

LEADERSHIP PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 13th March 2012 at 10.00 a.m.

Present: Councillors Bill McIntosh (Chair), Douglas Campbell, Peter Convery, Hywel Davies, Nan McFarlane, Robin Reid and Margaret Toner.

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; B. McInroy, Head of Service and School Management; J. McQuillan, Head of Property and Neighbourhood Services; K. Leinster, Head of Community Care and Housing; J. Cronin, Acting Head of Community Development; C. Coombs Manager (Sports and Leisure, Libraries, Arts and Culture); D. Burns, Manager (Housing Development and Monitoring); M. Newall, Head of Planning and Enterprise; N. Feggans, Development Planning and Customer Team Leader, C. Downie, Public Communications Officer; D. Knight, Democratic Services Administrator; and A. Gerrish, Committee Services Officer.

Chair's Remarks.

The Chair having spoken in relation to the report on the Request for Closure of Lane Linking Bard Drive with St. Andrew's Avenue, Tarbolton, the Chair proposed

- (1) that this report which had been issued in terms of paragraph 6 of Section 50(A)(4) of the Local Government (Scotland) Act 1973 should be heard in public; and
- (2) that in terms of Council Standing Order No. 10, the order of business should be varied as hereinafter minuted.

The Panel so concurred.

Community Services – Social Services.

1. Outcome of the Joint Inspection of Services to Protect Children and Young People in the South Ayrshire Council Area.

There was submitted a report (issued) of 23rd February 2012 by the Executive Director – Children and Community advising of the outcome of the Care Inspectorate's Joint Inspection of Services to Protect Children and Young People in the South Ayrshire Council Area which had been published on 1st March 2012 and providing background information to support understanding of the outcome.

Questions were raised by Members of the Panel regarding areas that required improvement, monitoring of work and sharing of information with multi-agency partners and the Executive Director – Children and Community and the Head of Curriculum and Service Improvement responded accordingly.

Decided: having recorded their appreciation of the work undertaken by the Head of Curriculum and Service Improvement and her staff, other Council staff and multi-agency partners, to note

- (1) the contents of the report; and
- (2) that the Chief Officer's Group would work with the Child Protection Committee (CPC) to incorporate the recommendations and other feedback from the inspection into the CPC's Business and Action Plan for 2012/13 as part of their annual business planning process.

2. Social Work Complaints Annual Report 2010/11.

There was submitted a report (issued) of 20th February 2012 by the Executive Director – Children and Community advising of formal complaints that had been recorded in respect of Social Work Services in 2010/11 and informing of the Directorate's performance in handling and responding to these complaints as outlined in Appendix 1 of the report.

Decided: to note the contents of the report and the improvement actions that had been identified through the management of the complaints process.

3. Engaging with Independent Sector Providers.

There was submitted a report (issued) of 8th February 2012 by the Executive Director – Children and Community

- (1) proposing that the revised draft Children and Community Policy Document and Operational Framework "Engaging with Independent Sector Care and Support Service Providers", attached as Appendix 1 of the report, be approved as a means of promoting positive partnership working with independent sector service providers;
- (2) advising that the policy document had been updated to ensure that it continued to be an effective mechanism to monitor contract performance and as a transparent policy in partnership working arrangements with independent sector care and support service providers and that the framework included all contracted support services within the Children and Community Directorate; and
- (3) reporting that the policy document placed greater focus on monitoring performance of independent sector providers in delivery of services.

A question was raised by a Member of the Panel regarding measuring the quality of the service delivery and the Head of Community Care and Housing responded accordingly.

Decided: to approve the implementation of the Draft Policy Document and Operational Framework - Engaging with Independent Sector Care and Support Service Providers attached as Appendix 1 of the report, as an effective means of managing contract performance and promoting positive partnership working with independent sector service providers.

Community Services – Housing and Customer First.

4. Housing Capital Investment Programme 2011/12 – Monitoring Report at Period 10, 31st January 2012.

There was submitted a joint report (issued) of 5th March 2012 by the Executive Director – Development and Environment and Executive Director – Corporate Services

- (1) informing of the progress being made with the Housing Capital Investment Programme for 2011/12 at 31st January 2012 (Budget Monitoring Period 10);
- (2) intimating that a number of adjustments to the Programme had been approved by the Council on 30th June 2011 and the Leadership Panels on 26th October 2010, 15th February, 19th April, 16th August and 22nd November 2011 and 14th February 2012, leading to a revised budget of £15,804,556,
- (3) proposing
 - (a) that at Period 10, income from the sale of Council Houses amounted to £1,305,695 which was £168,750 higher than notified at Period 9 and that, as a result of this additional income, it was requested that the planned draw on the surplus be reduced to compensate; and
 - (b) a number of adjustments to the Programme as indicated in Section 4 of the report; and
- (4) reporting that as outlined in Appendix 1 of the report, at the end of Period 10, actual expenditure and income stood at £9,672,838 which represented expenditure in percentage terms of 61.2%.

A question was raised by a Member of the Panel regarding the planning of the work programme and the Head of Community Care and Housing responded accordingly.

Decided:

- (i) to note the progress made on projects to 31st January 2012 as highlighted in Appendix 1 of the report;
- (ii) to approve the proposals as detailed in Section 4 of the report.

