follows:-

1. 5G
2. Dark Fibre
3. Smart Ayrshire
4. Digital Voucher scheme
5. Re-prioritisation of funding
6. Do nothing (noted that the Partnership Board had agreed that do nothing was not an option)

Members of the Board were reminded of Ayrshire Growth Deal funding priorities and delivery parameters (eg The capital funding committed by the Scottish Government and UK Government and restrictions on spend; that proposed activity should not seek to duplicate or replace existing activity funded by government or public bodies and should address market failure; the financial profiling for the project/s agreed with the Lead Authority; a need to focus on activity that results in the delivery of economic benefits and growth and the need for accurate baseline data to inform a valid business case).

A briefing note was provided to Government representatives on the re-scoping activity undertaken and the outcome of discussions at the Partnership Board. A meeting was then held on 12 May with Government representatives, Ayrshire Growth Deal PMO and South Ayrshire Council leads to follow up on the actions agreed at the Partnership Board.

In summary, government colleagues were positive about the approach being undertaken to propose a new project scope.

The re-scoping options were discussed further at the meeting and it was confirmed that no pan-Ayrshire option (which could be considered as Options 1-4) was emerging that could be delivered within the Ayrshire Growth Deal parameters. Those options identified were either subject to current funding from public bodies or would be challenging to deliver within the funding envelope and requirements.

It was recognised that each priority or growth sector within the Deal had its distinct digital challenges, reflected in the Regional Economic Strategy and emerging Digital strategy.

Option 5 Re-prioritisation of funding was discussed. It was recognised that projects across the Deal, and in fact all Deals, face similar challenges in terms of inflationary and cost rises, which was also impacting on the deliverability of the Ayrshire projects.

Government colleagues confirmed there was no example of where re-prioritised funding from a de-scoped project had been used to address shortfalls in other capital project budgets. There are examples of where Deals have de-scoped or re-scoped existing projects.

It was fed back by Government colleagues that it would not be impossible, but it would be an easier ask of Ministers, to support a change where funds from the digital project/s were used to deliver a digital solution or address digital market failure.

Government colleagues reflected that taking more time to further review the options was sensible, however, there was no guarantee that the funds would be re-profiled into future years and authorities should be mindful of timescales for Deal delivery.

Government colleagues also confirmed that in terms of the process to be followed, any option proposed for re-scoping must follow the 5 case model with an OBC, FBC submitted and approved, in line with governance and change control processes.

South Ayrshire colleagues raised the issue of the Lead Authority continuing to spend at risk until an FBC was approved.

A thematic review was currently being undertaken by the Ayrshire authorities, co-ordinated by the Lead Authority to identify digital infrastructure requirements for priority sectors and this would provide further information to allow an Option 5a) to be considered.

Option 5b would seek to identify shortfalls in existing projects.

Scottish Government and UK Government colleagues will come back with clarification on any further spend or profiling restrictions following discussions with their Heads of Units with a further meeting with lead officers to be convened at a later date.

The Chair thanked Louise for her update and following discussion it was agreed:-

- (i) to limit, as far as possible, the spend on developing new options;
- (ii) that Scottish Enterprise would provide horizon scanning information from across Scotland to take cognisance of developing strategies; and
- (iii) that an update report be submitted to a future meeting of both the Partnership Board and Joint Committee.

The meeting terminated at 1450 hrs.

AYRSHIRE ECONOMIC PARTNERSHIP BOARD

MINUTES OF SPECIAL MEETING HELD ON MONDAY 7 AUGUST 2023 AT 1003 HRS IN THE COUNCIL CHAMBERS, EAST AYRSHIRE COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK AND BY VIDEO CONFERENCE

PRESENT: Councillors Douglas Reid, Clare Maitland and Maureen McKay, East Ayrshire Council; Councillor Anthony Gurney, North Ayrshire Council; Councillors Martin Dowey, William Grant and Bob Pollock, South Ayrshire Council; Angela Cox, Ayrshire College; Alastair Dobson, Taste of Arran; Claire Baird, Ayrshire Chamber of Commerce; and Paul Zealey, Skills Development Scotland.

ATTENDING: Eddie Fraser, Chief Executive; Graham Saunders, Programme Manager - Ayrshire Growth Deal; Mags Watson, Strategic Manager Economic Development (Interim); Dougal Watt, Senior Auditor (all East Ayrshire Council); Craig Hatton, Chief Executive; Louise Kirk, Head of Service/Economic Development and Regeneration; Neale McIlvanney, Interim Head of Service (Growth, Investment and Employability); Laura Neill, Senior Manager Employability; (all North Ayrshire Council); George Hunter, Assistant Director - Communities; and Louise Reid, Assistant Director - Strategic Change (both South Ayrshire Council and Rachel Phillips, Scottish Government.

APOLOGIES: Councillor Marie Burns, North Ayrshire Council; Hisashi Kuboyama, Federation of Small Businesses; Milan Radosavljevic, University of West of Scotland;

ALSO ATTENDING: Christine Baillie, Democratic Services Team Leader and Sheryl Wilcox, Democratic Services Officer, East Ayrshire Council; and Craig Stewart, Committee Services Officer, North Ayrshire Council

CHAIR: Councillor Douglas Reid, Chair.

ADJOURNMENT/RECONVENTION

1. The meeting adjourned at 1004 and reconvened at 1007 with the same Members and Officers present and participating with the addition of Councillor Anthony Gurney.

PREVIOUS MINUTES

2. There were submitted and approved as a correct record, the Minutes of the meeting held on 9 June 2023 (circulated).

AUDIT SCOTLAND: "SCOTLAND'S CITY REGION AND GROWTH DEALS - PROGRESS OF THE 2020 AUDIT REPORT RECOMMENDATIONS", JUNE 2023

3. There was submitted a report (circulated) by the Head of Economic Growth, East Ayrshire Council, which informed members of Audit Scotland's publication of a follow-up report on Scottish Growth Deals; focussing on issues relevant to the Ayrshire Growth Deal.

The Board agreed to note Audit Scotland's report content and propose its consideration by the Ayrshire Economic Joint Committee.

AYRSHIRE REGIONAL REVENUE PROJECT - AYRSHIRE SKILLS INVESTMENT FUND

4. There was submitted a report (copy enclosed), together with a presentation, by the Chief Executive, North Ayrshire Council which sought endorsement of the draft Full Business Case for the Ayrshire Growth Deal Ayrshire Skills Investment Fund (ASIF) for onwards consideration by the Ayrshire Economic Joint Committee. The Draft Full Business Case was attached as Appendix 1 to the report.

The Board agreed:

- (i) to endorse the draft Full Business Case (FBC) and arrangements for implementation of the ASIF; and
- (ii) to recommend the FBC for consideration of the Ayrshire Economic Joint Committee.

The meeting terminated at 1049 hrs.



North Ayrshire Health and Social Care Partnership

**Minute of Integration Joint Board meeting held on
Thursday 24 August 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 Anthea Dickson, North Ayrshire Council
Tom Hopkins, NHS Ayrshire and Arran

Professional Advisers

Caroline Cameron, Director of Health and Social Care Partnership
Paul Doak, Head of Service (HSCP Finance and Transformation)/Section 95 Officer
Thelma Bowers, Mental Health Adviser
Scott Hunter, Chief Social Work Officer
Darren Fullarton, Associate Nurse Director/IJB Lead Nurse
Sharon Hackney, Lead Allied Health Professional
Leigh Whitnall, Interim Professional Lead: Psychology

Stakeholder Representatives

Louise McDaid, Staff Representative (North Ayrshire Council)/Chair, North Coast
Locality Forum

Present (Remote Participation)

Voting Members

Councillor Timothy Billings, North Ayrshire Council
Christie Fisher, NHS Ayrshire and Arran

Professional Advisers

Iain Jamieson, Clinical Director
Elaine Young, Public Health Representative

Stakeholder Representatives

Vicki Yuill, Third Sector Representative

In Attendance (Physical Participation)

Elizabeth Stewart, Interim Head of Service (Children, Families and Criminal Justice)
Eleanor Currie, Manager, HSCP
Kerry Logan, Head of Service (Health and Community Care)
Kimberley Mroz, Manager, HSCP
Loretta Galloway, Service Manager - Unity
Fraser Bedwell, Chief Executive - Unity
Karen Andrews, Team Manager HSCP

Shannon Wilson, Committee Services Officer
Hayley Clancy, Committee Services Officer

In Attendance (Remote Participation)

Michelle Sutherland, Partnership Facilitator, HSCP
Peter McArthur, Senior Manager (Addictions)
Raymond Lynch, Senior Manager Legal Services
Claire Straiton, Dental Services Manager
Claire McCamon, Senior Manager Primary Care Services

Apologies

Joyce White, NHS Ayrshire and Arran (Vice-Chair)
Pamela Jardine, Carers Representative

1. Apologies for Absence

Apologies for absence were noted.

