

## **LEADERSHIP PANEL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 5th November 2013 at 10.00 a.m.

- Present: Councillors Bill McIntosh (Chair), John McDowall, Rita Miller, Robin Reid, Philip Saxton and Margaret Toner.
- Apology: Councillor Bill Grant.
- Attending: E. Howat, Chief Executive; H. Garland, Executive Director – Care, Learning and Wellbeing; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; V. Andrews, Acting Executive Director – Resources, Governance and Organisation; C. Monaghan, Head of Policy, Community Planning and Public Affairs; K. Leinster, Head of Community Care and Housing; D. Gillies, Head of Corporate Resources; M. Newall, Head of Neighbourhood Services; J. Cronin, Head of Community, Enterprise and Development; C. Cox, Planning Manager; J. Esslemont, Strategic Planner; S. Challis, Revenues Officer, Revenues and Benefits; N. Gemmell, Revenues Officer, Revenues and Benefits; A. Thomson, Benefits Officer, Revenues and Benefits; C. Boyd, Corporate Safety Manager; J. Rodden, Facilities Manager; E. Wyllie, Committee Services Officer; and D. Knight, Democratic Services Administrator.

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

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

### **2. Minutes of previous meeting.**

The minutes of 25th September 2013 (issued) ([link attached](#)) were submitted and approved.

## **Development and Environment – Economic Development, Tourism and Leisure.**

### **3. Call-in for Consolidating and Developing Golf South Ayrshire.**

Reference was made to the Minutes of the Development and Environment Standing Scrutiny Panel of 1st October 2013 (Page 3, paragraph 3) ([link attached](#)) when that Panel, having considered the terms of a call-in from the Leadership Panel of 25th September 2013 (Page 6, paragraph 12) in relation to the various proposals concerning Consolidating and Developing Golf South Ayrshire, had agreed, following review and by a majority, to recommend to the Leadership Panel that they proceed with the preferred bidder, namely XQR Developers proposal for Troon Golf Clubhouse without further consultation on the development or work carried out on the Strategy and no expenditure on a golf consultant.

A full discussion then took place regarding the recommendation of the Development and Environment Standing Scrutiny Panel.

The Acting Executive Director – Resources, Governance and Organisation advised that the Panel could either

- accept the recommendation of the Development and Environment Standing Scrutiny Panel; or
- where there continued to be a failure to agree after a referral back to the Leadership Panel, the matter would be referred to the Council for determination.

The Panel

**Decided:**

- (1) that the recommendation of the Development and Environment Standing Scrutiny Panel should not be accepted;
- (2) to confirm the decision taken at the meeting of the Leadership Panel on 25th September 2013 as follows:-
  - (a) to note the review exercises currently underway and outlined in paragraph 4.1 of the report;
  - (b) to agree to the proposal to commission an external body to provide expert advice on golf business plan;
  - (c) to agree to consider the options for the redevelopment of Troon Clubhouse once work had been completed on the Golf Business Plan and the business case for alternative models for service delivery and to agree investment of up to £300,000 to undertake necessary works;
  - (d) to agree to negotiate an extension to the lease for the existing operator of the catering and bar franchise at Troon Golf Clubhouse for a further period of up to twelve months which would allow a lead in time for tendering once the business plan was finalised in April 2014 and that a report should be submitted to the meeting of this Panel on 29th April 2014 outlining the proposals from the preferred bidder; and
  - (e) to approve the extension of the contractual arrangements with the PGA Golf Professionals at Troon and Belleisle & Seafield Golf Courses until 31st March 2015, subject to the conditions set out in this report and in accordance with paragraph 23.2 of the Council's Standing Orders Relating to Contracts; and
- (3) therefore, that the matter be referred to the Council on 19th December 2013 for ultimate determination.

(Councillor Saxton requested that his dissent be recorded).