5. Strategic Housing Investment Plan 2012/13 to 2014/15.

There was submitted a report (issued) 5th March 2012 by the Executive Director – Children and Community

- (1) advising
 - (a) that in 2007 the Scottish Government introduced a Strategic Housing Investment Framework whereby all Local Authorities were required to produce an annual Strategic Housing Investment Plan (SHIP) linked to their Local Housing Strategy (LHS) and that the SHIP set out the Council's affordable housing investment priorities;

- (b) that the Scottish Government had revised the SHIP guidance several times with the most recent Guidance being issued on 19th January 2012 and that the following key revisions had been made:-
- a more streamlined approach should be taken to the preparation of the SHIP; and
 - the period of the SHIP had been changed from five years to three years;
- (c) that the Scottish Government had distributed an email on 21st December 2011 to all Local Authorities advising that the submission date had been extended to the 30th March 2012; and
- (d) that the SHIP would set out the Council's affordable housing priorities for 2012/13-2014/15 and would influence how the Scottish Government's Affordable Housing Investment Programme (AHIP) would be delivered locally and that the AHIP was currently administered by the Scottish Government's Housing Supply Division;
- (2) reporting
- (a) that the 2012/13 SHIP would influence the local allocation of the Affordable Housing Investment Programme (AHIP);
- (b) that the SHIP also outlined South Ayrshire Council's contribution to the affordable housing development programme from Commuted Sums and reduced levels of Council Tax discount on second homes; and
- (c) that proposed contributions towards individual affordable housing development projects would be included within reports to future meetings of the Leadership Panel; and
- (3) recommending that the Leadership Panel agree to the submission of the draft SHIP for South Ayrshire attached as Appendix 1 of the report which set out a three year plan for the investment in the provision of local affordable housing.

Decided: to approve the Strategic Housing Investment Plan for 2012/13 to 2014/15, as detailed in Appendix 1 of the report, and that it be submitted to the Scottish Government by 30th March 2012.

Development and the Environment – Economic Development, Tourism and Leisure.

6. Scotland's Climate Change Declaration – Annual Report 2011.

There was submitted a report (issued) of 7th February 2012 by the Executive Director – Development and Environment

- (1) advising
- (a) that on 15th January 2007, South Ayrshire Council became the first local authority to sign Scotland's Climate Change Declaration which Declaration officially acknowledged for the first time the reality of climate change and the threats and opportunities this presented to South Ayrshire and committed this Council to take action and to publically report in relation to this; and

- (b) that since signing the declaration, climate change had become an increasingly important consideration and public sector climate change duties have been introduced by the Climate Change (Scotland) Act 2009 which South Ayrshire Council and many of its Community Planning Partners have had a responsibility to take forward from 1st January 2011; and
- (2) recommending that the Annual Report 2011 attached as an Appendix of the report be approved and made publically available via submission to COSLA.

Questions were raised by Members of the Panel regarding the improvement of people lives in South Ayrshire and the buildings being affected by the Earth Hour on 31st March 2012 and the Sustainable Development Policy Officer responded accordingly.

Decided: having recorded their appreciation of the work undertaken by the Executive Director – Development and Environment and her staff, to approve the South Ayrshire Council Scotland’s Climate Change Declaration Annual Progress Report 2011 and that the report be made publically available via submission to COSLA.

7. Supplementary Revision – Access to Leisure Scheme.

Reference was made to the Minutes of 19th April 2011 (Page 248, paragraph 16) when that Panel had agreed, *inter alia*, that the eligibility criteria for the leisure card should be limited to those in receipt of a state retirement pension and those in receipt of one or more of Job Seekers Allowance, Income Support, Incapacity Benefit, Disability Benefit, Council Tax Rebate, Housing Benefit and the Disablement War Pension and to individuals aged 17 and above who were in full time education or training and there was submitted a report (issued) of 27th February 2012 by the Executive Director – Children and Community

- (1) advising that the state retirement age varied between men and women at present and that the effect of aligning leisure card eligibility with state retirement age was to open up increased access to women as compared with men which was contrary to equalities and in particular, the Equality Act 2010 which became effective on 6th April 2012;
- (2) indicating
 - (a) that some users had already purchased season tickets for the coming year and had been unhappy about the gender differential and that others had highlighted the issue to Officers and requested that the equalities aspect be reconsidered and had held off buying a season ticket; and
 - (b) that Officers considered that on this occasion, it would be an unfair outcome to only remedy the equalities issue for those that have not yet purchased a season ticket;
- (3) proposing
 - (a) that access be equalised between men and women thereby removing any discriminatory element; and
 - (b) proposing that if the recommendation was approved, the Leisure Service would process refunds from 1st April 2012 to customers who were not eligible when they purchased an annual golf season ticket but now were eligible; and

- (4) reporting that the cost of refunding the difference between full prices and Access to Leisure prices was £7,725 and that records indicated that the potential discounts that would be required in other areas of the leisure operation were negligible.

Questions were raised by Members of the Panel regarding concessionary/loyalty schemes and the operation of them and the Acting Head of Community Development and the Manager (Sports and Leisure, Libraries, Arts and Culture) responded accordingly.

Decided:

- (i) to agree that the qualifying age limit be lowered to 60 years, as opposed to the current criteria namely those in receipt of state retirement pension; and
- (ii) to approve that Leisure Services should process refunds from 1st April 2012 to customers who were not eligible when they purchased an annual golf season ticket but who were now eligible.