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 15 June 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** –Dental Services report – on the agenda
- **Implementation of the National CAMHS and Neurodevelopmental Specifications** – Briefing note issued and report to be presented to IJB in October 2023.
- **Director’s Report** – Update to a future meeting regarding commissioned services – Scheduled for October 2023.
- **Suicide Prevention: Strategy, Learning and Development** – Summary of training levels and availability to be provided to IJB.

Darren Fullarton gave a verbal update on the training levels and availability of training nationally, advising National Education Scotland produced a mental health improvement, self-harm and suicide prevention framework. Training would be delivered locally by the Choice Life Co-ordinator with a calendar of available training available for the rest of the year.

Thelma Bowers gave a verbal update on the Suicide Prevention Event on 2 October 2023. The event would be a full system workshop for North Ayrshire in response to the National Strategy and to help develop a North Ayrshire Plan.
Noted.

4. New Carer Strategy & Investment in Services for Unpaid Carers in North Ayrshire

Submitted report by Scott Hunter, Chief Social Work Officer on the Carer Strategy and the developments in relation to increased investment in support for unpaid carers. The Building Caring Communities: Interim Carer Strategy for 2023 – 2025 was detailed at Appendix 1 to the report.

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

- low percentage uptake from carer support plan;
- consistency in referrals from various different sources; and
- availability of a summary of the Carers Strategy for publication.

A monthly update on the progress to be provided to the Partnership.

Noted.

5. Dental Services Update

Submitted report by Vicki Campbell, Head of Primary and Urgent Care Services on the current position of access to dental services within the North Ayrshire Health and Social Care Partnership.

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

- planned advice for school-age children on oral hygiene;
- public consultation requirements;
- covid restrictions for dental services;
- current dental services issues on Arran;
- availability of access to dental services in the communities; and
- inequalities in the prison dental service.

The IJB agreed (a) that a further update to be provided in 6 months; (b) otherwise, to note the update.

6. Alcohol and Drug Performance Management Report

The Board received a presentation by Peter McArthur, Senior Manager (Addictions) in respect of the North Ayrshire Health and Social Care Partnership (NAHSCP) Alcohol and Drug Performance Management Report between April 2022 and March 2023. The presentation highlighted waiting times, substance use treatment target, the annual naloxone report, drug related deaths, training calendar, implementation of MAT standards, residential rehabilitation expansion and financial information.

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

- support available to people with a gambling addiction;
- work being done on the performance framework of the Local Outcomes Improvement Plan;
- types of drug related deaths; and
- support in place for families of drug-related death victims.

Noted.

Peter McArthur left the meeting at this point.

7. Director's Report

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

The report provided an update on the following areas: -

- the Scottish Government agreement with local authorities and the NHS about the accountability arrangements for the National Care Service (NCS). The agreement established who would be responsible for people's care once the NCS was established, and confirmed that Councils would continue to hold staff, assets, and the delivery of social care services; discussions to take place over the coming months to develop an accountability framework for local and national elements, and new governance arrangements to be introduced to ensure consistently high levels of service across the country;
- Dr Tom Hopkins had replaced Adrian Carragher as Non-Executive Director on the North Ayrshire IJB following his appointment as the new Chair of the Area Clinical Forum
- following a request for expressions of interest, Vicki Yuill had agreed to join the IJB Performance and Audit Committee and all vacancies on IJB PAC had now been filled;
- the annual iMatter survey had the second highest response rate at 65%, and positively the Partnership aggregate level of employee engagement was 81 – the highest it had ever been;
- a group from Trindlemoss Day Opportunities in Irvine achieved a Gold Award as part of the RSPB's Wild Challenge Awards programme;
- the launch of a new debt advice service being delivered by CHAP for the next two years; and
- Scottish Government had paused all routine COVID-19 testing guidance across health, social care and prison settings. The exception to the pause was for individuals in hospital, prior to being discharged to a care home or hospice; routine testing would remain.

The Partnership thanked Carragher for his support and contribution to the North Ayrshire IJB over the last four years.

Noted.

8. 2023 – 2024 Month 3 Financial Performance

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation), on the IJB's financial performance as at month 3 (June). Appendix A to the report detailed the Objective Summary as at 30 June 2023, Appendix B provided the financial savings tracker and the budget position was set out at Appendix C.

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

- development of a financial recovery plan;
- challenges around children's residential placement and the plans in place; and
- vacancies within Children and Families.

The Board agreed to (a) note (i) the overall integrated financial performance report for

the financial year 2023-24 and the current overall projected yearend overspend of £4.576m, (ii) the progress with delivery of agreed savings and (iii) the remaining financial risks for 2023-24; and (b) approve the budget reductions set out at section 2.10 of the report.

Louise McDaid left the meeting at this point.

9. Annual Performance Report 2022-23 Year End Performance

Submitted report by Paul Doak, Head of Service (HSCP Finance and Transformation), on the key achievements during 2022 – 2023 and the publication of the Annual Performance Report. The Annual Performance Report was set out at Appendix 1 to the report.

Noted.

10. Clinical Care and Governance Group Update

Submitted report by Darren Fullarton, Lead Nurse/Associate Nurse Director on the Clinical Care and Governance Group, with the terms of reference for the group set out at Appendix 1 to the report.

Noted.

11. Whistleblowing Report Quarter 1 April – 30 June 2023

Submitted report by Karen Callaghan, Corporate Governance Co-ordinator, in relation to whistleblowing concerns raised in Quarter 1 (April – 30 June 2023).

Noted.

12. Whistleblowing Annual Report 2022 - 2023

Submitted report by Karen Callaghan, Corporate Governance Co-ordinator, on the organisational activity in relation to whistleblowing for 2022-2023.

Noted.

The meeting ended at 12.10 p.m.

Audit and Scrutiny Committee
5 September 2023

At a Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 10.00 a.m. involving participation by remote electronic means.

Present

John Bell, Donald Reid, Eleanor Collier, Cameron Inglis, Tom Marshall, Davina McTiernan and John Sweeney.

In Attendance

C. Cameron, Director, P. Doak, Head of Service (Finance and Transformation) and E. Stewart, Senior Manager (Children, Families and Justice) (Health and Social Care Partnership); A. Sutton, Executive Director and C. Hope, Senior Manager (Facilities Management) (Communities & Education); M. Boyd, Head of Service, L. Miller, Senior Manager, K. Gray, Team Manager, M. McCall, R. Hodge, D. Perrit and G. McMaster, Fraud Investigators (Audit, Fraud, Safety and Risk) (Finance); D. Hammond, Head of Service (Sustainability, Transport & Corporate Property), Y. Baulk, Head of Service (Housing & Public Protection) and F. Ellis, Senior Manager (Housing Strategy & Development) (Place); and A. Craig, Head of Service (Democratic), C. Stewart and H. Clancy, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Bell in the Chair.

Apologies

Matthew McLean 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 (i) the Ordinary Meeting of the Audit and Scrutiny Committee held on 30 May 2023; and (ii) the Special Meeting held on 27 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. Annual Assurance Statement to the Scottish Housing Regulator 2022/23

Submitted report by the Executive Director (Place) on the Council's Annual Return of the Charter 2022/23 submission and requesting endorsement of the Annual Assurance Statement to be submitted to the Scottish Housing Regulator. The Annual Assurance Statement was attached at Appendix 1 to the report.

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

- agreed and documented timeframe for repairs, following inspection for condensation dampness and mould;
- the current position with regard to the review of the Housing Allocations Policy;
- the length of time taken for adaptations to be carried out and the reasons behind any delays;
- compulsory testing of gas and electrical safety testing (including smoke detection installations) including the position regarding access and forced entry procedures; and
- the position regarding the percentage of provision of hostel accommodation.

The Committee agreed (a) that the Committee Chair sign the Annual Assurance Statement detailed at Appendix 1 to the report; and (b) to note (i) the Annual Return on the Charter submission 2022/23; (ii) the supporting evidence provided to demonstrate compliance with the regulatory framework; (iii) the Council's non-compliance with its gas, electrical and fire safety legal responsibilities, albeit all outstanding gas safety checks for 2022/23 had now been carried out.

4. North Ayrshire HSCP - Internal Control Review

Submitted report by the Director, North Ayrshire HSCP on the recent work which had been undertaken to strengthen the internal control environment of the Health and Social Care Partnership.

Members asked questions and noted that further information in relation to the extent of spend would be provided on the most used Procurement Card, by volume of spend, including the possibility of obtaining itemised information on items of spend of £100 or more.

Noted.

5. Accounts Commission's Report: Local Government in Scotland: Overview 2023

Submitted a report by the Head of Service (Finance) on the findings of the Local Government in Scotland Overview 2022 report by the Accounts Commission highlighting key messages and recommendations.

A link to the full report was provided within the Executive Summary which examined how the Covid-19 pandemic had affected councils and their performance; considered the current and future challenges facing local government; and assessed how well-placed Councils are to deal with the current and future challenges.