#### 4. **Call-ins for Maintenance on Grass Slopes Greater than 35 Degrees.**

Reference was made to the Minutes of the Development and Environment Standing Scrutiny Panel of 1st October 2013 (Page 3, paragraph 3) (**link attached**) when that Panel, having considered the terms of 2 call-ins from the Leadership Panel of 25th September 2013 (Page 7, paragraph 14) in relation to maintenance on grass slopes greater than 35 degrees, had agreed, following review, to recommend to the Leadership Panel

- (1) that they consider options to identify and procure alternative equipment to cut the grass slopes greater than 35 degrees; and
- (2) that the decision not to cut the grass at twelve locations should be re-examined.

A full discussion then took place regarding the recommendations of the Development and Environment Standing Scrutiny Panel.

The Panel

#### **Decided:**

- (a) that the recommendations of the Development and Environment Standing Scrutiny Panel should not be accepted;
- (b) to confirm the decision taken at the meeting of the Leadership Panel on 25th September 2013 to approve alternative maintenance regimes for twelve location with gradients of 35 degrees or over for which no alternative grass cutting machinery could be identified; and
- (c) therefore, that the matter be referred to the Council on 19th December 2013 for ultimate determination.

### **Community Services - Social Services.**

#### 5. **South Ayrshire Adult Learning Disability Strategy and Action Plan 2013-2016.**

There was submitted a report (issued) of 8th October 2013 (**link attached**) by the Executive Director – Care, Learning and Wellbeing seeking approval of the new Adult Learning Disability Strategy and Action Plan for 2013-2016.

The Panel was pleased to welcome this strategy and in particular the Easy-read version of this document.

Clarification was sought in relation to the information contained within the Appendix regarding the number of patients registered in GP practices in South Ayrshire and the Head of Community Care and Housing gave an undertaking to correct these figures, and the Panel

**Decided:** to approve the South Ayrshire Adult Learning Disability Strategy and Action Plan 2013-2016 as detailed in Appendix 1 of the report.

## **Community Services - Housing and Customer First.**

### **6. Payment of Missing Shares for Essential Common Housing Repairs.**

There was submitted a report (issued) of 26th September 2013 ([link attached](#)) by the Executive Director – Care, Learning and Wellbeing seeking agreement to make use of the missing shares enforcement power available to this Council under Section 50 of the Housing (Scotland) Act 2006 in order to prevent a minority of owners delaying essential repairs and maintenance work.

Clarification was sought and provided in relation to concerns regarding the prioritisation and categorisation of requests to the Council's Scheme of Assistance Budget, the progress being made regarding the recruitment of the Owner Engagement Officer who would work with the owners in the mixed tenure blocks, and the Panel

**Decided:** to agree

- (1) to the payment of missing shares to enable essential common housing repairs and maintenance to proceed in accordance with Section 50 of the Housing (Scotland) Act 2006; and
- (2) that this Council would recover the payments made in relation to missing shares, including associated administrative expenses and a reasonable rate of interest, through agreed repayment arrangements with owners.

### **7. Unacceptable Actions by Complainants Policy.**

Reference was made to the Minutes of 25th September 2013 (Page 5, paragraph 9) and there was submitted a report (issued) of 24th October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking approval of the draft Unacceptable Actions by Complainants policy.

The Panel

**Decided:** to approve the draft Unacceptable Actions by Complainants policy as outlined in Appendix 1 of the report.

## **Development and Environment - Economic Development, Tourism and Leisure.**

### **8. Planning Enforcement Charter.**

There was submitted a report (issued) of 21st October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment seeking approval of an update to the South Ayrshire Planning Enforcement Charter which required to be reviewed and updated biennially under the terms of the Planning etc. (Scotland) Act 2006.

The Panel

**Decided:** to approve the updated Planning Enforcement Charter as set out in Appendix I of the report.

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## 9. Planning Scotland's Seas – South Ayrshire Council's Response to Scottish Government Consultation and Seascape/Landscape Assessment for the Firth of Clyde.