8. Golf for Tourists' Scheme.

There was submitted a report (issued) of 27th February 2012 by the Executive Director – Children and Community

- (1) advising
- (a) that the Golf for Tourists Scheme had been introduced in the early 1990s and, due to under performance, had been revised in 1999 to introduce monthly invoicing of members as well as discounted green fees;
- (b) that the scheme peaked in 2005 with £281,000 of income being generated through 216,000 rounds of golf being booked by members and that since 2005 use of the scheme had been in decline and despite efforts to encourage more bookings the decline had slowed but not stopped;
- (c) that the actual estimated income from the scheme in the current financial year would be approximately £62,000 whilst the annual budget target was £150,393 with 80 members currently in the scheme;
- (d) that the Council at its meeting on 7th October 2009 had approved measures to ensure future growth in the golf sector; and
- (e) that informal consultation with members of the scheme had taken place via telephone who had provided a range of reasons for the downturn in use;
- (2) proposing the introduction of a two tier Golf for Tourists Scheme where two levels of entry were possible, one for smaller locally based hotels and Bed and Breakfasts, and another for larger operators who did substantial amounts of business; and
- (3) reporting
- (a) that assuming that there was no increase in bookings, the potential loss of revenue due to increasing the discount levels was £8,451, however, it was envisaged that the revised scheme would attract additional bookings, thereby, generating additional income; and

- (b) that the overall aim was to halt the continuing decline in bookings made by hotels and / or larger operators and to generate additional revenue that contributed positively to Golf South Ayrshire financial position.

A question was raised by a Member of the Panel regarding booking tickets out of office hours and whether they could be booked on line and the Acting Head of Community Development responded accordingly.

Decided: to approve the introduction of the revised Golf for Tourists' Scheme from 1st April 2012 as set out in Section 4 of the report.

9. Ayrshire "Entrepreneurial Spark" – High-Growth Business Incubation and Support.

There was submitted a report (issued) of 5th March 2012 by the Executive Director – Development and Environment

- (1) seeking approval for funding of up to £50,000 per year for three years to support the development of a facility in Ayrshire which would drive growth among the region's most ambitious entrepreneurs, the Ayrshire "Entrepreneurial Spark" business hatchery;
- (2) advising that the project had been modelled on an approach used in Glasgow, developed by Sir Tom Hunter of the Hunter Foundation in collaboration with a wide range of partners and that the project's key objective was to encourage budding entrepreneurs to develop their business ideas by providing high quality accommodation, associated business services, mentoring and guidance at no cost to each individual business;
- (3) proposing
 - (a) that the creation of a business hatchery facility in Ayrshire had been put together by Sir Tom Hunter and Entrepreneurial Spark and had involved the fit-out of vacant business space belonging to The Hunter Foundation at Dundonald in South Ayrshire, the space in its entirety already accommodated the Hunter Foundation and the vacant area available for this project was approximately 4,000 sq.ft.; and
 - (b) that the management of the project operations would be provided by Entrepreneurial Spark, bringing the expertise they had acquired from their Glasgow project to bear in this project and that full details of project targets and budgets would be set out in a Service Level Agreement and would be contained within the Enterprise Service plan and reported within their performance indicators via the Covalent system; and
- (4) reporting that the project required a recurring funding contribution from South Ayrshire Council of £50,000 per annum for three years which could not be accommodated from existing resources and requesting a draw on the Council's Contingency Fund for 2012/13 of £50,000, with this amount being built into the Enterprise Service's budget for years two and three.

Questions were raised by Members of the Panel in relation to evaluating and funding the project and the Chief Executive, Executive Director – Corporate Services and Head of Planning and Enterprise responded accordingly.

Decided:

- (i) to approve the proposal to support the creation of an Ayrshire “Entrepreneurial Spark” business hatchery, supporting budding entrepreneurs to develop their business ideas;
- (ii) to approve the total funding contribution from South Ayrshire Council of £150,000, comprising £50,000 per annum for three years, to be reviewed annually (to be met from a draw on the Council’s Contingency Fund for 2012/13 of £50,000, with this amount being built into the Enterprise Service’s budget for years two and three);
- (iii) to approve the contribution as exempt from the Council’s Standing Orders relating to Contracts under the terms of paragraph 4.2.9, on the basis that the service was not readily available from more than one provider;
- (iv) to approve proposed reporting processes as set out in paragraph 4.6 of the report; and
- (v) to delegate authority to the Executive Director - Development and Environment to make the necessary arrangements to establish a Service Level Agreement.

10. Request for Closure of Lane Linking Bard Drive with St. Andrew’s Avenue, Tarbolton.

There was submitted a report (issued) of 5th March 2012 by the Executive Director – Development and Environment outlining formal requests received from residents of a new housing estate, known as Burns View (the Estate), on the east side of Croft Street, Tarbolton, for the closure of a Lane (the Lane) within the development that linked Bard Drive with St. Andrew’s Avenue and requesting the Panel to determine those requests.

Councillor Davies moved that the Lane linking Bard Drive with St. Andrews Drive be closed.

Councillor Davies failed to find a seconder and his Motion fell.

Councillor Davies requested that his dissent be recorded.

Decided: to reject the requests of residents to close the Lane linking Bard Drive with St. Andrew’s Avenue, Tarbolton.

Corporate and Community Planning - Resources and Performance.**11. Write-off of Housing Benefits Overpayments.**

There was submitted a report (issued) of 5th March 2012 by the Executive Director - Corporate Services

- (1) outlining procedures for the write-off of housing benefit overpayments once all attempts to recover such debts had been exhausted (and without prejudice to future recovery);
- (2) seeking approval to write-off housing benefit overpayments of £25,795.61 in accordance with the Council’s policy; and
- (3) advising that the accounts submitted for write-off would be contained within the existing bad debt provision.

Decided: to approve the write-off of housing benefit overpayments totalling £25,795.61 as detailed in the Appendix of the report.

