

LEADERSHIP PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 1st December 2015 at 10.00 a.m.

Present: Councillors Bill McIntosh (Chair), Bill Grant, John McDowall, Rita Miller, Robin Reid, Philip Saxton and Margaret Toner.

Attending: E. Howat, Chief Executive; V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; D. Hutchison, Director of Educational Services; R. Riddiough, Head of Legal and Democratic Services; K. O'Hagan, Head of Employee and Customer Services; T. Baulk, Head of Finance and ICT; D. Gillies, Head of Property and Risk; M. Baker, Head of Policy and Performance; C. Monaghan, Head of Communities; J. Cronin, Head of Enterprise, Development and Leisure; D. Burns, Head of Housing and Facilities; and A. Gibson, Committee Services Officer.

Also

Attending: Ian Gall and Abigail McGrade (for items 5 to 7 only); and S. Turner, Ayrshire Roads Alliance.

Apologies: Phil Davey, David Gemmell and Tom Robinson.

1. Chair's Remarks.

The Chair, on behalf of the Panel, welcomed Abigail McGrade to her first meeting of the Leadership Panel.

2. 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.

3. Minutes of previous meeting.

The minutes of 3rd November 2015 ([issued](#)) were submitted and approved.

4. Decision Log.

Decided: to note

- (1) the contents of the Decision Log ([issued](#)); and
- (2) that the Portfolio Holders would pursue actions with officers where there had been slippage.

Lifelong Learning.

5. Outcome of the Statutory Consultation on Proposed Amendments to the Council's Placing Request Arrangements.

There was submitted a report ([issued](#)) of 19th October 2015 by the Director of Educational Services

- (1) informing Leadership Panel on the outcome of the statutory consultation on proposed amendments to the Council's placing request arrangements which were explained in the consultation report as attached as Appendix 1 to the report, and
- (2) requesting the Leadership Panel to consider the outcome of the consultation and approve the changes to the placing request arrangements.

The Panel

Decided:

- (1) having considered the contents of the consultation report, as detailed in Appendix 1 of the report, to approve the following changes to the existing policy:-
 - (a) where there were more placing request applications than there were places available, the following amended priority criteria would be used to determine the allocation of places:-
 - (i) those cases where the medical needs of the child or young person could only be met in the school requested;
 - (ii) those children who did not live in the delineated area of a secondary school but attend an associated primary school;
 - (iii) the presence of older brothers or sisters in the school requested; and
 - (iv) allocation by ballot;
 - in relation to (i) to (iii) above, if there were more applications being considered than there were spaces available as each stage of priority criterion was being applied, a ballot would be held to determine the successful applications; and
 - in applying (iv) above, priority would be given to placing requests for children and young people who resided within South Ayrshire, after which any remaining spaces would be allocated by a further ballot; and
 - (b) to discontinue the role of the Local Attendance Council in the initial stages of the placing request process. The functions relating to the management of the above criteria would be undertaken by the Director of Educational Services or his/her representatives; and
- (2) to agree that the proposed changes would be implemented immediately and would be incorporated into the 2016/17 primary registration and secondary school transfer arrangements which would begin in January 2016.

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6. Service Review – Out of School Care.

There was submitted a report [\(issued\)](#) of 13th November 2015 by the Director of Educational Services seeking approval of the findings and recommendations of the Service Review of Out of School Care.

The Panel, having noted

- that this Council would be conducting an imminent review of Child Care based on a national report; and
- that in future, the considerations and findings of the Service and Performance Panel on any Service Review must be presented to this Panel as part of the Report,

Decided: to agree

- (1) a small rise in after school and holiday childcare charges;
- (2) an increase for the annual registration fee to £10 per child to achieve an average annual income of £1,200;
- (3) a reconfiguration of Out of School Care Services staffing structures from 11.69 FTE to 7.6 FTE representing a saving of £52,061.64; and
- (4) transition towards a parent/volunteer/school run breakfast club at Coylton Primary School with out of school care services withdrawing on 31st March 2016, representing a saving of approximately £14,875.

