

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 10th October 2013 at 10.00 a.m.

Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Peter Convery, Kirsty Darwent, Hywel Davies, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and Corri Wilson.

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; D. Gillies, Head of Corporate Resources; and D. Knight, Democratic Services Administrator.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) in relation to Glasgow Prestwick International Airport
 - warmly welcomed the Deputy First Minister's announcement yesterday that the Scottish Government has commenced a process towards acquisition of Prestwick Airport. The Airport is hugely important to the economy of Ayrshire given that there are well over 3000 jobs directly or indirectly associated with it. The Deputy First Minister referred repeatedly to the partnership work with South Ayrshire Council and to the other Ayrshire Councils in her statement yesterday;
 - advised that South Ayrshire Council was absolutely central in reaching the decision that has been made. It was this Council that set up, chaired and supported the public sector Multi-Agency Group that led the work on options;
 - intimated that in addition, the Leader and Deputy Leader met with the Deputy First Minister on a number of occasions over the course of the last few months to discuss the strategic importance of the Airport to South Ayrshire, to Ayrshire and to Scotland and to discuss how the airport and the thousands of jobs associated with it could be safeguarded; and
 - was certain that Members will welcome the Deputy First Minister's desire to continue this close working relationship with this Council and the other Ayrshire Councils as this Council moves into this next phase in the life of Prestwick Airport.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Darwent declared an interest in the Fire Mid-Year Report on the agenda as she was a member of the Board of the Scottish Fire and Rescue Service and indicated that she would withdraw from the meeting during consideration of this item at the appropriate point in the meeting.

4. Police and Fire Mid Year Reports.

There was submitted a report (issued) of 2nd October 2013 ([link attached](#)) by the Head of Policy, Community Planning and Public Affairs inviting the Council to consider the Police and Fire Mid-Year Reports for South Ayrshire.

Police Mid-Year Report

Superintendent Neil Kerr, accompanied by Chief Inspector Willie Ramsay, Police Scotland, advised that Chief Superintendent Gillian MacDonald was currently on annual leave and on her behalf, conveyed her apologies to the Council. He then proceeded to give a presentation to the Council on the Police Mid-Year Report.

Superintendent Kerr, in particular highlighted performance in relation to the specified objectives as follows:-

- serious crime;
- violence, disorder and anti-social behaviour;
- housebreaking and theft; and
- road safety and road crime.

Superintendent Kerr responded to a number of questions and comments as follows:-

- the policing of football matches;
- the policing of Ayr beach during the summer months;
- the arrangements for involvement of local Elected Members in the Ward Policing Plans;
- the closure of the public counter in Girvan Police Station; and
- the disposal of assets seized under the Crime Act.

The Council

Decided: having acknowledged and thanked Police Scotland for their support and work, to approve the Police Mid-Year Report.

Councillor Darwent, having previously declared an interest in this item of business, left the meeting.

Police Mid-Year Report

Jim Scott, the Local Senior Officer for Ayrshire, accompanied by Jim McNeil, Response and Resilience, Scottish Fire and Rescue Services gave a presentation on the Fire Mid-Year Report and in particular, highlighted the following area improvement objectives:-

- the reduction of accidental dwelling fires;
- the reduction of fire casualties;
- the reduction of deliberate primary fires;
- the reduction of deliberate secondary fires;
- accidental fires in other buildings;
- deliberate fires in other buildings;
- reduction in road traffic collisions;
- reduction in automatic fire alarms; and
- reduction in malicious calls.

The Local Senior Officer Scott responded to a number of questions and comments as follows:-

- clarification of primary and secondary fires;
- the continued installation of smoke detectors in properties; and
- the significant level of primary fires in Ayr West and the steps being taken to reduce them.

In response to a concern regarding the use of acronyms and technical wording within the report, the Local Senior Officer gave an undertaking that he would provide a glossary within future reports.

The Council

Decided: having acknowledged and thanked Scottish Fire and Rescue Services for their support and work, to approve the Fire Mid-Year Report.