12. Common Good Funds – Revenue and Capital Budgetary Control – Position Statement at 31st January 2012.

There was submitted a report (issued) of 5th March 2012 by the Executive Director – Corporate Services in relation to the revenue and capital accounts of Ayr, Prestwick, Troon, Maybole and Girvan Common Good Funds for the period to 31st January 2012 and

- (1) indicating that the 2011/12 audit had been completed on 30th September 2011 with no changes to the reserves position being required;
- (2) detailing
 - (a) the revenue position at 31st January 2012, against the approved full year budgets and projected balances; and
 - (b) the accumulated revenue position at 31st January 2012 and the projected accumulated revenue surpluses at 31st March 2012;
- (2) advising
 - (a) that Ayr Common Good showed a favourable variance of £379,042, the majority of this improvement related to the re-phasing of the contribution to the Townscape Heritage Initiative as outlined in 3.7 in the report; and
 - (b) that Prestwick Common Good showed an adverse variance of £21,673 which related to the cost of dismantling the steeple at Freemans Hall, Prestwick as outlined at 3.4 of the report; and
- (3) intimating
 - (a) that the accumulated capital reserves balance on the Ayr Common Good Fund at 31st January 2012 was £1,651,777 and that it was anticipated that a £1,100,000 capital receipt would shortly be received from the sale of Plot 9 of the Citadel development with the projected accumulated capital position at 31st March 2012, taking into account the capital issues highlighted at 3.6 of the report and in Appendix 3 of the report, was anticipated to be £2,761,777; and
 - (b) that the accumulated capital reserves balance on the Prestwick Common Good Fund at 31st January 2012 was £50,000 and that this position was anticipated to remain unchanged at 31st March 2012.

Decided: to approve the contents of the report.

13. Housing Revenue Account – Revenue Budgetary Control 2011/12 – Position statement at 31st January 2012.

There was submitted a joint report (issued) of 5th March 2012 by the Executive Director – Children and Community and the Executive Director – Corporate Services detailing the performance of the Housing Revenue Account's expenditure and income against its profiled budget for the period to 31st January 2012 and reporting

- (1) that there was an accumulated surplus as at 31st March 2011 of £13.957m and highlighting an updated list of the approved commitments against this surplus totalling £13.957m;
- (2) that the HRA was underspent by £2.082m for the period to 31st January 2012 and that the projected surplus for the year to 31st March 2012 prior to the carry forward of funds was £2.339m and that the surplus would reduce to £1.947m if the anticipated carry forwards were approved when requested at the year end; and
- (3) that it was currently anticipated that the amounts that would be requested for carry forward were:-
 - Planned maintenance £0.282m
 - Supplies and services £0.050m
 - Aids and Adaptations £0.060m; and
- (4) that at the time of setting the 2012/13 budget and rent levels, a projected surplus of £1.091m was assumed to be a capital contribution and any additional surplus, over and above this level, at the year-end would be used to increase the capital funded by revenue in future years which in turn would reduce the need for prudential borrowing.

Decided: to approve the contents of the report.

14. Budget Management – Revenue Budgetary Control 2011/12 – Position Statement at 31st January 2012.

There was submitted a report (issued) of 5th March 2012 by the Executive Director – Corporate Services

- (1) presenting an overview of the General Services Revenue Account for 2011/12 as at 31st January 2012;
- (2) advising that the 2010/11 unaudited accumulated surplus was £15.304m at 31st March 2011 and outlining funding that required to be set aside for various matters;
- (3) detailing revenue monitoring reports for each Directorate for the period to 31st January 2012 as provided in Appendix 1 of the report;
- (4) indicating that a number of service and budget issues were being raised in these reports and that Executive Directors had committed to management action to ensure that there was a break-even position at 31st March 2012 as follows:-

- **Chief Executive's Strategic Office** – showed a current underspend of £0.251m which was mainly due to underspends within the budget set aside for best value initiatives and over recoveries of income with a year-end underspend of £0.020m being currently projected at 31st March 2012;
 - **Children and Community** – showed a current underspend of £2.180m which was mainly due to underspends in employee costs, payments to agencies offset by overspends in administrative costs and transport costs with a year-end underspend of £3.546m being currently projected at 31st March 2012 subject to year-end approval of carry forward of resources within the Scheme of Delegation and South Carrick Regeneration, this underspend would reduce to £2.869m;
 - **Corporate Services** – showed a current overspend of £0.404m which was mainly due to supplies and services and administrative costs, offset by an over-recovery of income with a year-end underspend of £0.236m currently being projected at 31st March 2012 subject to the carry forward of resources, this underspend would reduce to £0.046m at 31st March 2012;
 - **Development and Environment** – showed a current overspend of £0.588m which was mainly due to a current shortfall in income related to Property Maintenance and Construction Trading together with a combination of over and underspends across the remaining subjective headings within the Directorate with a year-end overspend of £0.211m being currently projected at 31st March 2012 subject to year-end approval of carry forward of resources as outlined in Appendix 1d of the report, this overspend would increase to £0.574m; and
 - **Miscellaneous** – showed an underspend of £0.498m which was mainly due to income from utility rebates, underspends in payments to Ayr Renaissance and the THI and underspends in third party insurance recharges with a year-end underspend of £0.423m being currently projected at 31st March 2012 subject to the approval of carry forward of resources, this would reduce to an underspend of £0.108m at 31st March 2012;
- (5) reporting that in setting the 2011/12 Revenue Budget, Members had approved efficiency measures of £3.496m which required further investigation and development by Officers and requested that regular updates on progress be submitted to this Panel;
- (6) intimating that the Budget Management report to the Leadership Panel on 16th August 2011 had identified that £0.300m of the £2.740m corporate efficiencies held in the Miscellaneous Services account could be allocated to Directorates and that of the £2.440m remaining, Members had approved alternative savings in relation to payroll management, children's residential units, transport costs, supplies and services and debt charges and that all corporate efficiency targets had now been allocated and were being achieved through Directorate management action;
- (7) outlining the current position with regard to:-
- Council Tax Income;
 - Repairs and Renewal Fund;
 - Insurance Fund; and
 - Accumulated Balance at 31st January 2012 including:-
 - Contingency Balance 2011/12; and
 - General Reserve Balances; and