Members asked questions and were provided with further information in relation to the anticipated timescales, including change of timelines, and the challenges of financial planning on initiatives and projects.

The Committee agreed to note (i) the findings of the Accounts Commission report; (ii) the key messages and recommendations contained in the report; and (iii) North Ayrshire Council's current approach in relation to each recommendation.

6. Internal Audit Reports Issued

Submitted report by the Head of Service (Finance) on the findings of Internal Audit work completed between May and August 2023. The findings from five audit assignments were detailed at Appendix 1 to the report, together with the respective executive summaries and actions plans.

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

Glow

- access permission rights to Glow accounts and its level of use;
- the position regarding mandatory training provided to Glow users which incorporated the types of data suitable to store and send via this system (action point b, due date: August 2023), and the assurance given that this had been actioned; and
- the position regarding a high number of users with administrator rights access, meaning that staff had full access to the system with an access level higher than their job role (action point d, due date: August 2023), and the assurance given that this had been actioned at both a national and local level.

Payroll Transaction Testing

- the position regarding (action point a, due date: 31 July 2023) in which hours worked on one of the Building Service standby timesheets was higher than the times recorded on the job details form, and the assurance given that this action was now complete.

The Committee agreed to note the outcomes from the Internal Audit work completed as set out in the report and detailed in Appendix 1 to the report.

7. Internal Audit and Corporate Fraud Action Plans: Quarter 1 Update

Submitted report by the Head of Service (Finance) on the progress made by Council Services in implementing the agreed actions from Internal Audit and Corporate Fraud reports as at 30 June 2023. Appendix 1 to the report provided full details of the action which was not completed within the agreed timescales.

The Committee agreed to note (i) the current position with the implementation of Internal Audit and Corporate Fraud actions and (ii) the circumstances surrounding the one outstanding action not completed within the previously agreed timescale.

8. Exclusion of the Public – Para 1

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

9. Investigation Reports Issued

Submitted report by the Head of Service (Finance) on investigation reports finalised since the last meeting.

Following questions and discussion, the Committee agreed to note the outcomes from the investigations carried out.

The meeting ended at 11.45 a.m.

Licensing Committee 6 September 2023

At a Meeting of the Licensing Committee of North Ayrshire Council at 10.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Irvine and Kilwinning Committee Room, Irvine

Present (Physical Participation)

Eleanor Collier, Cameron Inglis, Christina Larsen, Jean McClung, Matthew McLean, Ronnie Stalker and Angela Stephen.

Present (Remote Participation)

John Bell and Donald L. Reid

In Attendance

R. Lynch, Senior Manager, D. Grier, Solicitor (Legal Services), A. Toal, Administration Assistant and S. Dalgoutte, Senior Clerical Assistant (Licensing); K. Bell, Team Manager (Housing Strategy) and A. Dopierala and K. Nolan, Policy Officers (Private Sector Housing) (Place); and H. Clancy, Committee Services Officer (Democratic Services) (Chief Executive's Service)

Also in Attendance

Sergeant S. Syme (Police Scotland)

Chair

Councillor Collier in the Chair (except Agenda Item 3: Case 3).

Councillor Larsen in the Chair (Agenda Item 3: Case 3).

Apologies

Nairn McDonald.

1. Declarations of Interest

In terms of Standing Order 11 and section 5 of the Code of Conduct for Councillors, Councillor Collier declared an interest in Agenda Item 3: Case 3 - Street Trader's Operator's Licence: STL/O/540: GKG Catering Ltd, due to the siting of the application in her local area and agreed to vacate the Chair for this item of business, leaving the meeting and taking no part in the decision.

Councillor Larsen declared an interest in Agenda Item 3: Case 4 - Taxi Driver's Licence: TDL/02394: Robert Hendry, in that the applicant was known to her and agreed to leave the meeting and take no part in the decision.

2. Minutes

The Minutes of the Meeting held on 9 August 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."

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

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

Appendix A: Hearings

4.1 Metal Dealer's Licence: MDL/064 (Renewal): George Payling

At a previous meeting on 9 August 2023, the Committee agreed to continue consideration of this item.

The licence-holder having been duly cited to attend, was present. A representative from Police Scotland was also in attendance.

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

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

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.

4.2 Second Hand Dealer's Licence: SHDL/205 (Renewal): George Payling

At a previous meeting on 9 August 2023, the Committee agreed to continue consideration to allow the licence-holder to attend.

The licence-holder having been duly cited to attend, was present. A representative from Police Scotland was also in attendance.

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

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

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.

4.3 Street Trader's Operator's Licence: STL/O/540 (New) GKG Catering Ltd

The Chair left the meeting at this point and took no part in the determination of this item of business.

In the absence of the Chair, the Committee unanimously agreed that Councillor Larsen be appointed as Chair. Thereafter, Councillor Larsen assumed the Chair for this item.

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

Decision

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

Councillor Collier re-joined the meeting and resumed the Chair at this point.

4.4 Taxi Driver's Licence: TDL/02394 (New): Robert Hendry

Councillor Larsen left the meeting at this point and took no part in the determination of this item of business.

The applicant having been duly cited to attend was present. A representative from Police Scotland was 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 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.

Councillor Larsen re-joined the meeting at this point.

4.5 Taxi Driver's Licence: TDL/02399 (New): Alan MacDonald

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

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/454 (New): Colin Bennett

The applicant having been duly cited to attend was present. A representative from Police Scotland was 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 (a) the proposed vehicle should be treated 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 application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

4.7 Private Hire Car Licence: PHCL/382 (New): Steven Mason

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

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

Decision

The Committee agreed (a) the proposed vehicle should be treated 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 application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

4.8 Taxi Licence: TL/450 (New): Brahim Sensri

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

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

Decision

The Committee agreed (a) the proposed vehicle should be treated 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 application to allow the Clerk to consider whether or not Delegated Powers could be used to determine the application.

4.9 Taxi Licence: TL/451 (New): Stacey Beattie

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

Decision

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

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 11.10 a.m. for a short comfort break, reconvening at 11.30 a.m. with the same Members and officers present and in attendance.

4.10 Short Term Lets Licence: NA00306C (New): Barbara Bueltmann

The applicant's representative, having been duly cited to attend, was present as were two objectors. Both parties then addressed the Committee on the issues raised and responded to questions.

The objectors were reminded of the Committee's scope for determining applications and informed that they should seek their own independent legal advice in respect of the issues raised regarding the burdens section of the title sheet.

Decision

The Committee agreed, Councillor McLean dissenting, to grant the application under The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order") subject to the Mandatory Conditions set out in Schedule 3 to the STL Order and to the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing".

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.

At a previous meeting on 9 August 2023, the Committee agreed to continue consideration of this item. The licence-holders, having been duly cited to attend, were not present.

Officers from Housing Services were present and provided further background information including an update in relation to the application.

Decision

The Committee agreed to (a) remove both Landlords from the Register; and (b) issue a Rent Penalty Notice under Section 94 on the basis that the Registered Landlords were no longer fit and proper persons to act as a Landlords. The Rent Penalty Notices would only apply to occupied properties.

The meeting ended at 12.35 p.m.

Audit and Scrutiny Committee
12 September 2023

At a Special Meeting of the Audit and Scrutiny Committee of North Ayrshire Council at 11.00 a.m. involving participation by remote electronic means.

Present

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

Also Present

Timothy Billings, Tony Gurney, Amanda Kerr, Christina Larsen, Nairn McDonald, Louise McPhater and Ronnie Stalker.

In Attendance

M. Boyd, Head of Service (Finance); L. Kirk, Interim Head of Service (Economic Development and Regeneration) and N. McIlvanney, Interim Head of Service (Growth, Investment and Employability) (Place); A. Craig, Head of Service (Democratic), C. Stewart, H. Clancy and S. Wilson, Committee Services Officers (Chief Executive's Service).

Chair

Councillor Bell in the Chair.

Apologies

Donald Reid and Matthew McLean.

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: B714 Upgrade

Submitted report by the Chief Executive on a call-in request in respect of a decision taken by Cabinet on 29 August 2023 to (a) agree to the submission of the updated Outline Business Case to the UK Government for approval, informed by feedback on the draft submission; and (b) approve the reallocation of Council funding, detailed at Appendix 1 to the report, to support the delivery of the project, subject to the approval of the Final Business Case. The original Cabinet report was attached at Appendix 1 to the report. Appendix 2 to the report contained a briefing note provided by the Interim Head of Service (Economic Development and Regeneration) in response to the matters raised in the call-in request.

The Cabinet on 29 August 2023 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.

Subsequently, a call-in request was received from Councillors McPhater, Kerr and McDonald in the following terms:

Reason for Call-In

“Funding should not be cut from important investment in Community Wealth Building, town centre regeneration and economic development to deliver what is a reduced upgrade of the B714. Alternative funding sources should be identified.