Councillor Darwent rejoined the meeting at this point.

5. Minutes of previous meetings of Council and Panels.

(1) Minutes of previous meetings of Council.

The Minutes of the South Ayrshire Councils of 27th June 2013 ([link attached](#)) and 28th August (Special) 2013 ([link attached](#)) (issued) were submitted and authorised to be signed as correct records of these meetings subject to paragraph 3 being amended to read (Page 1, paragraph 3).

(2) Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels (issued) were submitted for information:-

- (a) Regulatory Panel of 26th June 2013 ([link attached](#)).
- (b) Regulatory Panel (Special) of 15th July 2013 ([link attached](#)).
- (c) Local Review Body of 20th August 2013 ([link attached](#)).
- (d) Leadership Panel of 27th August 2013 ([link attached](#)).

In accordance with the Scheme of Delegation and Standings Orders for Meetings, Councillor McIntosh, seconded by Councillor McDowall, moved the recommendations as contained in the "C" paragraph on Page 4, paragraph 9 entitled "South Ayrshire Local Access Forum" has been referred to the Council for decision.

The Council so concurred.

- (e) Regulatory Panel (Special) of 28th August 2013 ([link attached](#)).
- (f) Regulatory Panel of 29th August 2013 ([link attached](#)).
- (g) Development and Environment Standing Scrutiny Panel of 3rd September 2013 ([link attached](#)).
- (h) Community Services Standing Scrutiny Panel of 4th September 2013 ([link attached](#)).
- (ix) Corporate and Community Planning Standing Scrutiny Panel of 5th September 2013 ([link attached](#)).
- (j) Local Review Body of 10th September 2013 ([link attached](#)).
- (k) Corporate and Community Planning Standing Scrutiny Panel (Special) of 25th September 2013 ([link attached](#)).

6. **Granting of the Honorary Freedom of South Ayrshire to the Royal Highland Fusiliers, the Royal Regiment of Scotland, and to the Ayrshire (Earl of Carrick's Own) Yeomanry.**

There was submitted a report (issued) of 3rd October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation

- (1) seeking the Council's agreement to grant the Honorary Freedom of South Ayrshire to the Royal Highland Fusiliers, the Royal Regiment of Scotland and to the Ayrshire (Earl of Carrick's Own) Yeomanry;
- (2) advising
 - (a) that the General Purposes Panel at its meeting on 21st August 2013 had approved a request for civic hospitality from the Royal Highland Fusiliers (2 Scots), the Royal Regiment of Scotland, to celebrate a Homecoming Parade in Ayr, on completion of their third and final tour of Afghanistan, on Wednesday, 13th November 2013 at Ayr Town Hall up to a maximum cost of £2,700 to be met from the civic hospitality budget; and
 - (b) that if the event to celebrate the Homecoming Parade already approved were now to become the Honorary Freedom Ceremony for the Royal Highland Fusiliers, then the funding already approved for the Homecoming Parade could be put towards the cost of the Honorary Freedom Ceremony and that in addition, the Honorary Freedom Ceremony, in place of the Homecoming Parade, would incur further costs for the presentation framed scroll, order of service and enhanced civic hospitality up to a maximum sum of £1,800 from the civic hospitality budget; and
- (3) proposing
 - (a) that the Honorary Freedom Ceremony for the Royal Highland Fusiliers take place on Wednesday, 13th November 2013, as they would already be in Ayr that day for a Homecoming Parade following their third and final tour of duty in Afghanistan and that the arrangements already made for that day could be revised to incorporate the Honorary Freedom Ceremony with the formal presentation taking place in the Auld Kirk of Ayr (St John the Baptist) followed by a civic reception in Ayr Town Hall; and
 - (b) that the Honorary Freedom Ceremony for the Ayrshire (Earl of Carrick's Own) Yeomanry would not take place until sometime in the spring of 2014 as numbers participating were not known at present, and, given that many of those involved in the Territorial Army work during the week, it was likely that the Honorary Freedom Ceremony would take place on a Saturday. As it is not possible to approve detailed arrangements at this time, it is proposed that Council delegate the approval of the costs relating to this Ceremony to the General Purposes Panel to consider from the civic hospitality budget.