There was submitted a report (issued) of 21st October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment

- (1) advising of a range of consultations and proposals which together promoted a sustainable approach to marine management and delivered an integrated approach to the marine planning of Scotland's seas; and
- (2) intimating that the report also noted the completion of a seascape / landscape assessment of the Firth of Clyde, a project commissioned by the Firth of Clyde Forum Partnership;
- (3) seeking approval of its use as to inform planning decisions about the future management of the Firth of Clyde and its immediate coast.

The Panel

### **Decided:**

- (a) to approve the proposed representations as detailed in Appendix 1 of the report as the basis of a response to the following consultation documents:-
  - [Planning Scotland's Seas – Scotland's National Marine Plan Consultation Draft](#);
  - [Planning Scotland's Seas: Consultation on proposals for Marine Protected Areas](#);
  - [Planning Scotland's Seas: Consultation on Priority Marine Features](#);
  - [Planning Scotland's Seas: Draft Sectoral Marine Plans for Offshore Renewable Energy in Scottish Waters: Consultation Paper](#); and
  - [Planning Circular: The relationship between the statutory land use planning system and marine planning and licensing](#);
- \* (b) to agree that a biannual update report on the work of the Firth of Clyde Forum Partnership be forwarded to the Development and Environment Standing Scrutiny Panel until such time as the Marine Planning Partnership was established subject to approval by the Council; and
- (c) to approve the [Landscape and Seascape Assessment of the Firth of Clyde](#) as the basis of informing planning decisions assessing the impact of proposals on the seascape and coastal landscape.

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## 10. Proposed Amendment to the Planning Applications Scheme of Delegation.

There was submitted a report (issued) of 22nd October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment

- (1) advising that in accordance with the Planning etc. (Scotland) Act 2006, the Council operated a Scheme of Delegation for the determination of planning applications which had been approved by the Scottish Ministers on 3rd August 2009;
- (2) reviewing the Scheme of Delegation in the context of more recent legislative changes made by the Government in June 2013; and
- (3) proposing changes to the Scheme of Delegation to allow planning applications where there was a Council interest to be determined under delegation, where there were no objections.

The Panel

### Decided:

- (a) to approve the revised Scheme of Delegation, as set out in Appendix 1 of the report and subject to approval by Council, that the revised Scheme then be submitted to the Scottish Government for Ministerial approval; and
- (b) to agree that delegated powers be given to the Executive Director - Economy, Neighbourhood and Environment to amend the 'Planning Procedures for Planning Applications – The Easy Read' following approval of the Scheme of Delegation by the Scottish Ministers to reflect the amendments to the Scheme and the matters set out in section 4 of the report.

## Development and Environment - Sustainability and Environment.

### 11. Road Safety Plan to 2020.

There was submitted a report (issued) of 28th October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment seeking approval of the Road Safety Plan to 2020 which outlined current and future road safety targets, taking cognisance of national and local strategic aims and priorities, integrated within the Council's strategic aims and contributing towards the Scottish Government's Sixteen National Outcomes and set objectives and identified actions to be taken throughout the authority areas in order to, as a minimum, meet the road safety targets as set by Scotland's Road Safety Framework.

The Panel was pleased to welcome the Roads Safety Plan and noted the issue of 'young drivers' in the 17-25 age group being crucial to casualty reduction in South Ayrshire with male drivers in this age group being twice as likely as females to be involved in a collision. Reference was made to the crucial role of the Community Safety Partnership, and the Panel

**Decided:** to approve the Road Safety Plan to 2020 as detailed in the Appendix of the report.

## 12. **Review of Existing Residents Parking Scheme.**

There was submitted a report (issued) of 28th October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment seeking approval to revise the current Residents' Parking scheme within Ayr and to introduce measures, where considered necessary and appropriate in Prestwick including a refresh and expansion of existing residents parking provision.

A concern was raised by a Member of the Panel in relation to the proposal to introduce charging for parking, supported by enforcement, on Main Street, Prestwick and the Panel requested clarification as to why no Equality Impact Assessment had been undertaken in relation to this scheme.

