

**SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of special meeting in County Buildings, Wellington Square, Ayr,  
on 17th November 2011 at 10.00 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Eddie Bulik, Andy Campbell, Douglas Campbell, Ian Cavana, Peter Convery, Ian Douglas, Stan Fisher, Ian Fitzsimmons, Ann Galbraith, Sandra Goldie, Bill Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, Elaine Little, Mairi Low, John McDowall, Nan McFarlane, Bill McIntosh, Helen Moonie, Alec Oattes, Mike Peddie, Robin Reid, Philip Saxton, Tom Slider and Margaret Toner.

Apologies: Councillors Brian Connolly and Hywel Davies.

Attending: D. Anderson, Chief Executive; L. Bloomer, Executive Director – Development and Environment; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; V. Andrews, Head of Legal and Administration; K. Leinster, Head of Community Care and Housing; D. Burns, Manager (Housing Development and Monitoring); C. Downie, Public Communications Officer; and D. Knight, Committee Services Officer.

**1. Provost.**

The Provost

- (1) welcomed Members to this special meeting;
- (2) took this opportunity to remind Members of the requirements of Standing Orders, particularly relating to respect for colleagues and acceptable behaviour;
- (3) intimated that Councillor McDowall had submitted to the Chief Executive a formal question, and that this matter would be taken after item 5 on the agenda; and
- (4) also welcomed members of South Ayrshire Seniors' Forum who had requested that a Deputation be heard regarding Sheltered Housing Units and that the Deputation would be invited to address the Council following the presentation of the report on Setting of Council Rents 2012/13 to 2014/15.

**2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

### 3. Setting of Council Rents 2012/13 and 2014/15.

There was submitted a joint report (issued) of 7th November 2011 by the Executive Director – Children and Community and the Executive Director – Corporate Services

(1) advising

- (a) that the Council at its meeting on 26th January 2010 (Page 63, paragraph 3) had approved the commissioning of a review of the HRA Business Plan and the Leadership Panel at its meeting on 11th May 2010 (Page 259, paragraph 2) had approved the appointment of Arneil Johnston as the Consultants to undertake this review; and
- (b) that the Council at its meeting on 19th January 2011 (Page 85, paragraph 4) had agreed to financial legacies within the Housing Revenue Account being presented to a future meeting of the Council and the commencement of a consultation exercise with tenants of high management and maintenance stock and a validation of the life cycle costs associated with the upkeep of the housing stock;

(2) outlining the current position and making a number of recommendations with regard to:-

- HRA legacies including roads and footpaths and grounds maintenance;
- stock validation;
- rent increases for 2012/13 to 2014/15;
- 2012/13 financial position;
- 2012/13 to 2014/15 Budget;
- 2012/13 Capital Budget;
- investment strategy for the HRA surplus;
- impact on tenants;
- other rental income;
- high management cost stock;
- communal heating systems; and
- 2015/16 rent table; and

(3) reporting

- (a) that realignment of the financial legacies would generate a net shift of £51,919 from the General Fund to the Housing Revenue Account and that therefore, the cost to the General Fund should be included in the 2012/13 budget process;
- (b) that the table at Appendix 3 of the report showed the proposed 2011/12 rent levels as applied to a selection of fortnightly house rents (1 apartment, 3 apartment and 5 apartment properties);
- (c) that the effect of the proposed increase in lock-up rents would be to increase weekly charges from £6.10 to £6.42 (excluding VAT where applicable);
- (d) that the effect of the proposed increase in garage site rents would be to increase the annual charge from £48.28 to £50.79 (excluding VAT where applicable);
- (e) that the effect of the proposed increase in garden maintenance would be to increase the annual charge from £147.49 to £155.16 (excluding VAT where applicable);

- (f) that the effect of the proposed removal of the 50% double glazing charge to sheltered housing tenants would be an increase of £2.59 per week; and
- (g) that the effect of the proposed removal of the 50% improvement charge to sheltered housing tenants would be an increase of £3.43 per week.

**Deputation from South Ayrshire Seniors' Forum.**

The Head of Legal and Administration advised the Council of the protocol for Deputations.

Under the provisions of paragraph 43 of the Council's Standing Orders, the Council heard Mrs. Les Anderson, Secretary of South Ayrshire Seniors' Forum in relation to the proposed increases of rent in sheltered housing units. Mrs. Anderson also read out a statement on behalf of Mr. John Ross of Lichtenfels Gardens Tenants' Association who was also in attendance.

The Provost, on behalf of the Council, thanked Mrs. Anderson for her attendance and presentation to the Council.

The Deputation was asked questions by Members of the Council in relation to the consultation process with tenants and rents for Sheltered Housing.