The Council

Decided:

- (i) to grant the Honorary Freedom of South Ayrshire to:-
 - (A) the Royal Highland Fusiliers (2 Scots), the Royal Regiment of Scotland; and
 - (B) the Ayrshire (Earl of Carrick's Own) Yeomanry; and
- (ii) to agree the enhanced civic hospitality up to a maximum sum of £1,800 to change the Homecoming Parade to an Honorary Freedom Ceremony for the Royal Highland Fusiliers and to agree that consideration of funding from the Civic Hospitality Budget for the Ayrshire Yeomanry event be delegated to the General Purposes Panel.

7. Appointments to Panels.

There was submitted a report (issued) of 1st October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking the Council's approval to alter the membership of the Community Services Standing Scrutiny Panel following the resignation of Councillor Davies.

Councillor McIntosh, seconded by Councillor Bill Grant, moved that Councillor Convery be appointed to the Community Services Standing Scrutiny Panel.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Dorans, moved that Councillor McFarlane be appointed to the Community Services Standing Scrutiny Panel.

On a vote being taken by a show of hands, nine members voted for the Amendment and seventeen for the Motion which was accordingly declared to be carried.

The Council

Decided: to appoint Councillor Convery to the Community Services Standing Scrutiny Panel.

8. Representation on the Ayrshire Councils' Joint Committee and Amendments to the Shared Services Minute of Agreement.

There was submitted a report (issued) of 3rd October 2013 ([link attached](#)) by the Executive Director – Economy, Neighbourhood and Environment seeking

- (1) nominations and the Council's approval for representation on the Ayrshire Councils' Joint Committee; and
- (2) approval for changes to the Shared Services Minute of Agreement.

The Council

Decided:

- (a) to nominate Councillors Alec Clark, Peter Convery, John McDowall and Nan McFarlane to represent South Ayrshire Council on the Ayrshire Councils' Joint Committee; and
- (b) to approve the changes to the Shared Services Minute of Agreement.

9. Scottish Futures Trust – South West Territory Hub – Appointed Officer and Amendments to Standing Orders.

There was submitted a report (issued) of 2nd October 2013 ([link attached](#)) by the Acting Executive Director – Resources, Governance and Organisation seeking the Council's approval

- (1) to make an alteration to representation on an outside body;
- (2) to amend the Standing Orders Relating to Contracts to exempt projects and services delivered under the South West Territory Hub ('the Hub') from Standing Orders; and
- (3) for the use of the Hub for strategic support services in the initial design development work for Ayr Academy, Marr College, Tarbolton and Dailly Primary Schools and Community Facilities.

The Council

Decided:

- (a) to agree that the Head of Corporate Resources represent the Council on the South West Territory Board;
- (b) to delegate authority to the Head of Corporate Resources as set out in paragraph 4.2 of the report;
- (c) to amend the Standing Orders Relating to Contracts by the insertion of an additional clause – namely "4.2.8 – Any contract for works or services delivered under the South West Territory Hub arrangements"; and

- (d) to approve the provision of strategic support services for initial design development work for Ayr Academy, Marr College, Tarbolton and Dailly Primary Schools and Community Facilities through the South West Territory Hub arrangements.

10. **Framework for the Council Plan.**

There was submitted a report (issued) of 2nd October 2013 ([link attached](#)) by the Chief Executive seeking approval for the next steps in the development of the Council Plan, performance management and the Improvement Agenda.

Concerns were raised regarding the lack of progress being made in relation to the Council Plan and that Elected Members should indicate their priorities to Officers so that a three year strategy could be prepared.