Clarification was also sought as to when the findings of the review would be reported to this Panel and the Head of Neighbourhood Services advised that the review should be completed early next year. The Panel

**Decided:** to agree to continue consideration of this matter to a future meeting of this Panel to allow an Equality Impact Assessment to be undertaken in relation to the residents' parking scheme.

## 13. **Grounds Maintenance – Service Modernisation - Phase 1.**

There was submitted a report (issued) of October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment advising, that as part of the approved 2013/14 savings measures, £50,000 in relation to grounds maintenance had been deferred until 2014/15 (£100,000 had been approved for 2013/14) and identifying the management action proposed in order to realise the saving of £50,000.

The Panel

**Decided:** to agree

- (1) to revise working hours and to introduce shift patterns from spring 2014 to include Monday to Sunday working and to annualise hours of grounds maintenance employees and accordingly to move from standard contracted working of 37 hours per week to annualised hours of 42 hours per week in summer and 32 hours in winter time or a variation thereof;
- (2) that plans be implemented by spring 2014, to alter landscape design by replacing some shrub/rose beds with grass and specimen trees, where appropriate, together with maintenance regimes which preserved the amenity at the same time reducing costs; and
- (3) that local Elected Members should be consulted regarding any alterations to landscaping treatment in their wards.

**Corporate and Community Planning - Corporate, Strategic and Community Planning.**

**14. Proposed Demolitions of 19 to 25 and 31 Whitehall, Maybole.**

There was submitted a report (issued) of 7th October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment providing an update on the latest position regarding the proposed demolitions of the buildings at 19 to 25, and 31, Whitehall, Maybole and requesting an additional draw from the Contingency Fund.

A concern was raised by a member of the Panel that a number of the gable ends could be exposed following demolition of these buildings, and having received reassurance on this matter, the Panel

**Decided:**

- (a) to note the contents of the report;
- (b) to agree to a further draw from the Contingency Fund; and
- (c) to request the Executive Director - Economy, Neighbourhood and Environment to report to a future meeting of this Panel on the outcome of the tendering process to confirm the required additional draw from the Contingency Fund.

**Corporate and Community Planning - Resources and Performance.**

**15. Write-off of Sundry Debtors' Balances.**

There was submitted a report (issued) of 24th October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking approval to write-off one sundry debtors' account balance in accordance with Council policy.

The Panel

**Decided:** to approve the write-off of a sundry debtors' account balance amounting to £5,024.90 as detailed in Appendix 1 of the report.

**16. Write-off of Housing Benefit Overpayments.**

There was submitted a report (issued) of 24th October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking approval to write-off two housing benefit overpayments in accordance with Council policy.

The Panel

**Decided:** to approve the write-off of housing benefit overpayments amounting to £12,696.48 as detailed in Appendix 1 of the report.

## 17. **Discretionary Housing Payments Budget 2013/14.**

There was submitted a report (issued) of 29th October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking amendment to the existing Discretionary Housing Payments policy following the award of additional funding from the Scottish Government.

Clarification was sought in relation to awards of Discretionary Housing Payments made to tenants affected by a 14% shortfall in Housing Benefit as a result of under occupancy and the Benefits Officer advised that awards were already in place for tenants affected by that level of shortfall, however, awards would now be made for a maximum of 12 months.

### **Decided:**

- (1) to approve the amendment to the Discretionary Housing Payments policy as highlighted in bold in the Appendix of the report to allow awards for a maximum of 12 months and to include residents subject to 25% housing benefit under occupancy restriction and Council temporary accommodation as exceptional cases and thereby exceeding awards of £7 per week as outlined in the said Appendix;
- (2) to agree to maintain the financial commitment of £113,000 as outlined in paragraph 4.6 of the report; and
- (3) to request the Acting Executive Director – Resources, Governance and Organisation to provide updated figures of awards made on a quarterly basis throughout 2013/14.