- (8) informing that all Directorates had committed to bringing their budget in on-line as minimum by 31st March 2012 and that an accumulated balance of £9.371m was currently anticipated at 31st March 2012.

Decided:

- (i) to approve the management action being taken by Executive Directors to ensure a break-even budget at 31st March 2012 as outlined in Appendix 1 of the report;
- (ii) to approve the virement as outlined in the Directorate budgetary control reports at Appendix 1 and summarised in Appendix 2 of the report;
- (iii) to approve the use of the Contingency Fund to meet the Carbon Reduction Commitment (CRC) energy efficiency scheme obligation, estimated to be £0.200m, due to be met in 2011/12, as outlined in 3.9 and 4.5 (1) in the report;
- (iv) to note the revised carry forward of £0.080m from the change fund to meet the cost of Girvan Regeneration in 2012/13 as outlined in 4.5 (1) of the report and Contingency (change fund);
- (v) to note the Council Tax collection rates as outlined in Appendix 3 of the report;
- (vi) otherwise, to note the contents of the report.

15. General Services Capital Programme 2011/12: Monitoring Report as at Period 10 : 31st January 2012.

There was submitted a joint report (issued) of 5th March 2012 by the Executive Director – Development and Environment and Executive Director – Corporate Services

- (1) outlining
 - (a) the General Services Capital Programme for 2011/12 as at 31st January 2012 and detailing that at the end of Period 10, actual expenditure and income stood at £8,495,722 and represented expenditure of 56.6% of the total budget against a revised base expenditure budget of £15,011,553; and
 - (b) the progress being made on projects to 31st January 2012 as highlighted in Appendix 1 of the report; and
- (2) recommending adjustments to the Programme as outlined in Section 4 of the report and as detailed in Appendices of the report in relation to:-
 - consideration of levels of Capital Receipts for 2011/12;
 - new grants awarded 2011/12;
 - funding for projects required to be carried forward from 2011/12 to 2012/13;
 - projects requiring new / additional funding in 2011/12; and

- projects where funding might be released back to the Programme; and
- effect on over programming.

Decided:

- to note the progress made on projects to 31st January 2012, as highlighted in Appendix 1 of the report; and
- to approve the adjustments as outlined in Section 4 of the report.

16. Revenue Budget 2013/14.

There was submitted a report (issued) of 5th March 2012 by the Executive Director – Corporate Services

(1) advising

- that indicative funding levels for Revenue and Capital for 2013/14 and 2014/15 had been provided in the 2012 Finance Order with this Council's funding being confirmed as follows:-

| | <i>Revenue £m</i> | <i>Capital £m</i> |
|---------|------------------------------|------------------------------|
| 2013/14 | 212.177 | 7.255 |
| 2014/15 | 212.632 | 10.886 |

- that indicative Revenue Budgets for 2013/14 and 2014/15 had been presented to the Council on 15th December 2011 as part of the budget proposals and that these had confirmed budget gaps of £4.629m and £6.716m respectively and that Finance staff would continue to work on updating these indicative budgets;
- that an updated Capital Programme for 2013/14 and 2014/15 had been presented to Council on 8th March 2012; and
- that in line with previous years, Officers would develop budget options for Elected Members' consideration throughout the year to avoid all budget decisions being delayed until the budget was finalised in February/ March 2013; and

(2) proposing

- to hold a series of budget seminars throughout the year to ensure that all Elected Members be kept informed throughout the budget setting process and that seminars be arranged as follows:-
 - June 2012;
 - September 2012; and
 - December 2012, and

that these seminars would outline the latest financial position and the action being taken to bridge the shortfall and that the first seminar would also outline the budget setting process and the financial arrangements under which the Council operated; and

- (b) that Budget decisions would be taken throughout the year regarding:-
- budget options to be presented to Portfolio Holders;
 - briefings on proposals to be provided at seminars outlined in paragraph 4.5 (1) of the report;
 - reports presented to Leadership Panel;
 - normal scrutiny arrangements which would then apply; and
 - a final report to be considered by the Council in February 2013.

Decided:

- (i) to request that the Executive Director – Corporate Services develop detailed budget projections for 2013/14 onwards; and
- (ii) to approve the process / timetable for the 2013/14 budget.