Additionally, the B714 project is of major importance to North Ayrshire and our region’s future economic prospects. However, the Cabinet’s proposal removes the active travel elements from the initial project delivery, with no timeframe for future phases nor any guarantees that funding will be available for them. A Council that has declared a climate emergency, that has set an ambitious net zero target and has an administration that supposedly prioritises tackling climate change, shouldn’t be repeating the mistakes of the past and undertaking major road projects without investing in active travel infrastructure as part of that project.”

Desired Outcome

“The Council should utilise the money available from the PPP service concession as an alternative funding source.

A further report to be brought back to Cabinet outlining a concrete timetable and funding proposal for the delivery of the active travel elements in the project.”

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 and Councillor McDonald addressed the Committee in support of the call-in request.

The Chair then invited Councillor Gurney, as the Cabinet Member for Green Environment and Economy, to address the meeting. Councillor Gurney explained the reasoning for the Cabinet decision and referred to a briefing note from the Interim Head of Service (Economic Development and Regeneration) provided at Appendix 2 to the report.

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

Members asked questions of the Interim Head of Service (Economic Development and Regeneration) and were provided with further information in relation to:-

- The timescale of the tender process and assessment of submissions;
- the impact that any budget reduction might have on the intended project specification including project delivery; and
- the deadline for submission of the Business Case to the UK Government.

Councillor Sweeney, seconded by Councillor Bell, 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.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Collier, Inglis, Marshall and McTiernan (4) and for the motion, Councillors Bell and Sweeney (2). The amendment was declared carried.

Accordingly, the Committee agreed (a) not to support the call-in request; and (b) that the previous decision of Cabinet should stand.

2. Call In: Council Tax Multipliers – Scottish Government Consultation

Submitted report by the Chief Executive on two call-in request in respect of a decision taken by Cabinet on 29 August 2023 in which, 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. The two call-in requests were presented (in the order received) at Appendices 1A and 1B to the report. The original Cabinet report and consultation response were attached at Appendix 2 to the report. Appendix 3 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 29 August 2023 agreed to approve the proposed consultation response at Appendix 1 to the report, for submission to the Scottish Government by the consultation response deadline.

Subsequently, two call-in requests were received in the following terms from (A) Councillors McPhater, Kerr and McDonald; and (B) Councillors Billings, T. Ferguson and Stalker.

(A) Reason for Call-In (Councillors McPhater, Kerr and McDonald)

“In 2007, the SNP were elected on a manifesto to “scrap the unfair Council Tax”. 16 years later we still have Council Tax, and it is still based on historic property valuations.

Repeating the tinkering on the Council Tax formula for bands E-H, which was first implemented in 2017, does not repair local governments broken finances. The amount raised from the proposal amounts to less than 5% of our current council tax income.

Nor will tinkering with banding formulas make Council Tax fairer. It is a fundamentally regressive form of tax. The size of a property is not a good indicator of wealth or income, and the proposed changes will undoubtedly hit households who are on low incomes. For example, the changes will hit pensioners on a fixed income particularly hard, as well as young families struggling due to the cost-of-living crisis.

The Council Tax Reduction is inadequate and will not address the full range of needs of those hit by these Council Tax rises.

Furthermore, without a full revaluation, these changes will exacerbate the inequity between new build properties and those recently valued with those older properties that have been improved or extended. This will make the system less fair.

We are living through the worst cost of living crisis in generations with massive rises in households' energy bills, food costs, mortgages and rent. To hit a large number of households with large Council Tax increases at this time is deeply unfair.”

Desired Outcome

“The consultation response be amended to reflect these points and to oppose the proposal on these grounds.

As an alternative, the Council’s position should be to argue for reform of local taxation. This should include exploration of options such as, but not limited to, a full and thereafter regular revaluation of Council Tax, a replacement property tax, a local service tax, land value tax and a local income tax. North Ayrshire Council should advocate for a system based on a mix of local taxation options which are progressive and deliver real fiscal empowerment for councils to provide the services that our communities need.”

(B) Reason for Call-In (Councillors Billings, Todd Ferguson and Stalker)

“We consider that there should be no changes made to the multipliers used to calculate council tax. The reasons are:

1 – it is well established that Council Tax needs to be changed because it takes no account of people’s ability to pay. This was recognised by the SNP Scottish government years ago but there has been no attempt made to bring forward a fairer system of raising local government funds. This change will further exacerbate the fundamental unfairness of the Council tax system which will create financial harm to many people even though they may live in larger homes.

2 – the current wording of the consultation response does not recognise the significant detrimental impact caused to Arran. Arran has nearly double the numbers of E to H properties compared to mainland North Ayrshire. Cost of living on Arran is already significantly higher than on the mainland and this change will further raise the cost of living on Arran which will put it at a disadvantage compared with the mainland. The Island Act legislation requires that there is a full economic and social assessment made when deciding on policy issues, and island must not be disadvantaged when compared with the mainland. This requirement is not stated with the consultation response.

3 – the comparisons between Scotland’s and England’s council tax rates are too simplistic and don’t recognise the reality of property price differentials between the majority of England and Scotland. England has a lower % of properties in the E to H bands than in Scotland, and on average property prices in England are higher than those in Scotland. In areas which have high levels of Council Tax, such as North East England over 50% of properties in band A (compared with just over 30% in North Ayrshire). Therefore, in Scotland there will be many more families on middle and lower incomes living in higher rated properties, who already pay more council tax than a property of a similar value in England. These families will be hit hard by these proposals with no possibility of obtaining any relief. The cost of living is already at crisis point and these proposals will only add to the existing hardship.”

Desired Outcome

“The desired outcome is that the North Ayrshire Council response on the proposed changes to Scotland’s council tax multipliers is changed to reflect the point made above.

Specifically:

Question 1 – NO

Council tax is a flawed system for raising local taxation as it takes no account of people’s ability to pay. This has long been recognised by the Scottish government. These proposed changes will harm many families living in larger properties who are already struggling with the cost of living crisis but fall outwith any support criteria.

Comparisons that try to claim that on average Scotland’s rates of council tax are lower than those in England but this is a very simplistic view of council tax comparison. It does not take into account the fact that England has a lower % of properties in bands E to H and where some of the highest rates of council tax are set there are very high levels of properties in band A. The result of this is that more families in Scotland are living in homes with higher bands when compared with a property of a similar value in England. Many Scottish families are already paying more than a family in England in similar valued homes.

When was something in England ever a reason for the SNP Scottish government to do something in Scotland? Scotland already has a higher level of taxation than in England (income tax and Land and Building Transaction tax are two examples). These proposals will further increase the competitive disadvantage of living in Scotland.

Question 2 – NO

There should be no change to the current multiplier rates. Council tax is not based on the ability to pay. Increasing rates of council tax for higher banded properties does nothing to address the basic flaw in the council tax system.

There will be many families living in higher band properties who are on middle to low incomes and will already be struggling with the cost of living crisis. They will be severely affected by these changes further increasing the struggle they have to make ends meet.

Question 3 – no answer as there is no option to say no change.

Question 4 – Other

There should be no change to band multipliers.

Question 5 – YES

The criteria for relief from tax should be the same for all families irrespective of the tax banding of their homes. The levels of relief must take in to account the ability to pay which may result in higher levels of relief for families liable for higher levels of taxation.

Question 6 – use current response.

Question 7 – use current response.

Question 8 – use current response.

Question 9 – use current response with the addition of the following:

Arran has only 25% of properties in bands A and B compared with 57% in North Ayrshire overall. In addition Arran has is a much higher % of properties in bands E to H compared to the mainland (36% vs 19%). Therefore, families on Arran are on average already paying a much higher rate of council tax compared with mainland North Ayrshire. Any changes to E to H bands will have a significantly greater detrimental impact on Arran.

Arran already has higher costs of living when compared with the mainland. These council tax changes will increase the cost disparity and will have a far greater negative impact on Arran residents.

The Island Act legislation required that policy changes don't disadvantage island residents compared to the mainland. These council tax proposals will have a greater impact for island residents, therefore, if a change is made to council tax multipliers there must be some form of compensation or mitigation so that island residents are not unfairly disadvantaged.

Question 10 – YES

Arran island residents, who are on average already in higher tax banded properties, will be more greatly affected by these proposals when compared with the mainland. These disproportional impacts must be considered in accordance with the Island Act legislation.”

The Chair outlined the procedure for the Committee when dealing with multiple call-in requests, namely where more than one request had been received relating to one decision of Cabinet.

Thereafter, the Members who had requested call-in (A) were invited to speak and Councillor McDonald addressed the Committee in support of the call-in request.

Thereafter, the Members who had requested call-in (B) were invited to speak and Councillor Billings addressed the Committee in support of the call-in request.

The Chair then invited Councillor Larsen, as the Cabinet Member for Finance, to address the meeting. Councillor Larsen advised that she would respond to the two call-in requests; explained the reasoning for the Cabinet decision; and referred to an explanatory note from the Head of Service (Finance) provided at Appendix 3 to the report.