Councillor Douglas Campbell, seconded by Councillor McFarlane, moved the Council should approve the recommendations contained in the report.

By way of an Amendment, Councillor McIntosh, seconded by Councillor Hunter, moved that the Council should approve recommendations 2.1 to 2.5 as outlined in the report, that recommendations 2.6 and 2.7 be removed at this stage to allow further discussion and the result of this be submitted to a future meeting of the Council in 2012 with the wider review of "support for older people through housing" and that recommendations 2.8, 2.9 and 2.10 be amended and approved to reflect this decision.

By way of a Counter-Amendment, Councillor Moonie, seconded by Councillor Saxton, moved that the Council should

- (i) note the South Ayrshire HRA Business Plan Report which had been lodged in the Members' Library;
- (ii) note that it set out conclusions in relation to objectives and revised models to establish an effective and viable HRA Business Plan over a thirty year period;
- (iii) note the recommendations from Officers but recognised that to ensure a robust thirty year Plan, it was necessary to adopt a rental policy based on model over the plan period;
- (iv) in recognition of this, approve the recommendations outlined in the report as follows:-
  - 2.1;
  - 2.2;
  - 2.4;
  - 2.5;
  - 2.9; and
  - 2.10; and

- (v) agree with regard to:-
- (A) recommendation 2.3 that the rent increase should be 5.2% from 2012/13 to 2014/15 and RPI + 1% thereafter;
  - (B) recommendations 2.6 and 2.7 that increases to Sheltered Housing Units would be applied to new tenants only; and
  - (C) recommendation 2.8, that the appropriate budget in Appendix 2 of the report in line with recommendations 2.1 to 2.7 (as amended), Budget 2 be amended to include additional income from high flats and new Sheltered Housing Tenants which should transfer to surplus, with any shortfalls being met from vacancy management).

**Adjournment.**

The time being 10.35 a.m. the Council adjourned for ten minutes.

**Resumption of Meeting.**

The meeting resumed at 10.45 a.m.

A full discussion then took place on the terms of the Motion, Amendment and Counter-Amendment and a question was raised by a Member of the Council enquiring about the costs of the communal heating systems in Sheltered Housing Units and the Head of Community Care and Housing responded accordingly.

In accordance with the terms of the Council's Standing Orders, the Council then firstly proceeded to vote on the terms of the Counter-Amendment by Councillor Moonie and seconded by Councillor Saxton and the Amendment moved by Councillor McIntosh and seconded by Councillor Hunter.

A Member of the Council requested a roll call vote.

The Head of Legal and Administration then took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Amendment
John Allan	Counter-Amendment
Eddie Bulik	Abstain
Andy Campbell	Counter-Amendment
Douglas Campbell	Counter-Amendment
Ian Cavana	Counter-Amendment
Peter Convery	Amendment
Ian Douglas	Counter-Amendment
Stan Fisher	Counter-Amendment
Ian Fitzsimmons	Amendment
Ann Galbraith	Amendment
Sandra Goldie	Counter-Amendment
Bill Grant	Amendment
John Hampton	Amendment
Hugh Hunter	Amendment
Mary Kilpatrick	Amendment
Elaine Little	Counter-Amendment
Mairi Low	Counter-Amendment
John McDowall	Counter-Amendment
Nan McFarlane	Counter-Amendment
Bill McIntosh	Amendment

Helen Moonie	Counter-Amendment
Alec Oattes	Counter-Amendment
Mike Peddie	Counter-Amendment
Robin Reid	Amendment
Philip Saxton	Counter-Amendment
Tom Slider	Counter-Amendment
Margaret Toner	Amendment

Sixteen Members voted for the Counter-Amendment and eleven Members voted for the Amendment with one Member abstaining. The Counter-Amendment was accordingly declared to be carried and became the substantive Amendment.

The Council then proceeded to vote on the terms of the Motion moved by Councillor Douglas Campbell and seconded by Councillor McFarlane and the substantive Amendment moved by Councillor Moonie and seconded by Councillor Saxton.

The Head of Legal and Administration then took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Motion
Eddie Bulik	Abstain
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Peter Convery	Motion
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six Members voted for the Amendment and twenty one Members voted for the Motion with one Member abstaining. The Motion was accordingly declared to be carried.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Community Care and Housing and his staff, the Finance Section and tenants, to agree

- (I) to the revised Housing Revenue Account and realignment of associated legacies from 1st April 2012;
- (II) to the transfer of roads and footpaths to the Development and Environment Directorate once they met the adoptable standard;
- (III) to apply a fixed house rent increase of 5.2% from 2012/13 to 2014/15;
- (IV) to increase other rental income (lock up, garage site rents, garden maintenance charges, communal heating and amenity charges) by 5.2% from 2012/13 to 2014/15;
- (V) to increase rents at Riverside High Flats by £1.99 per week from the financial year 2012/13 to provide consistency with other flats in South Ayrshire;
- (VI) to remove the 50% discount on the double glazing charge to sheltered housing tenants from 2012/13;
- (VII) to remove the 50% discount on the improvement charge to sheltered housing tenants from 2012/13;
- (VIII) to the appropriate budget in Appendix 2 in line with the decisions from recommendations 2.1 to 2.7 as outlined in the report and at (I) to (VII) above;
- (IX) to determine the full cost of heating consumed by tenants receiving a communal heating system and implement recovery; and
- (X) to the revision of the rent table from 2015/16 to simplify rent charges.