17. Respite Care – Invoice / Billing Arrangements.

There was submitted a report (issued) of 1st March 2012 by the Executive Director – Children and Community

- (1) advising
- (a) that this Council currently, in respect of respite, received invoices for the gross cost of a respite period and that an account was subsequently raised by South Ayrshire to the service user in respect of their contribution for the respite period;
- (b) that in North and East Ayrshire Councils, the practice was for care homes to invoice the local authority for their share of costs and for an invoice to be sent directly to the service user for the remainder; and
- (c) that the charge to service users followed the Scottish Government Guidance on Charging for Residential Accommodation and weekly charges for respite care for 2012/13 were as follows:-

| | |
|-------------|--------------|
| 18-24 years | £ 90.95; |
| Under 60 | £105.70; |
| 60 and over | £171.60; and |

- (2) proposing that this Council adopt a similar practice to North and East Ayrshire Councils which would result in care homes invoicing the Council for its contribution towards respite placements and that the care home would invoice the service user for their contribution which approach would provide consistency for care homes where they had admissions from other Ayrshire areas; and

(3) reporting

- (a) that if the service user defaulted on their payment to the Care Home, the Council would make payment and pursue the service user in terms of current practice for non payment of accounts and that agreement for the Council to meet and pursue these costs with the service user were outlined in the National Care Home Contract;
- (b) that any required amendments to the current National Care Home Contracts which resulted from the change in invoicing procedures would be carried out by the Contract and Commissioning Team in partnership with Legal Services; and
- (c) that this proposal would free up a small amount of administrative time which would be used to focus on other administrative duties resulting from the Enablement Process within the Finance Team.

Decided: to agree the implementation of a change to invoicing and issuing accounts in respect of respite care at no additional cost to the Council.

18. **Ayr Townscape Heritage Initiative.**

There was submitted a report (issued) of 9th March 2012 by the Executive Director – Development and Environment

(1) advising

- (a) that the scope of the Ayr Townscape Heritage Initiative covered five buildings containing twentysix separate properties:
 - 1 – 3 New Bridge Street;
 - 2 – 6 New Bridge Street;
 - 6a – 10 New Bridge Street;
 - 7 – 11 New Bridge Street;
 - 13 – 17 New Bridge Street;
- (b) that a project manager had been appointed on a temporary basis, the cost of which was being met from the overall project funds who would co-ordinate and manage the actual works on the properties with the exception of 13-17 New Bridge Street, whose owners have chosen to manage the project themselves;

(2) outlining the proposed project timetable as follows:-

| | |
|----------------------------------|------------------------|
| detailed design stage | November 2011; |
| planning application | January 2012; |
| PQQ and contract tender process | January – March 2012; |
| revised costs: owners' agreement | March 2012; |
| grant applications | March 2012; and |
| grant award decisions | April 2012 (proposed), |

with the contract works programme being anticipated to be fifteen months' duration;

- (3) intimating
- (a) that the conditions of the grant required a separate application for each property within a shared building, therefore, it was possible that an owner might receive more than one grant should they own more than one property in a building or buildings;
 - (b) that based on pre-tender estimates, it was anticipated that most individual grants would be approximately £100,000, with a maximum grant application of £150,000; and
 - (c) that grant applications would be supported by drawings, appropriate permissions and fully costed tender information as prepared by the Council's external design team in accordance with the planning permission granted on 16th February 2012 and that listed building consent for 1-3 New Bridge Street was awaited from Historic Scotland;
- (4) proposing that in order to facilitate the timely approval of grant applications and to avoid delays in commencing the works, that delegated authority be granted to the Executive Director – Development and Environment to approve grants up to £150,000 per property in accordance with the terms and conditions of the grant award letter and contract and that the grant to be awarded for each property would be based upon the appropriate share of the costs returned through the tender process currently underway, determined as applicable to that property in accordance with the relevant title deeds and ownership; and
- (5) outlining the process for the grant applications.

A question was raised by a Member of the Panel with regard to what the grant funding was intended for and the Managing Director (Ayr Renaissance) responded accordingly.

Decided: to grant delegated powers to the Executive Director - Development and Environment to approve grant awards up to the maximum value of £150,000 per property from the project fund on receipt of satisfactory completed applications for individual properties contained in the buildings within this project.

19. **Kirkmichael Primary School.**

There was submitted a joint report (issued) of 27th February 2012 by the Executive Director - Development and Environment and Executive Director - Children and Community

- (1) advising
- (a) that the Council had already approved the building of a new primary school in Kirkmichael, and had set aside £1.850m within the approved 2012-13 General Services Capital Programme to meet the costs of this project;
 - (b) that the topography of the site had presented significant challenges in seeking to maximise the school development and to enable the design to meet legislative building requirements; and

- (c) that several factors have contributed to additional costs associated with the Kirkmichael Primary School project including the main water supply to the village, surface water drainage issues, the existing retaining wall, and that extensive extensive additional groundwork would be required to be undertaken in order to address the site issues and to ensure a suitable building was designed and that new building requirements to install sprinklers and achieve renewable energy targets through increased insulation and energy conservation features (such as a biomass boiler) had also added to the original costs;
- (2) indicating that detailed construction method investigation and the use of McCosh Hall for temporary accommodation would permit a fast track approach to the construction process allowing completion within the financial year 2012/2013;
- (3) proposing
 - (a) that £0.450m from the schools refurbishment budget within the Capital Programme for 2012/13 be used to fund the additional costs of addressing unforeseen site constraints identified during the design process which would increase the budget for the new school to £2.300m and allowing the project to proceed to the formal tender stage; and
 - (b) that the budget be re-profiled to take into account the proposed construction period within financial year 2012 / 2013; and
- (4) reporting that the budget required to be increased in 2012/13 by a total of £0.750m with £0.450m being funded from the 2012/13 Schools Refurbishment Budget as requested at (3) (a) and (b) above and £0.300m being brought forward from the 2013/14 budget allocation for the Kirkmichael Primary School project.

Questions were raised by Members of the Panel regarding site plans and other anomalies which could occur and the Head of Service and School Management and Head of Property Services responded accordingly.