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 3 to the report.

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

- the broader issues involved, specifically on Council Tax reform;
- the expansion of the Council Tax reduction scheme, which already included single person discount, to support as many households as possible affected by the proposal;
- including a reference to the Islands Act in the Scottish Government consultation response, to take account of a full economic and social impact assessment of the proposal;
- the financial challenges and pressures on Council budgets, including funding gaps and the ability to raise revenue;
- the issue of newly constructed properties, and clarification that had subsequently been obtained from the Assessor, relating to the notional market value of new properties as at 1 April 1991; and
- distribution of any additional revenue generated across the country and the role of the Directors of Finance Group in seeking to ensure an appropriate funding allocation across Councils.

Councillor Inglis, seconded by Councillor Sweeney, moved that the Committee agree to accept the terms of the call-ins (the Head of Democratic Services having sought clarification on whether the full terms of call-in (B) were part of the motion and received confirmation that they were) and refer the matter to the Cabinet for further consideration with the recommendation that Cabinet considers (i) in relation to call-in (A) the terms of the call-in and that the response to the consultation questions 1 and 2 should be “No”, and (ii) in relation to call-in (B) the terms of the call-in and the proposed response tabled which includes reference to the Islands (Scotland) Act 2018.

As an amendment Councillor Collier, seconded by Councillor McTiernan, moved that the Committee agree not to support the call-ins and that the previous decision of Cabinet should stand, notwithstanding that a reference to the Islands (Scotland) Act 2018 should be included in the consultation response.

Thereafter, on a division and a roll call vote, there voted for the amendment, Councillors Collier and McTiernan (2) and for the motion, Councillors Bell, Inglis, Marshall and Sweeney (4), and the motion was declared carried.

Accordingly, the Committee agreed that the terms of the call-ins be referred to the Cabinet for further consideration, with a recommendation that Cabinet considers (i) in relation to call-in (A) the terms of the call-in and that the response to the consultation questions 1 and 2 should be “No”, and (ii) in relation to call-in (B) the terms of the call-in and the proposed response tabled which includes reference to the Islands (Scotland) Act 2018.

3. Call-In: Visitor Levy Consultation

Submitted report by the Chief Executive on a call-in request in respect of a decision taken by Cabinet on 29 August 2023 in which, having welcomed the principle of having fiscal flexibility at a local level, irrespective of whether it was ultimately exercised, the Cabinet 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 (b) 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. The original Cabinet report and consultation response were attached at Appendix 1 to the report. Appendix 2 to the report contained a briefing note provided by the Interim Head of Service (Growth, Investment and Employability) in response to the matters raised in the call-in request.

The Cabinet on 29 August 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 15 September 2023.

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

“Reason for Call-In

The decision of the Cabinet was to respond to the consultation ‘in support of the introduction of a levy’. We do not agree that North Ayrshire Council should be in support of the introduction of a levy at this time. There is insufficient detail in the draft legislation to ensure that any levy would be reasonable, proportionate and not have an overall harm on the visitor industry of North Ayrshire and Arran.

We consider that the responses in the consultation document are incomplete, unworkable and do not reference a number of very important issues that have been raised in discussion with constituents. These are:

The need for a Visitor Levy: The case for a Visitor Levy has not yet been made as there are concerns that a levy will be burdensome, expensive to operate, and removed local control of visitor funds. The cost of operating a business is already high in Scotland with high levels of taxation and VAT at 20% on all visitor services which is significantly more than many countries where visitor levies are applied. In addition, the cost of carrying on business on North Ayrshire’s islands is already higher than the mainland.

Existing Visitor Gifting Schemes: There are several voluntary visitor gifting schemes operating on Arran, which cost nothing to run and raise considerable amounts of money that is then used for the benefit of visitors to Arran. The imposition of a centralised compulsory visitor levy will harm the functioning of these schemes and reduce the funds available for use on Arran.

Where the funds are spent: A centrally controlled visitor levy will remove local decision-making about how donations from visitors will be spent. If there is going to be a visitor levy then the local authority must undertake full engagement with its visitor businesses and communities and agree how the funds raised should be spent and in what proportion across the local authority area.

Definition of Chargeable Transaction: The consultation response states that using the total overnight charge would be preferable to what the Bill suggests, which is just the accommodation element of the stay. Using the total overnight charge would be unworkable, unfair and anticompetitive. This is because:

- Accommodation providers regularly offer a bundled offer that could include a combination of accommodation, breakfast, dinner, parking, leisure facilities, spa treatments, and ferry travel. These are often used to promote the business and attract visitors out of season. It would be totally unreasonable for a guest staying at a multiservice accommodation providers (such as a hotel or bed & breakfast) to pay the visitor levy on the total cost of their stay.
- Having a levy on the total cost of stay would be unworkable as it would be impossible to know what was and was not included. For example, if the levy were to be on the total cost of the stay, would that be for guests who purchase the bundle up front or for all guests even if they only book a room up front but then go on to purchase breakfast, dinner and spa treatments? What about hotel guests who only book a room and then pay as they go for additional services?
- If hotel guests have to pay the levy on more than just the room then hotels would have two prices, one for guests charging services to the room and the second for people not staying at the hotel but using its services.
- Hotels would lose custom because guests could go to local restaurants and not have to pay the levy, giving a competitive advantage to service providers who don't offer accommodation, such as restaurants, hairdressers, spa and leisure facilities.
- Local engagement and publicity – it is essential that local authorities engage with providers, stakeholders and communities about the local operation of any visitor levy scheme they plan to introduce. The local authority must develop a publicly available plan on how the money raised will be spent and the distribution of spend across the local authority. Each year local authorities must report on the performance of the levy with details about the money raised, cost of administration, what and where the funds were spent and the benefits provided to visitors.

Others – other various concerns are:

How will the levy be applied to visitors' bills?

When will visitors be told that a levy is payable?

Will the levy be subject to VAT?

What impact will there be on commission-based accommodation sales (such as to Booking.com)?

Desired Outcome

The desired outcome is to change the consultation paper as follows:

Section 1 – North Ayrshire Council considers that a visitor levy should not be imposed on Scotland's visitors. Scotland is already an expensive place to do business with high levels of taxation. The Visitor Levy is an additional tax on doing business that will be burdensome, expensive to operate and damage Scotland's tourist industry.

However, if a visitor levy system were to be approved then each local authority must have full discretion regarding implementation and control over the design, set-up, implementation and spend of any scheme within their area.

Section 2 – in addition to the current wording the following to be added:

Several visitor gifting schemes operate within North Ayrshire, in particular on Arran. They are operated at no cost by community led charities. They raise and distribute large sums of money for the direct benefit of visitors to Arran. The imposition of a visitor levy will harm the operation of these schemes which operate on good will and voluntary contributions.

Accommodation providers will be impacted by this legislation, in particular smaller providers with less resources to cope with the administration requirements. Tourism is already being harmed by the imposition of short-term licensing and the imposition of a visitor levy will create a further deterrent on small businesses.

Section 3 – remove the current wording and replace with:

Using the definition of 'overnight accommodation' is a simple and easily understandable definition.

There is some concern that some providers may attempt to inflate the costs of any additional items (such as breakfast and parking) to reduce the visitor levy. However, businesses already have to separate accommodation, food and other services for other taxation purposes. Also, to have the levy on the full cost of the overnight stay would add significant complexity and create disparity between visitors. There is such complexity to what a stay at a hotel includes and when additional services are paid for that charging the levy on more than just the overnight accommodation would be totally unworkable, burdensome and anticompetitive (as hotels would have higher prices for its resident guests compared with non-residents, and compared with nearby restaurants, leisure facilities etc).

The definition of 'overnight accommodation' must define if that is the rate inclusive or exclusive of VAT. Some smaller providers operate below the VAT threshold and don't charge VAT. A % levy charged after VAT would further disadvantage larger providers and would be a tax on a tax.

There must be a consistent approach about when and how visitors are informed about the compulsory visitor levy. In the UK there is a requirement for pricing to be transparent and include all the costs associated with the purchase. However, if accommodation providers can advertise accommodation without the visitor levy, at what point must providers inform their guests of this compulsory additional charge? If accommodation providers are required to show a price that includes the visitor levy then providers who use 3rd party sales outlets (such as Booking.com) which the vast majority of providers do, will be charged commission on the total price of the stay including the levy. Commission could be as high as 20% which would result in a loss to providers who will still need to pay the full levy.

It is essential that the levy is only payable on a 'chargeable transaction'. If visitors were to stay overnight for free then no levy should be payable. Examples of when this are when visitors are stranded on islands due to ferry cancellations and stranded visitors are accommodated in halls and temporary accommodation that makes no charge.

Section 4 – replace the current wording with:

If the levy is a % then it must be on the accommodation only element of the stay. However, an alternative would be a set £ fee per night. This would be simpler to calculate and would be more transparent. However, depending on the level at which the levy is set it may need to be tiered depending on the cost of accommodation.