#### 4. **Empty Homes Strategy.**

There was submitted a report (issued) of 7th November 2011 by the Executive Director – Children

- (1) outlining the increasing pressure on this Council to meet housing demand as a result of key issues such as an ageing population, lack of affordability and homelessness and that in tandem with this, the Council should meet the Scottish Housing Quality Standard by 2015 for its existing stock, with 58.7% compliant at 31st March 2011;
- (2) advising
  - (a) that South Ayrshire was an area where demand for affordable housing was high with an average of 7.5 applicants for every Council house vacancy and that the Council's 2010/11 Housing Needs and Demand Assessment estimated that 1,350 new affordable homes were needed by 2015 to meet housing need;
  - (b) that in November 2010, South Ayrshire Council Tax records indicated that there were a total of 1,113 empty private properties, although some were second homes with 438 of these being classed as long term empty, i.e. they have been vacant for six months or more, and could be targeted to bring back in to use;

- (c) that in November 2010, South Ayrshire Council carried out a survey of empty home owners to ascertain the reasons homes become empty and what support the Council could provide to help bring them back into use and of the respondents, some of the key findings included:-
- 40% of empty properties were second / holiday homes;
  - 24% had been inherited;
  - 15% had been bought as an investment or to rent out;
  - 16% of respondents indicated that being responsible for an empty home 'frequently or constantly' caused them problems;
  - the reasons for the property being empty varied such as needing repaired / renovated (21%), trying to sell (12%), trying to rent out (9%);
  - 25% thought a grant or loan to help with renovation would help them bring the property back into use and 12% suggested help and advice with renting would be useful to them; and
  - 40% of owners would be willing to work with the Council;
- (d) that in September 2011, the Scottish Government notified South Ayrshire Council that an Innovation Fund bid for £414,271 to operate a revolving loan fund and employ an Empty Homes Officer had been successful; and
- (e) that in October 2011, the Scottish Government commenced consultation until 10th January 2012 to potentially increase Council Tax charges on long term empty homes which policy could support additional funds for delivery of affordable housing;
- (3) intimating that the revolving loan fund would offer owners of empty homes an interest free loan to bring their property up to the required standard on the condition that they then leased the property to the Council for use as temporary furnished homeless accommodation or affordable housing available at a mid-market rent and that the rental income due to the owner would initially be used to pay off the loan, allowing the funding to be re-used on more empty properties;
- (4) proposing
- (a) that the Draft Empty Homes Strategy for South Ayrshire as outlined in Appendix 1 of the report be approved to help bring properties back into use:-
- as affordable housing;
  - as temporary furnished homeless accommodation;
  - for market rent; and
  - for sale; and
- (b) that an Empty Homes Officer be appointed to administer the loan scheme, manage the empty homes database and implement the wider aims of the strategy and that the post had been funded by the Scottish Government for a three year period; and
- (5) reporting
- (a) that the administration of the loan scheme would be supported by the Finance Section to ensure that all financial regulations and procedures were followed;
- (b) that the Empty Homes Strategy would aim to bring between 10 and 20 properties back into use per year and that the fund had £300,000 to support repairs to empty properties which would continue to be recycled as the funds were repaid to the Council by the owners; and

- (c) that the Scottish Government had awarded South Ayrshire Council £414,271 to use as a revolving loan fund and to meet the costs of the Empty Homes Officer for three years which provided £300,000 to fund repair works and £114,271 to cover all employee costs associated with the project.

A question was raised by a Member of the Council in relation to the percentage of existing stock currently compliant with the Scottish Housing Quality Standard and the Head of Community Care and Housing responded accordingly.

**Decided:**

- (i) to note the Council's successful bid to the Scottish Government's Affordable Housing Innovation Fund;
- (ii) to approve South Ayrshire's Empty Homes Strategy attached as Appendix 1 of the report; and
- (iii) to agree the appointment of an Empty Homes Officer for an initial period of three years.