The Council

Decided: having recorded their appreciation of the work undertaken by Officers on the Council Plan, to approve

- (1) the planning structure as detailed in paragraphs 4.1 to 4.6 of the report;
- (2) the key strategic objectives as outlined in paragraph 4.7 of the report;
- (3) next steps as outlined in paragraph 4.8 of the report;
- (4) the development of performance management as outlined in paragraph 5 of the report; and
- (5) an Improvement Agenda as set out in paragraph 6 of the report.

11. **Prohibiting the Consumption of Alcoholic Liquor in Designated Places – Review of South Ayrshire Byelaws.**

There was submitted a report (issued) of 2nd October 2013 ([link attached](#)) by the Head of Policy, Community Planning and Public Affairs advising the Council of the outcome of the review of the current South Ayrshire Council (Prohibition of the Consumption of Alcoholic Liquor in Designated Places) Byelaws 2002 and inviting agreement to new byelaws in relation to the consumption of alcohol in designated public places.

Clarification was sought and provided in relation to the new boundaries within which the bye-laws would be enforced and the implications of the Equality Impact Assessment.

The Council

Decided:

- (1) to approve the new draft byelaws to be known as the 'South Ayrshire Council (Prohibition of the Consumption of Alcohol in Designated Places) Byelaws 2013';
- (2) to seek confirmation in respect of those byelaws from the Scottish Government;
- (3) to approve, once the new byelaws have been confirmed by the Scottish Government, advertisement of the date the new byelaws would come into effect;
- (4) to revoke the existing byelaws known as the 'South Ayrshire Council (Prohibition of the Consumption of Alcoholic Liquor in Designated Places) Byelaws 2002' at 11.59 p.m. on the day prior to the new byelaws coming into effect; and
- (5) to approve the work to be undertaken to promote awareness of the new byelaws.

12. Treasury Management Annual Report 2012/13.

There was submitted a report (issued) of 1st October 2013 ([link attached](#)) by the Chief Accounting Officer presenting, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the annual report of treasury management activities for 2012/13 as detailed in Appendix 1 of the report and seeking members' approval of its contents.

The Council

Decided: having recorded their appreciation of the work undertaken by Officers on the Annual Report, to approve the Treasury Management Annual Report 2012/13, as detailed in Appendix 1 of the report.

13. Notice of Motion.

Councillor Darwent, seconded by Councillor Cavana, moved that

"the Council

- supports the elimination of the operation of blacklists in the construction industry;
- where permitted by current or future procurement legislation, will exclude companies involved in blacklisting of trade unionists from future contracts;
- seeks assurances from companies included in future contracts that they have processes in place to encourage the reporting by workers, including those who are trade union members, of workplace concerns, particularly in respect of health, safety and welfare; and

- given that the current legislation does not permit us to exclude companies specifically for blacklisting, writes to the Scottish Government urging the inclusion of clauses in future Scottish Bills covering public procurement to prevent companies involved in the blacklisting of workers from securing future public sector contracts.”

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor McFarlane, moved that

“this Council

- supports the elimination, by any organisation, of the use of blacklists, welcomes the introduction of the Procurement Reform (Scotland) Bill into the Scottish Parliament which includes the policy aim in Sections 22-23 of the Act of ensuring that only reputable persons/organisations should be awarded public sector contracts; and
- requests that the Chief Executive write to Nicola Sturgeon MSP, the Cabinet Member laying the Bill before Parliament, to urge that the Regulations that will be published are clear that such practices of blacklisting and the inappropriate use of zero hours contracts are activities of companies being contracted by Public Sector that will be viewed as falling below the standards that the public would expect of a company performing a public contract.”

A full discussion took place regarding the terms of the Motion and the Amendment.

On a vote being taken by a show of hands, nine Members voted for the Amendment and seventeen for the Motion which was accordingly declared to be carried.

Decided: to approve the terms of the Motion.

14. **Formal Questions.**

The Council were advised that no formal questions had been submitted to this meeting.

The meeting ended at 11.55 a.m.