Section 5 – add to the current wording:

Local authorities should have the flexibility to limit the levy for a single stay. This could be by a cap on the number of chargeable nights or setting a maximum charge for a single stay. This would lessen the burden on long-stay visitors who are often working in the area.

Local authorities should have the flexibility to change the rates depending on the demand for accommodation at different times of year. This would lessen the impact for visitors in low seasons.

Section 6 – retain current wording

Section 7 – add the following:

It is essential that local authorities undertake a full assessment as to the implications on the introduction of a visitor levy and that the findings on this assessment should be made public.

Then, prior to making any decision about introducing a visitor levy the local authority must undertake a comprehensive consultation with businesses, stakeholders and the public regarding the local implementation of the levy system, that includes details of how and where funds raised are to be used.

The operation of the visitor levy must be made public and contain details of how the funds raised will be spent and the distribution of funds across the local authority area.

Each year the Local Authority should be required to report on the total money raised, the proportion used for administration, what the funds were spent on and to what benefit to visitors. This will ensure that the scheme remains viable, and that visitors and residents retain confidence in the levy scheme.

Section 8 – retain current wording

Section 9 – retain current wording

Section 10 – replace current wording with:

- The requirement for providers to keep detailed records of the chargeable part of their overnight rates will be an additional burden for many, especially small providers. However, using the total overnight charge (including additional non-accommodation items such as food or use of leisure facilities) is not a viable option as it would be complex and create a significant competitive disadvantage for accommodation providers.
- Using a flat rate per night of stay is likely to be less complex and easier to manage. Any flat rate may need to be tiered so as not to disadvantage lower cost accommodation providers, such as campsites.
- Where an accommodation provider operates businesses in more than one local authority, they may have to manage reporting at different levy rates to different local authorities. If they have a central booking system this may become even more complex.

Accounting software used by many small businesses may not provide the flexibility to manage the levy and exemptions which could add to administrative burden and complexity for the providers.”

Thereafter, the Members who had requested the call-in were invited to speak and Councillor Billings addressed the Committee in support of the call-in request.

The Chair then invited Councillor Gurney, as the Cabinet Member for Green Environment and Economy, to address the meeting. Councillor Gurney explained the reasoning for the Cabinet decision and referred to a briefing note from the Interim Head of Service (Economic Development and Regeneration) provided at Appendix 2 to the report.

The Interim Head of Service (Growth, Investment and Employability) 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.

Members asked questions of the Interim Head of Service (Growth, Investment and Employability) and were provided with further information in relation to:-

- the tight consultation timescales involved and whether consideration on the consultation response could have taken place earlier, in order to allow more time consideration on the response; and
- the potential impacts on the local tourist industry and economy, together with the financial aspects involved (including penalties) concerning the application process.

Councillor Inglis, seconded by Councillor Marshall, 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 15 September 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 Sweeney (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 15 September 2023 deadline.

The meeting ended at 12.15 p.m.

Special Cabinet
19 September 2023

IRVINE, 19 September 2023 - At a Special Meeting of the Cabinet of North Ayrshire Council at 2.00 p.m.

Present

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

Also Present

Eleanor Collier, Davina McTiernan and Chloé Robertson.

In Attendance

C. Hatton, Chief Executive, M. Boyd, Head of Service (Finance) (Chief Executive's Service); A. Sutton, Executive Director (Communities & Education); R. McCutcheon, Executive Director (Place); F Walker, Head of Service (People & ICT); A. Craig, Head of Service, M, McColm, Senior Manager (Communications), S. Wilson and C. Stewart, Committee Services Officers (Democratic Services).

Apologies

Alan Hill

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. Council Tax Multiplier: Scottish Government Consultation

Submitted report by the Chief Executive on the recommendations of the Audit and Scrutiny Committee following a call-in request relating to the consultation response in respect of the review of the level of Council tax multipliers for Band E to Band H properties. A copy of the original report presented to Cabinet on 29 August 2023 was attached at Appendix 1 to the report while Appendices 2A and 2B provided information on the call-in requests. Appendices 3A and 3B detailed comments on the call-ins from Officers with Appendices 4 and 5 providing the Minute of the Audit and Scrutiny Committee held on 12 September 2023 and an amended consultation response reflecting the Islands Act duty.

The Cabinet considered the request by the Audit and Scrutiny Committee to reconsider its earlier decision to approve the consultation response from North Ayrshire Council. Members sought further information on the requested extension to the consultation response deadline and the process to take the report to the next meeting of the Council.

Accordingly, the Cabinet (a) agreed not to accept the recommendation of the Audit and Scrutiny Committee to reconsider its earlier decision to approve the consultation response from North Ayrshire Council while adapting the request to include reference to an Islands Impact Assessment within the response; and (b) noted that, in terms of Standing Order 26.7, the matter be referred to the next meeting of the Council for determination.

3. Urgent Items

There were no urgent items.

The meeting ended at 2.10 p.m.

Planning Committee 20 September 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, Stewart Ferguson, Cameron Inglis, Davina McTiernan, Ian Murdoch and Chloe Robertson.

Present (Remote Participation)

Timothy Billings and Amanda Kerr.

In Attendance (Physical Participation)

Y. Holland, Manager (Property Management & Investment), A. Finlayson, Chief Planning Officer and I. Davies, Senior Development Management Officer, (Place); and R. Lynch, Senior Manager and J. Niven, Solicitor (Legal Services), M. Sugden, Communications Officer, and S. Wilson, Committee Services Officer (Democratic Services) (Chief Executive's Service).

In Attendance (Remote Participation)

D. McCaw, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also In Attendance (Physical Participation)

J. Corcoran, on behalf of Harbour View (Ardrossan) residents and A. Wishart, J.M. Architects.

Also In Attendance (Remote Participation)

N. Jones, on behalf of Harbour View (Ardrossan) residents.

Chair

Councillor Foster in the Chair.

Apologies

Scott Davidson and Jim Montgomerie.

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 23 August 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 23/00319/PPM: Site at North Shore adjacent to North Crescent Road, Ardrossan

North Ayrshire Council have applied for planning permission for the erection of a Community Campus comprising early years, primary & secondary school with additional support needs, shared community facilities including; library, learning hub and integrated services, indoor sports facilities including swimming pool, sports hall, gymnasium, dance studio & fitness studio, outdoor sports facilities including two sports pitches and Multi-Use Games Area (MUGA); Outdoor learning landscape, recreational spaces and growing spaces, associated parking and infrastructure on a site at North Shore adjacent to North Crescent Road, Ardrossan. Three objections were received as detailed in the report.

The Chair advised that he had accepted a request from objectors to address the Committee and Judith Corcoran and Nikki Jones, on behalf of Harbour View residents, were in attendance to speak to the terms of their objections. Adrian Wishart, J.M. Architects and Yvonne Holland, Manager (Property Management & Investment) were in attendance as representatives of the applicant.

The Senior Manager (Legal Services) outlined the terms of the Procedure for those addressing the Planning Committee and all parties confirmed their understanding and acceptance thereof.

Ms Jones addressed the Committee in support of the submitted objections and highlighted comments in relation to air quality monitoring systems, traffic assessments when considering potential increased traffic, the impact of noise and lighting levels and the nuisance factor in terms of these particular areas.

Ms Jones referred to various matters including:-

- the potential loss of views for the Harbour View residents;
- a number of well-established trees which were evident on the site;
- the impact assessment criteria in relation to the demolition of the Coast to Coast bus garage;
- the potential impact on the Harbour View residential area from campus parking, footfall or vehicular access;
- that air quality monitoring should be extended beyond the perimeter of the site and repeated following completion of the development;
- the need for an updated road traffic assessment;
- the likely increased impact and magnitude of noise levels from the sports pitches and plant and equipment; and
- the requirement for a further lighting impact assessment to be undertaken.

Ms. Jones summarised by asking that consideration of the application be delayed until all responses and concerns were addressed and all stakeholders comfortable to proceed.

Ms. Corcoran then reiterated the main concern of objectors in terms of the need for an updated road traffic assessment to be carried out.

Mr. Wishart, J.M. Architects, then addressed the Committee on behalf of North Ayrshire Council as applicant, in response to the objectors. Information was presented in relation to the proposed Community Campus location and site, Local Development Plan policies which had been addressed throughout the design process, including the six qualities of a successful place, namely Distinctive, Welcoming, Safe and Pleasant, Adaptable, Resource Efficient and Easy to Move Around and Beyond.

Mr Wishart also addressed objectors concerns in relation to transport, noise, air quality and lighting, including:-

- that the transport analysis figures had been factored up based on 2017 (pre Covid 19) survey data when the 2021 survey works were carried out;
- that plant noise levels would meet the recommended criteria;
- that an assessment of sports pitch noise levels at the existing residential premises and the nearest potential future housing, would meet the widely accepted noise limit of LAeq 50dB;
- the proposed all electric energy strategy resulting in no emissions affecting air quality;
- the proposed planning condition to outline the potential impact of increased road traffic prior to the development becoming operational;
- that the proposed lighting would provide necessary security while also limiting obtrusive lighting to neighbouring properties; and
- that raised planters, with a separation membrane from the ground below, would be used for any food production.