7. Service Review of Additional Support Needs.

There was submitted a report [\(issued\)](#) of 29th October 2015 by the Director of Educational Services seeking approval of the findings and recommendations of Additional Support Needs (ASN) Services.

Having noted that the reviewed service would be more focussed and proactive, and also noting that in future, the considerations and findings of the Service and Performance Panel on any Service Review must be presented to this Panel as part of the Report, the Panel

Decided: to agree

- (1) to reconfiguring the management structure of the ASN Services team through the deletion of three Principal Teacher posts and the creation of an additional two Inclusion Co-ordinator posts to have four in total;

- (2) to change the management structure of Psychological Services through the deletion of two Senior Educational Psychologist posts and the creation of a Depute Principal Educational Psychologist post and a main grade Educational Psychologist post;
- (3) to revise the contracts of the ASN/Inclusion Coordinator posts to 52 week contracts, from term time, to ensure that the Council could provide a Named Person service during holidays in line with the requirements of the Children and Young People (Scotland) Act 2014;
- (4) to reconfigure ASN/Inclusion Services in order that South Ayrshire had a continuum of support to meet the continuum of needs; and
- (5) to ask the Director of Educational Services to bring forward, from within existing resources, alternative proposals to maintain the contract with NHS Ayrshire and Arran for speech and language therapy services and redirect incidental savings from the restructuring of management towards the provision of Speech and Language Therapy services from NHS Ayrshire and Arran.

Housing and Customer Services.

8. Housing Allocations Policy – Mutual Exchange.

There was submitted a report ([issued](#)) of 5th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking agreement to amend the Housing Allocations Policy to increase flexibility for Mutual Exchange applications.

Having noted how mutual exchange would relate to sheltered housing and the ongoing partnership working with other Registered Social Landlords,, the Panel

Decided: to amend section 1.22 of the Council's Housing Allocation Policy, as set out in paragraph 4.2 of the report, to permit mutual exchanges in circumstances where an exchange of properties may not fully address the housing needs of both households, but would improve the housing situation of at least one of the households.

Sustainability and Environment.

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9. Introduction of Permits for Street Cafes.

With reference to the Minutes of 3rd November 2015 (Page 2, paragraph 7) there was submitted a report ([issued](#)) of November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking formal approval for the introduction of permits for Street Cafes and associated Guidance and Conditions, including permits and permissions granted under the terms of the Roads (Scotland) Act 1984.

Councillor McDowall, seconded by Councillor Reid, moved the recommendation as contained in the report.

By way of an Amendment, Councillor Saxton, seconded by Councillor Grant moved

- (1) the introduction of Permits for Street Cafes and to make a charge for these, noting that the initial charge was proposed to be set at £66.60 per annum; and
- (2) that the conditions would not impose a restriction on smoking in outdoor areas.

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

The Panel

Decided: by a majority, to agree

- (a) the introduction of Permits for Street Cafes and to make a charge for these, noting that the initial charge was proposed to be set at £66.60 per annum; and
- (b) that the conditions would not impose a restriction on smoking in outdoor areas.

Economic, Development, Tourism and Leisure.

10. Proposed Operating Model for South Carrick Leisure Development.

There was submitted a report ([issued](#)) of 16th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to negotiate a service level agreement and associated lease with South Carrick Community Leisure for the operation of the proposed South Carrick leisure development at Girvan Harbour.

The Panel

Decided: to agree

- (1) that the Executive Director – Economy, Neighbourhood and Environment enter into negotiations with South Carrick Community Leisure to agree a service level agreement and associated lease for the operation of the proposed new Leisure Centre to be built at Girvan Harbour; and
- (2) that this be based on a forty year lease (the anticipated life of the building) and an annual revenue contribution of £200,000, subject to periodic review.

11. Dark Sky Park Lighting Draft Supplementary Guidance.

There was submitted a report ([issued](#)) of 9th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to consult on the draft Dark Sky Lighting Supplementary Guidance.