## 18. **Strategic Risk Management.**

There was submitted a report (issued) of 24th October 2013 ([link attached](#)) by the Head of Corporate Resources providing an update on the reviewed Strategic Risk Register – September 2013 as detailed in Appendix 1 of the report in line with the agreed reporting framework.

Clarification was sought and provided that the Corporate and Community Planning Standing Scrutiny Panel had considered the three new risks, and the Panel

**Decided:** to agree the 20 key risks and endorse the work currently being undertaken or proposed by risk owners to mitigate these risks.

**19. The Public Services Network.**

Reference was made to the Minutes of 25th September (Page 8, paragraph 15) and there was submitted a report (issued) of 29th October 2013 ([link attached](#)) by the Head of Policy, Community Planning and Public Affairs

- (1) outlining the progress being made in complying with the conditions which must be met in order to connect to the Public Services Network (formerly known as the Government Secure eXtranet); and
- (2) reporting that the expenditure incurred to date in implementing the new network infrastructure was £35,000 with a further £25,000 being spent on PC workstations and that it was anticipated that a further £25,000 would require to be spent on additional workstations.

The Panel

**Decided:**

- (a) to note the work undertaken to date and the ongoing planned activities;
- (b) to agree the continuation of the work which Officers had initiated and were currently undertaking to address this issue; and
- (c) to agree a draw from contingency of up to £85,000 in 2013/14 to meet the anticipated one-off costs associated with complying with this initiative as outlined in 5.1 in the report.

**20. Authority to Agree a Short Term Rental Agreement for an Electronic Solution to Apply for Third Party Deductions for Council Tax Arrears.**

There was submitted a report (issued) of 29th October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seek agreement under delegated powers to rent an ICT System for an initial period of 12 months to provide an electronic solution to apply for third party deductions for Council tax arrears.

The Panel

**Decided:** to approve the entering into of an assured rental agreement with Merchant Software Limited for the provision of an ICT system to apply third party deductions for Council tax arrears for a twelve month period.

**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 during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1 and 9 of Part 1 of Schedule 7A of the Act.

**22. Proposed Sale of Former Taylor Street, Depot, Ayr.**

There was submitted a report (issued to members only) of 24th October 2013 by the Head of Corporate Resources seeking approval to conclude the sale of the former Taylor Street Depot, Ayr as shown hatched on the plan which forms an Appendix to the report.

Clarification was sought and provided in relation to the procedures for dealing with applications for planning permission.

The Panel

**Decided:** to approve the sale of the former Taylor Street Depot, Ayr, to Leonardo Ippolito on the terms set out in the report, and on such other reasonable terms and conditions as might be agreed by the Acting Executive Director - Resources, Governance and Organisation when concluding the legal transaction which failing, to approve the sale to the second highest offer on the terms set out in the report and on such other reasonable terms and conditions as might be agreed by the Acting Executive Director - Resources, Governance and Organisation when concluding the legal transaction.

**23. Sale of Cree Lodge, 47 Craigie Road, Ayr.**

There was submitted a report (issued to members only) of 24th October 2013 by the Head of Corporate Resources seeking approval to dispose of Cree Lodge, 47 Craigie Road, Ayr on the open market as shown hatched on the plan which forms an Appendix to the report.

The Panel

**Decided:** to agree

- (1) to formally declare surplus to requirements Cree Lodge, 47 Craigie Road, Ayr and in accordance with Standing Order procedures, to request Officers to market the property for disposal; and
- (2) to delegate authority to the Acting Executive Director – Resources, Governance and Organisation to accept the highest unconditional offer received and complete the disposal on such reasonable terms and conditions as might be agreed by the Acting Executive Director - Resources, Governance and Organisation when concluding the legal transaction.

**24. Disposal of Non-HRA Property at 35 Hillfoot Road, Ayr.**

There was submitted a report (issued to members only) of 22nd October 2013 by the Head of Corporate Resources approval to dispose of 35 Hillfoot Road, Ayr, following receipt of three offers to purchase.