Mr. Wishart summarised that the proposals for the Community Campus accorded with the Local Development Plan and offered the opportunity to regenerate and revitalise the area within Ardrossan.

The objectors were then afforded the opportunity to make brief final comments in relation to the main entrance access route to the Campus, the existing contamination on the proposed site and the reiteration of the request for the application to be deferred until all concerns were allayed, including those in terms of noise.

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

- the potential for updating the traffic management survey information;
- the designated main entrance to the Community Campus; and
- measures to address any potential impact in relation to ferry traffic and emergency service vehicles.

The Chief Planning Officer then outlined the terms of the planning report.

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

- that any mitigation of noise levels would be best addressed at source through school management regimes;
- the assessment of noise levels having established that any increase up to 5dB would be considered reasonable;

- the Council's obligations in terms of statutory nuisance levels;
- legislative powers which could be utilised by the Council should noise levels rise to unacceptable levels; and
- that no development on the site could take place until remediation, testing and verification was carried out in relation to the site contamination.

Councillor Inglis, seconded by Councillor McTiernan, moved that the application be granted subject to an updated traffic management survey being carried out to 2023 levels.

As an amendment, Councillor Billings, seconded by Councillor Murdoch, moved that consideration of the planning permission be deferred to allow more detailed assessment and reporting on the five specific issues raised by objectors, namely air quality, traffic, noise levels specifically raising of noise levels other than plant noise, lighting and nuisance factors.

On a division and roll call vote, there voted for the amendment Councillors Billings, Ferguson and Murdoch (3) and for the motion Councillors Foster, Inglis, Kerr, McTiernan and Robertson (5) and the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to (a) the carrying out of an updated traffic management survey to 2023 levels; and (b) the following conditions:-

1. That prior to the commencement of the development, the remediation works (approved under permission 21/01161/PP) shall have been completed and a validation and verification report, which demonstrates the effectiveness of the completed remediation works, with all documentation verified by a suitably qualified Environmental Consultant, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
2. That prior to the commencement of the development the applicant shall review any previous site investigations and risk assessments to assess the likelihood of contamination and submit an appropriate Remediation Strategy to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
3. On the basis there is a requirement to re-use site won material and/or to import material then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council, as Planning Authority prior to any material being used. In addition to this and in accordance with BS3882:2015 and BS8601:2013, material to be used in the top 300mm shall also be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time and or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source of the material and appropriate test results to demonstrate its suitability for use.

4. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council, as Planning Authority.
5. That prior to the commencement of the development, a Construction Management Plan shall be submitted for the written approval of North Ayrshire Council, as Planning Authority, and the development will thereafter be carried out in accordance with the details of any approved plan.
6. That prior to the commencement of the development, details of post development exceedance flow-paths shall be submitted to demonstrate that overland flow would be directed away from existing and proposed buildings and that site access and egress would be possible when the capacities of the drainage systems serving the site are exceeded, including an allowance for the predicted effects of climate change.
7. That prior to the commencement of the development a scheme to secure the flood risk management performance of the seawall / revetment and any other feature that protects the site from coastal flooding and private drainage assets that serve the site is provided for the approval of North Ayrshire Council, as Planning Authority, and any scheme as may be approved is implemented prior to the occupation of the site and maintained in perpetuity.
8. That prior to the development becoming operational, a report outlining the potential impact of increased road traffic on local air quality, including concentrations of atmospheric pollutants, shall be submitted for the approval of North Ayrshire Council, as Planning Authority.
9. That prior to the development becoming operational, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a finalised Travel Plan for the development. Such a Travel Plan shall include details of active travel proposals for all users of the site and an indication of the measures which shall be undertaken to reduce car journeys. Thereafter, the Travel Plan as may be approved shall be implemented upon the development becoming operational to the satisfaction of North Ayrshire Council as Planning Authority and reviewed at 2 yearly intervals thereafter, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
10. That prior to the commencement of the development, details of boundary treatments shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The development will thereafter only be carried out in accordance with any details as may be approved.
11. That the proposed landscaping shall be carried out in the first planting season following completion of the development or occupation of the building, whichever is soonest. Any landscaping which dies, becomes diseased, or otherwise fails, within 5 years of the completion of the development shall be replaced to the satisfaction of North Ayrshire Council, as Planning Authority.

12. That prior to commencement of the development or within 12 months of the date of approval, whichever is later, a biodiversity action plan, which shall include details of bird boxes, wildflowers and other measures to promote/safeguard biodiversity and nature conservation shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the action plan as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
13. That prior to commencement of the development or within 12 months of the date of approval, whichever is later, details of all external lighting within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the external lighting scheme as may be approved shall be implemented prior to the campus becoming operational to the satisfaction of North Ayrshire Council as Planning Authority.
14. The rated noise level, as defined in BS4142:2014 +A1:2019, from the operation of all plant and equipment must not exceed the background noise level by 5dB or more at the curtilage of any existing or consented noise sensitive premises.
15. That prior to the commencement of the development, a Traffic Survey dated no earlier than September 2023 shall be carried out and submitted for the written approval of North Ayrshire Council as Planning Authority. Any findings shall be used to prepare the finalised Travel Plan required under Condition 9.

The meeting ended at 3.10 p.m.

Local Review Body 20 September 2023

At a Meeting of the Local Review Body of North Ayrshire Council at 3.20 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

Present (Physical Participation)

Robert Foster, Stewart Ferguson, Cameron Inglis, Davina McTiernan, and Chloe Robertson.

Present (Remote Participation)

Timothy Billings and Amanda Kerr.

In Attendance

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

In Attendance (Remote Participation)

D. McCaw, Committee Services Officer (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 23 August 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: 23/00309/PPP: Mid Lambroughton Farm: by Cunninghamhead

The Senior Manager (Legal Services) advised the Local Review Body that the Notice of Review had been due to be considered on 23 August 2023. However, following the omission of papers at that stage, advice was given that the Review be continued to today's meeting. Representations had been received from the applicant in connection with the determination of the Review and the Senior Manager advised that it was in order to proceed to consider the matter in terms of timescales.

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. Additionally, information relative to the statement of case, as submitted by the Agent on behalf of the Applicant and which had been inadvertently omitted from the report submitted to the Local Review Body on 23 August 2023, was also provided.

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 information submitted by the Agent on behalf of the Applicant. The Planning Adviser advised that the applicant stated within the summary of ground of appeal that the Local Review Body was invited to visit the site if they so wished.

Members asked a question and were provided with clarification that the application related solely to the principle of building a house in the site location.

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

Councillor Billings, seconded by Councillor Inglis, moved that the Local Review Body uphold the officer's decision to refuse planning permission on the grounds 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: 23/00254/PP: 6 Alton Way, West Kilbride

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. The Planning Adviser advised that no site visit of hearing had been requested by the applicant.

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

Councillor Foster, seconded by Councillor Kerr, moved that the Local Review Body uphold the officer's decision to refuse planning permission on the grounds 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.

The meeting ended at 3.45 p.m.

Cabinet
3 October 2023

IRVINE, 3 October 2023 - At a Meeting of the Cabinet of North Ayrshire Council at 2.30 p.m.

Present

Marie Burns, Shaun Macaulay, Alan Hill, Margaret Johnson and Christina Larsen; and Andrew Bruce and Elizabeth Turbet (Church Representatives) and Jacqui MacKenzie (Teaching Representative).

In Attendance

A. Sutton, Executive Director and A. McClelland, Head of Service (Education) (Communities & Education); R. McCutcheon, Executive Director, L. Kirk, Interim Head of Service (Economic Development & Regeneration) and L. Cree, Senior Manager (Property Management & Investment) (Place); C. Cameron, Director and S. Hunter, Chief Social Work Officer (Health and Social Care Partnership); F Walker, Head of Service (People & ICT); A. Craig, Head of Service (Democratic), J. Hutcheson, Senior Communications Officer (Communications), H. Clancy and D. McCaw, Committee Services Officers (Chief Executive's Service).

Chair

Marie Burns in the Chair.

Apologies

Tony Gurney and Rev. Mark Goodman (Church Representative).

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. Ayrshire College and Irvine Royal Academy Skills Centre of Excellence

Submitted report by the Executive Director (Communities and Education) providing an update on the revised position in relation to the Ayrshire College Skills Centre of Excellence at Irvine Royal Academy resulting in a revised approach to delivery of Developing the Young Workforce, with a focus on the Future Skills Hub at Kilwinning Campus.

The Cabinet acknowledged the improvement journey undertaken at Irvine Royal Academy by staff and young people within the community and recognised the excellent School-College Partnership developments and Future Skills Hub facility at Kilwinning Campus.