The Panel

Decided: to approve the draft Dark Sky Park Lighting Supplementary Guidance, as detailed in Appendix 1 of the report.

Sustainability and Environment.

12. South Ayrshire Council Gaelic Language Plan 2014-17 Annual Progress Report 2015.

There was submitted a report ([issued](#)) of 19th November 2015 by the Head of Policy and Performance providing an update on the progress made with respect to the South Ayrshire Council Gaelic Language Plan 2014-2017 during 2014/15.

The Panel

Decided:

- (1) to approve the South Ayrshire Council Gaelic Language Plan 2014-17 Annual Progress Report, as detailed in Appendix 1 of the report; and
- (2) to agree that future scrutiny of the annual progress reports be remitted to the Service and Performance Panel, as detailed in paragraph 4.4 of the report.

Resources and Performance.

13. Employability Funding – Youth Employment Initiative (YEI) 2014-2018.

There was submitted a report ([issued](#)) of 23rd November 2015 by the Head of Employee and Customer Services

- (1) providing an update on the European Social Fund (ESF) Programme, and Youth Employability Initiative (YEI); and
- (2) seeking approval to utilise match-funding relating to European funded employability programmes (committed for 2015/16 but not spent) to support additional pan-Ayrshire employability training activities over the next two years.

Having heard explanation as to why there was a significant unallocated financial resource within the South West Scotland YEI programme and how advertising would be undertaken for the new opportunities, the Panel,

Decided:

- (a) to note the update on progress with ESF and YEI;
- (b) to agree to support the new pan-Ayrshire waged intermediate labour market programme and to the proposed match funding arrangement, as detailed in paragraph 4.5 of the report;
- (c) to agree to extend the Welfare Reform fund commitment of £250,000 per annum by a further year to 2018/19, as detailed in paragraph 4.6 of the report; and
- (d) to agree to the use of £80,000, committed for 2015/16 as match funding for the ESF Employability pipeline but not yet spent, in order to extend the Ambitions Wage Incentive programme, as detailed in paragraph 4.7 of the report.

14. Calculation of Holiday Pay.

There was submitted a report ([issued](#)) of 23rd November 2015 by the Head of Employee and Customer Services updating the position regarding the calculation of holiday pay and to seek approval of implementation arrangements.

The Panel, having noted the complications and potential for future claims, accepted the recommended course of action and

Decided:

- (1) to approve the proposal that non-contractual earnings, as outlined in paragraph 4.1 of the report, were included in the calculation of payment for annual leave (using the established rolled-up percentage uplift) where these were earned in more than 50% of the time and that such payment was made retrospectively every six months to reflect the actual hours worked;
- (2) to agree that payment for the period 1st September 2014 to 30th September 2015 was processed and paid at the earliest opportunity; and
- (3) to agree that the Head of Employee and Customer Services continue to monitor and respond to developments in terms of retrospective claims and report back to Members, as appropriate, through the Members' Bulletin.

15. Budget Management – Revenue Budgetary Control 2015/16 – Position Statement at 30th September 2015.

There was submitted a report ([issued](#)) of 23rd November 2015 by the Head of Finance and ICT providing a financial overview of the General Services Revenue Account, Housing Revenue Account and Common Good Accounts for 2015/16 as at 30th September 2015.

Having received explanations in response to concerns regarding achievement of efficiency savings and the potential impact of rent arrears on delivery of the capital programme, the Panel

Decided:

- (1) to note the revised Directorate budgets following the budget movements, as outlined in paragraphs 3.4 to 3.10 of the report;
- (2) to request the Head of Finance and ICT to undertake a review of the significant under-spend within Educational Services to identify if any of the under-spends could be removed from service budgets on a permanent basis;
- (3) to approve the request to vire £0.087m. from an existing employee costs contingency provision held within the Miscellaneous Services Account for children's residential accommodation, as outlined in paragraph 4.1(1)(v) of the report, Health and Social Care, with the full year amount to be built into the payroll budget for 2016/17;
- (4) to approve a further request that temporary costs of £0.110m. (2015/16) and £0.295m. (2016/17) be met by a draw from unallocated general reserves held by the Council;
- (5) to approve the virement, as outlined in the Directorate financial performance reports ([Appendix 1](#)) and summarised in paragraph 4.1(3) of the report; and
- (6) to approve the requested earmarking, as detailed in paragraph 4.1(4) of the report and thereafter that the earmarked budgets be transferred to contingency to be held in general reserves for utilisation in 2016/17.