Clarification was sought and provided that the Housing Service did not wish to acquire this property, and the Panel

**Decided:** to approve the sale of 35 Hillfoot Road, Ayr, to Mr. George Newall at the price set out in the report and on such other reasonable terms and conditions as might be agreed by the Acting Executive Director - Resources, Governance and Organisation when concluding the legal transaction which failing, to approve the sale to the next highest offer at the price set out in the report and on such other reasonable terms and conditions as might be agreed by the Acting Executive Director - Resources, Governance and Organisation when concluding the legal transaction.

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### 25. Review of Public Conveniences.

There was submitted a report (issued to members only) of 29th October 2013 by the Executive Director – Economy, Neighbourhood and Environment seeking approval for proposals for public conveniences in South Ayrshire which would complement and improve upon existing publicly and privately provided conveniences and ultimately assist the development of a more effective and efficient service.

An assurance was provided that Elected Members would be included in the consultation process along with Community Councils, and the Panel

**Decided:** having recorded their appreciation of the work that had been undertaken by the Executive Director – Economy, Neighbourhood and Environment and her staff, to approve

- (1) the proposals contained within paragraph 6.1 of the report for a number of the existing public conveniences in South Ayrshire;
- (2) the development of schemes for current and potential additional facilities listed in paragraph 6.2 of the report and that firm proposals on this matter would be submitted to a future meeting of this Panel;
- (3) the introduction of charging for use of public conveniences, the estimated annual income from which (£30,000) would be incorporated into the 2014/15 budget; and
- (4) the draw from Repairs and Renewals Fund in the sum of £210,500 towards the costs of works of introducing paddle gates to control entry into certain public toilets.

**Development and Environment - Economic Development, Tourism and Leisure.**

**26. Golf South Ayrshire – Greenkeeping Working Patterns.**

There was submitted a report (issued to members only) of 22nd October 2013 by the Executive Director – Economy, Neighbourhood and Environment seeking approval for the introduction of annualised hours working and 5 over 7 shift patterns for Golf South Ayrshire greenkeepers.

The Panel

**Decided:** to approve a change to the terms and conditions of Head Greenkeepers, Chargehand Greenkeepers and Greenkeepers to introduce annualised hours and 5 over 7 shift patterns to achieve a saving of £60,000 from 1st February 2014.

**Development and Environment - Sustainability and Environment.**

**27. Emergency Provision of Street Lighting Maintenance Services.**

There was submitted a report (issued to members only) of 28th October 2013 by the Executive Director – Economy, Neighbourhood and Environment regarding a contract with Lightways (Contractors) Ltd. which had been terminated and outlining the action that had to be taken to secure street lighting provision.

**Decided:** to note

- (1) as required by the Scheme of Delegation, the emergency action taken by the Executive Director - Economy, Neighbourhood and Environment to secure street lighting provision following the abandonment of the contract by Lightways (Contractors) Ltd. on 6th October 2013; and
- (2) that the street lighting function would transfer to the Ayrshire Roads Alliance with effect from 1st April 2014.

**28. Consideration of Disclosure of the above Confidential Reports.**

Having heard the Acting Executive Director – Resources Governance and Organisation, the Panel

**Decided:**

- (1) to authorise the disclosure of the part of the following reports falling under Standing Order 31.2 when the related transactions had been concluded:-
  - Proposed Sale of Former Taylor Street, Depot, Ayr; and
  - Disposal of Non-HRA Property at 35 Hillfoot Road; and
- (2) to authorise the immediate disclosure of the following reports falling under Standing Order 31.2:-
  - Sale of Cree Lodge, 47 Craigie Road, Ayr (with a minor redaction);
  - Review of Public Conveniences;
  - Golf South Ayrshire – Greenkeeping Working Patterns; and
  - Emergency Provision of Street Lighting Maintenance Services.

The meeting ended at 11. 15 a.m.