The Cabinet agreed to (a) welcome the School-College Partnership developments and the Future Skills Hub approach; and (b) otherwise note the revised position in relation to the Ayrshire College Skills Centre of Excellence at Irvine Royal Academy.

3. Education Service Standards and Quality Report 2022-23

Submitted a report by the Executive Director (Communities and Education) on key progress towards the Education Service Improvement Priorities and the National Improvement Framework Priorities for session 2022-23. The Education Service Standards and Quality Report 2022-23 were detailed at Appendix 1 to the report, including principal improvement activities undertaken throughout the academic session 2022-23 and key performance information on learner outcomes.

The Cabinet welcomed the report and acknowledged the educational challenges faced across North Ayrshire following the Covid-19 pandemic and also in terms of deprivation.

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

- established links in terms of career pathways for pupils;
- the offer from Ayrshire College to provide a 'vocational burst' programme to extend the range of skills and vocational activities available to young people deciding what to progress into the senior phase and beyond;
- ongoing work within schools in terms of attendance levels;
- the inclusion of stretch aims for improvement over the next three years; and
- positive inspections across schools in North Ayrshire over the last year.

The Cabinet agreed to (a) approve publication of the document set out at Appendix 1 to the report; and (b) otherwise note the content of the report.

4. Chief Social Work Officer Annual Report

Submitted report by the Director (Health and Social Care Partnership) on the Chief Social Work Officer Annual Report, as required by the Scottish Government, and covering the period 1 April 2022 to 31 March 2023. The report provided information on the successes and challenges in relation to the past year and noted the positive contributions to individuals, families and communities across North Ayrshire while highlighting the key risks for 2024.

The Cabinet welcomed the report and acknowledged the challenges faced, particularly in relation to care and mental health, across North Ayrshire.

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

- strengthening established care links with communities through the HSCP Locality Forums and Community Planning Locality Partnerships; and
- current and future care capacity across North Ayrshire.

The Cabinet agreed to note the contents of the Chief Social Worker Annual Report 2022-23.

5. Lease Disposal – Additional Area at Nethermiln Playing fields, West Kilbride

Submitted report by the Executive Director (Place) on the lease of the football pitch at Kirkton Glen and Nethermiln Playing Fields, West Kilbride to West Kilbride Community Sports Club for a period of 25 years, with an option to extend for a further 25 years. The lease disposal area was detailed at Appendix 1 to the report. The Appendix also set out previous areas leased and provided detail on additional areas which could be added to the lease, allowing for the full redevelopment of the sports facilities within Kirkton Glen.

The Cabinet agreed (a) to approve the lease disposal of the football pitch at Kirkton Glen and Nethermiln Playing Fields to West Kilbride Sports Club for a period of 25 years, with an option to extend for a further 25 years at a nominal rent of £1 per annum, exclusive of VAT.

6. North Ayrshire Asset Management Strategy and Plans

Submitted report by the Executive Director (Place) on the refreshed North Ayrshire Corporate Asset Strategy and associated Asset Management Plans. Appendix 1 to the report detailed the full Strategy and Plans which reflected updated priorities and challenges.

The Cabinet acknowledged the work carried out by services in production of the comprehensive Strategy and Action Plans.

The Cabinet agreed to approve the North Ayrshire Corporate Asset Strategy and Plans as detailed at Appendix 1 to the report.

7. Vacant and Derelict Land Strategy 2023-2028

Submitted report by the Executive Director (Place) seeking approval of the Vacant and Derelict Land Strategy 2023-2028, detailed at Appendix 1 to the report.

The Cabinet acknowledged the work carried out by the service in production of the comprehensive Strategy and Action Plans.

The Cabinet agreed to approve the Vacant and Derelict Land Strategy 2023-2028 detailed at Appendix 1 to the report.

8. Local Transport and Active Travel Strategy 2023-2028

Submitted report by the Executive Director (Place) seeking approval for the Local Transport and Active Travel Strategy 2023-2028, detailed at Appendix 1 to the report.

The Cabinet acknowledged the work undertaken by the service in obtaining external funding packages to encourage modifications to travel options within communities.

The Cabinet agreed to approve the proposed Local Transport and Active Travel Strategy 2023-2028, detailed at Appendix 1 to the report.

The meeting ended at 3.25 p.m.

Licensing Committee
4 October 2023

At a Meeting of the Licensing Committee of North Ayrshire Council at 11.00 a.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Eleanor Collier, Nairn McDonald, Cameron Inglis, Christina Larsen, Matthew McLean, Ronnie Stalker and Angela Stephen.

Present (Remote Participation)

Donald L. Reid.

In Attendance

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

In Attendance (Remote Participation)

C. Stewart, Committee Services Officer (Democratic Services) (Chief Executive's Service).

Also in Attendance

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

Chair

Councillor Collier in the Chair.

Apologies

John Bell and Jean McClung

1. Declarations of Interest

In terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors, Councillor Collier, Chair, declared an interest in Case 2 Agenda Item 3 - Street Trader's Operator's Licence: STL/O/540: GKG Catering Ltd, given that she lived close to the application site, and agreed to leave the meeting and take no part in the decision.

2. Minutes

The Minutes of the Meeting held on 6 September 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 Item 3 and 4 (Civic Government (Scotland) Act 1982 and other Licensing Statutes: Licensing Matters) on the grounds that it involved the likely disclosure of Exempt Information as defined in Section 50J of, and Schedule 7A to, the Local Government (Scotland) Act 1973.

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

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

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

Submitted report by the Head of Democratic Services on hearings to be determined under the Civic Government (Scotland) Act 1982 and other Licensing legislation.

Appendix A: Hearings

4.1 Taxi Driver's Licence: TDL/02399 (New): Alan MacDonald

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration of this item to allow the applicant to attend.

The applicant, having been duly cited to attend, was not present. A representative from Police Scotland was in attendance.

Decision

The Committee unanimously agreed that (a) it was satisfied that the Applicant was not a 'fit and proper person' to hold the Licence applied for and (b) the ground of refusal in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(a)(ii) applied.

4.2 Street Trader Operator's Licence: STL/O/540 (New): GKG Catering Ltd.

The Chair left the meeting at this point and took no part in the decision.

In the absence of the Chair and in terms of Standing Order 6.6, Councillor McDonald, Vice-Chair, assumed the Chair for this item.

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration to allow representative for the applicant to attend.

There was no representative for the applicant present, although the applicant had been invited to send a representative to the committee. A representative from Police Scotland was in attendance.

Police Scotland addressed the Committee in respect of a letter setting out their previous representation in respect of the matter and advised that their objection had subsequently been withdrawn, following the resignation of the applicant as a Company Director (which had also been confirmed by checks undertaken with Companies House).

Decision

The Committee unanimously agreed that (a) it was satisfied that the premises were not suitable for the proposed use and (b) the ground of refusal in the Civic Government (Scotland) Act 1982, Schedule 1, Paragraph 5(3)(c) applied.

Councillor Collier re-joined the meeting and resumed the Chair at this point.

4.3 Taxi Licence: TL/451 (New): Stacey Beattie

At a previous meeting on 6 September 2023, the Committee agreed to continue consideration to allow the applicant to attend.

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 to refuse (a) the applicant's request that the vehicle she proposed should be treated as an exception to the Council's Vehicle Specification policy under Sections 10(2) and 10(5) of the Civic Government (Scotland) Act 1982, and (b) the application on the basis that the proposed vehicle was not suitable for use under the Licence requested, under 1982 Act, Schedule 1, Paragraph 5(3)(c).

4.4 Short Term Let Licence: NA0110P: Helen Hall

The applicant, having been duly cited to attend, was present as was one objector. Both parties then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee agreed to grant the application under the Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order"), subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order and (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing".

In terms of Standing Order 6.8, the Chair agreed that the meeting be adjourned at 12.05 p.m. for a short comfort break, reconvening at 12.20 p.m. with the same Members and officers present and in attendance.

Councillors Inglis, McLean, Stalker and Stephen left the meeting at this point.

4.5 Short Term Let Licence: NA00247P: Alexander Clare

The applicant's representative, having been duly cited to attend, was present, as was one objector. Both parties then addressed the Committee on the issues raised and responded to questions.

Decision

The Committee agreed to grant the application under The Civic Government (Scotland) Act 1982 (Licensing of Short-Term Lets) Order 2022 No. 32 ("the STL Order") subject to (a) the Mandatory Conditions set out in Schedule 3 to the STL Order, (b) the additional local condition set out as "The First Exception" in Paragraph 10(b) of the Committee's "Licensing Policy Statement on Short-Term Let Licensing" and (c) a further additional condition requiring the applicant to provide within 28 days contact details to the residents/occupiers of the block of flats containing the application address.

5. Urgent Items

There were no urgent items.

The meeting ended at 1.40 p.m.