Decided: to approve

- (i) the use of £0.450m from the schools refurbishment budget within the Capital Programme for 2012/13 to fund the additional costs of building the new Kirkmichael Primary School; and
- (ii) the revised re-profiled total budget.

20. **Formal Questions.**

In terms of Council Standing Order No. 16(b), there were submitted (tabled) Formal Questions from Councillor Douglas Campbell, details of which, together with the Answers, are outlined below:-

Question 1

Section 2.4 of the amendment includes a statement "Further, the authors of the subject Master Plan should ensure (with cogent evidence) the availability of willing developers towards its implementation."

To ask the Leader of the Council:-

What convincing, strong and well argued evidence will be required to be supplied by Officers to allow the Conservative Group to take a decision on support or rejection of the proposal?

Answer 1

“The deliberations of the Conservative Group are confidential to the Group.”

Councillor Douglas Campbell raised a supplementary question enquiring if the information was unavailable what would happen?

Cllr McIntosh advised that he would respond to this question in writing.

Question 2

Section 2.4 of the amendment includes a statement “Further, the authors of the subject Master Plan should ensure (with cogent evidence) the availability of willing developers towards its implementation.”

To ask the Leader of the Labour Group:-

What convincing, strong and well argued evidence will be required to be supplied by Officers to allow the Labour Group to take a decision on support or rejection of the proposal?

Answer 2

“I note that this question relates to Formal Questions to the Leadership Panel. The Leader of the Labour Group is not a member of this panel and therefore it is not possible for me to answer in that capacity.

A) As Leader of the Labour Group, I am not subject to formal question from any member of any other political group in this capacity.

B) It would not be appropriate for the Leader of the Labour Group to determine what is convincing, strong and well argued evidence in advance of that evidence being presented to the Labour Group. That would be a matter for the Labour Group to determine.”

Councillor Douglas Campbell raised a supplementary question enquiring to the Labour Group Leader whether Councillor Moonie had written the Motion?

The Head of Legal and Administration advised that this question would be forwarded to the Leader of the Labour Group.

Question 3

Section 2.4 of the amendment includes a statement “Further, the authors of the subject Master Plan should ensure (with cogent evidence) the availability of willing developers towards its implementation.”

To ask the Head of Community Care and Housing:-

Given that the Council does not have a development site within the HRA account nor a definitive commitment to such a site for 130 new houses, a clear commitment to demolition of the current maisonette blocks, no funding arrangements in place from the Scottish Government to fund 96 new homes for rent, what steps will he take to identify “willing developers” and what evidence will he supply from those developers that is convincing, strong and well argued evidence of their commitment to such a project?

Answer 3

Market research will be undertaken with house builders. This will be to obtain their general views to the proposed approach with no contractual commitment arising from this research.

Councillor Douglas Campbell raised a supplementary question enquiring what work would need to be set aside by the Head of Community Care and Housing to enable officers to provide evidence from the developers and the Head of Community Care and Housing advised that he was undertaking informal discussions with developers.

Question 4

Section 2.4 of the amendment includes a statement “Further, the authors of the subject Master Plan should ensure (with cogent evidence) the availability of willing developers towards its implementation.”

To ask the Executive Director – Corporate Services:-

Given that the Council will require to discuss the Lochside Maisonette Project with a range of developers in order to determine whether they are a willing developer and perhaps have to provide evidence to this effect, can you advise what implications this may have for the procurement process should the project be approved?

Answer 4

The availability of developers would be ascertained by market consultation, with this being achieved through the Council engaging with a good cross section of suppliers including suppliers registered with the Scottish Government National Advertising portal, Public Contract Scotland. This engagement would seek to identify the desired outcomes and any risks arising, and would enable potential developers to provide feedback on how the outcomes might be achieved, along with thoughts on timescale, feasibility and affordability. Should the project subsequently be approved, this market consultation would then support the resulting procurement

Question 5

Section 2.5 of the amendment states “Not agree, in the interim, to Council tenants being moved from the maisonettes to be given first offer on the resultant new builds.”

To ask the Head of Community Care and Housing:-

Given that during the consultation process a clear commitment was given to the residents’ meeting that tenants would be given first refusal on any new build and that this was well received, what are the implications of this change of Policy by the Council?

Answer 5

Tenants may decide against moving from the maisonettes until the outcome of the Master Plan is considered by elected members.

Councillor Douglas Campbell raised a supplementary question enquiring how the properties were going to be managed in light of the Council's decision and the Head of Community Care and Housing advised that this matter was currently being reviewed including the protection of empty and vacant properties.

Question 6

To ask the Head of Community Care and Housing:-

As the Council has NOT taken the decision to demolish the Maisonettes, whether in these circumstances any home loss payment will be made?

Answer 6

In general terms, Home Loss payments are made under the provisions of the Land Compensation Act 1973 in various circumstances including where a person is displaced from a dwelling in consequence of the carrying out of redevelopment. Until such time as a decision is taken by Council to redevelop it would appear that there will be no entitlement to such a payment. Officers will however consider further the detailed terms of the legislation and case law to ascertain whether any payments can be made in the particular circumstances of this case.

Councillor Douglas Campbell raised a supplementary question enquiring if letters had been sent to Tenants or if a Public Meeting would be organised and the Head of Community Care and Housing advised that he was in the process of finalising draft letters to the tenants and owners of the properties involved and that he would give consideration to the most effective way forward.

Question 7

To ask the Head of Community Care and Housing:-

What is the staffing complement for HRA services?