**5. Lochside Maisonette Project.**

Reference was made to the Minutes of the Housing Panel on 9th September 2008 (Page 547, paragraph 5) when that Panel had agreed to a £6.750m (£6.550m net of owner occupier contributions) investment in 12 maisonette blocks in Lochside with £5.550m of this being funded by a draw on the Housing Revenue Account surplus and £1.000m from existing capital budgets (at £0.200 per annum) and there was submitted a joint report (issued) of 7th November 2011 by the Executive Director – Children and Community and the Executive Director –Corporate Services.

- (1) seeking agreement to revisit proposals for the unimproved Lochside Maisonettes and to consult with the community on possible options;
- (2) advising
  - (a) that in April 2009, the Scottish Government had announced the first successful bids for Council House Building and since then, three further phases of Council House Building had been announced and that this Council had submitted and been successful in its application for funding in each of the three latter rounds of Government support;
  - (b) that unit cost had been established on the initial blocks improved for a relatively short extension to the building life cycle and that updates to the Technical Standards (2010) would add further cost to bring any future maisonette improvement up to SHQS standards; and
  - (c) that there were no outstanding contractual obligations to Contractors or Design Teams for further progression of the maisonette upgrade programme;
- (3) recommending
  - (a) that as a result of the Government's shift in priorities, consultation should take place with the community of Lochside to ensure that improvement to the maisonettes was still the preferred option and would meet their long term aspirations and that significant changes to the marketplace with new units costing considerably less might provide greater flexibility to meet current standards, higher quality housing and less future maintenance in the short to medium term; and

- (b) that due to the level of investment so far in the maisonette programme, no further work should proceed with this project until the results of consultation and a fully costed options appraisal was presented to Members at a future meeting; and
- (4) reporting
- (a) that £3.561m remained within the Capital Programme for the maisonette improvements and that a further £400,000 remained (£200,000 in 2011/12 and 2012/13) from existing capital budgets towards this project; and
  - (b) that the consultation exercise would be completed within existing budgets.

Councillor Douglas Campbell, seconded by Councillor Slider, moved that the Council should approve the recommendations contained in the report.

By way of an Amendment, Councillor Cavana, seconded by Councillor Moonie, moved that the Council should recognise that this project was now unsustainable and instruct Officers to bring forward a fully costed options appraisal on alternatives to Members, following which full tenant consultation would be undertaken, following which a further report should be brought forward to the Leadership Panel no later than the end of January 2012.

A Member of the Council requested a roll call vote.

The Head of Legal and Administration then took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Motion
Eddie Bulik	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Peter Convery	Motion
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion

Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six Members voted for the Amendment and twenty two Members voted for the Motion which was accordingly declared to be carried.

**Decided:** to agree

- (i) that consultation take place with the Lochside community over future development proposals for the unimproved maisonettes;
- (ii) that a report be presented to a future Leadership Panel detailing the outcome of the consultation alongside fully costed options; and
- (iii) that no further progress be made with the maisonette improvement programme until a further report was presented to Leadership Panel.

## 6. **Formal Questions.**

In terms of Council Standing Order No. 16(b), there was submitted (tabled) a Formal Question from Councillor McDowall, details of which, together with the Answer, are outlined below:-

### **Question**

To ask the Chief Executive to clarify, in terms of Standing Order No. 3 whether this meeting of the Council was requested by (a) the Provost or (b) the required number of Elected Members and if (a) or (b) the date of such a request, and if (b) which Elected Members and which items of business were specified to be transacted.

### **Answer**

This meeting was called by the Chief Executive at the request of the Provost, such request received on 3rd November 2011.

Councillor McDowall raised a supplementary question in relation to the Answer which he stated did not answer his question and asked for a detailed answer to be provided and the Chief Executive advised that the agenda for this meeting had been agreed with the Provost.

## 7. **Exclusion of press and public.**

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during consideration of the remaining item of business on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 9 of Part 1 of Schedule 7A of the Act.

**8. Land Disposal – Buchan Road, Troon.**

There was submitted a joint report (issued to Members only) of 7th November 2011 by the Executive Director – Children and Community and the Executive Director – Development and Environment seeking agreement to the disposal of approximately 0.38hectares (0.94acres) of land at Buchan Road, Troon to Hanover (Scotland) Housing Association for the development of affordable rented housing.

A question was raised by a Member of the Council in relation to the valuation of the land and the Head of Community Care and Housing responded accordingly.

**Decided:**

- (1) to approve the sale of the site at Buchan Road, Troon, identified in the plan attached as Appendix 1 of the report to Hanover (Scotland) Housing Association for the development of affordable rented housing subject to permission from Scottish Ministers; and
- (2) to agree that the site be disposed of at a value of £1 to support the delivery of affordable housing for older people.

The meeting ended at 12.10 p.m.