Answer 7

Permanent – 156.59

Councillor Douglas Campbell raised a supplementary question enquiring when would the staffing structure for Housing be submitted to the Council and the Head of Community Care and Housing advised that a few outstanding issues still had to be resolved.

Question 8

To ask the Head of Community Care and Housing:-
How many vacancies are there in the staffing complement for HRA services?

Answer 8

Vacant – 21.24 (Temporary staff currently filling 12.41, leaving 8.83 vacant)

Question 9A

Section 2.8 of the amendment states “agree in the interim not to fill any resultant vacancy arising from appointment of a dedicated officer to oversee this project.”

The Project Officer responsibilities are to include:-

- Being a single point of contact for all issues relating to the project;
- Ensuring that all tenants had completed transfer application forms;
- Advice on letting policy;
- Distribution of information on available lets;
- Discussion with letting staff on most appropriate allocation to new permanent tenancies;
- Arrangements for removal;
- Purchase of necessary households items such as blinds and carpets.

To ask the Head of Community Care and Housing:-
Given the importance of the project, the relationship with tenants and owners and the range of duties required, it is likely that the Department would appoint an experienced and perhaps specialised Officer to the task. Given that the post of the Project Officer, after appointment, cannot be back filled, how this process will now be managed and to detail how the effects of the Council decision will be mitigated for the position that will be held vacant?

Answer 9A

The workload of the seconded officer will be distributed and prioritised accordingly among other members of the operational team.

Councillor Douglas Campbell raised a supplementary question enquiring about the temporary and permanent posts and the number of vacancies and whether this would have an impact on the workloads of staff and the Head of Community Care and Housing advised that posts would be filled according to operational requirements.

Question 9B

The report on which I was consulted included a paragraph that indicated that the Capital Funds of £200,000 generated by the exchange of land between the General Services Account and the Housing Revenue Account be match funded with funds from the General Service account to provide a replacement leisure facility in the Lochside area.

To ask the Chief Executive:-

Who instructed that the report be amended?

Answer 9B

No Officer was instructed that the report should be amended.

Councillor Douglas Campbell raised a supplementary question enquiring why the report that he had been originally consulted about as Portfolio Holder had been amended without his knowledge and the Chief Executive advised that the answer to Question 10 was relevant and that a settled view had been reached that the amendment to the report was more appropriate and so the report was adjusted.

Question 10

To ask the Chief Executive that if, in response to question 8,(now 9B) the report was changed by an Officer, was this decision made after any briefings with any Member of the Council?

Answer 10

The report was amended following discussion between the Chief Executive, the Executive Director, Corporate Services and the Head of Community Care and Housing. At that time adjustment to the elements referring to future General Services commitments were agreed.

Question 11

To ask the Chief Executive why as Portfolio Carrier, I was not advised or consulted on the changed wording of the report?

Answer 11

Pressure of time, in order that the report be issued with the Council Agenda, regrettably did not permit this to happen.

Councillor Douglas Campbell raised a supplementary question enquiring whether the original report would have meant that Councillors might have been in a different position as to how they voted for the Amendment and the Chief Executive advised that it was a complex report and time was short, officers re drafted the report based on the best professional advice available.

21. Exclusion of press and public.

The Panel 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 items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6,8 and 9 of Part 1 of Schedule 7A of the Act.

Councillor McFarlane left the meeting at this point.

22. Outcome of Housing Support Tender Process.

There was submitted a report (issued to Members only) of 27th February 2012 by the Executive Director – Children and Community detailing the outcome of the recent Housing Support tender process and seeking agreement to appoint the successful organisations.

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

- (1) to award the Homelessness Prevention and Tenure Sustainment contract to Ayr Housing Aid Centre with a start date of 1st July 2012;
- (2) to award the Homelessness and Tenancy Support contract to South Ayrshire Escape from Homelessness Limited (Seascape) with a start date of 1st July 2012; and
- (3) to terminate with effect from 30th June 2012 existing arrangements with other housing support agencies covered by the tender process.

23. Cyborg Payroll System Licence and Maintenance Agreement.

There was submitted a report (issued to Members only) of 5th March 2012 by the Executive Director – Corporate Services advising of changes to the licence arrangements for the Council's payroll system, and to delegate authority to Officers to agree terms for the renewal.

Questions were raised by Members of the Panel regarding negotiations with the company concerned and negotiations with regard to future contracts and the Executive Director – Corporate Services responded accordingly.

Decided:

- (1) to approve the negotiation of a renewal of the licence and maintenance agreement with SumTotal Systems Inc for the Cyborg payroll system;
- (2) to delegate authority to the Executive Director – Corporate Services and the Head of Legal and Administration to conclude appropriate terms and conditions with SumTotal Systems Inc for the renewal of the licence and maintenance contract for the Cyborg payroll system; and
- (3) to request the Executive Director – Corporate Services to submit a further report on the outcome of negotiations to a future meeting of this Panel.

Councillor McFarlane returned to the meeting during consideration of the above item.

Community Services – Social Services.

24. Outcome of the Complaints Review Committee.

There was submitted a report (issued to Members only) of 27th February 2012 by the Head of Legal and Administration informing of the outcome of the Complaints Review Committee which had been held on 10th February 2012 and

- (1) outlining how the Complaints Review Committee had reached its conclusions as detailed in the Appendix of the report; and
- (2) that on the basis of these conclusions, the Complaints Review Committee found no reason to make any recommendations on this matter.

Decided: to note the conclusions reached by the Complaints Review Committee following the Hearing on 10th February 2012 as detailed in the Appendix of the report.

The meeting ended at 11.45 a.m.