16. General Services Capital Programme 2015/16: Monitoring Report as at 30th September 2015.

There was submitted a report ([issued](#)) of 23rd November 2015 by the Head of Property and Risk updating on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30th September 2015.

The Panel, having received clarification in relation to the timing of several projects,

Decided:

- (1) to note the progress made on the delivery of the General Services Capital Programme to 30th September 2015; and
- (2) to agree to the adjustments, as set out in [Appendix 1](#) Table 2 of the report.

17. Housing Capital Programme 2015/16: Monitoring Report as at 30th September 2015.

There was submitted a joint report ([issued](#)) of 23rd November 2015 by the Head of Property and Risk and the Head of Housing and Facilities updating on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30th September 2015.

The Panel, having received clarification in relation to timing of New Build projects, reduced borrowing levels and the buy back of privately owned properties,

Decided:

- (1) to note the progress made on the delivery of the Housing Capital Programme to 30th September 2015; and
- (2) to approve the adjustments, as set out in [Appendix 1](#), Table 2, as detailed in the report.

18. 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 6 and 9 of Part 1 of Schedule 7A of the Act.

19. Disposal of Gaiety Theatre, Carrick Street, Ayr.

There was submitted a joint report (issued to members only) of 20th November 2015 by the Executive Director – Resources, Governance and Organisation and the Executive Director – Economy, Neighbourhood and Environment seeking approval to sell the Gaiety Theatre to Ayr Gaiety Partnership Limited (AGP) as per the terms of the option to purchase clause (clause sixteenth) contained in the existing Lease between AGP and the Council.

The Panel

Decided:

- (1) to approve the sale of the Gaiety Theatre to Ayr Gaiety Partnership Limited for £1 as per the option to purchase clause contained in the Lease dated 26th September 2012 between Ayr Gaiety Partnership Limited and South Ayrshire Council; and
- (2) to agree to progress the sale immediately, without the requirement of a six month notice period provided for in the Lease, provided that the conditions for sale set out in the Lease were met.

20. Provision of Print Services – Requirement for Contract Extension.

There was submitted a report (issued to members only) of 20th November 2015 by the Head of Legal and Democratic Services seeking approval to extend the contract with Canon (UK) Ltd for the provision print services from 1st July to 30th November 2016.

The Panel

Decided: to approved the extension of the provision of Print Services with Canon (UK) Ltd contract until 30th November 2016.

21. Amendments to South-West Hubco Agreement.

There was submitted a report (issued to members only) of 20th November 2015 by the Executive Director – Resources, Governance and Organisation seeking

- (1) approval to transfer delegated authority from the Head of Corporate Resources to the Head of Property and Risk as South Ayrshire Council's representative on the Territory Partnering Board; and
- (2) approval to grant delegated authority to the Executive Director - Resources, Governance and Organisation to sign amended Hub Initiative Territory Partnering and Shareholder agreements on behalf of Council as a result of changes required under the European System of Accounts 2010 rules (ESA10).

The Panel

Decided: to approve

- (a) the transfer of the existing delegated authority from the Head of Corporate Resources to the Head of Property and Risk as South Ayrshire Council's representative on the Territory Partnering Board; and
- (b) the granting of delegated authority to the Executive Director - Resources, Governance and Organisation to sign amended Hub Initiative Territory Partnering and Shareholder agreements on behalf of the Council as a result of changes required under the European System of Accounts 2010 rules (ESA 10).

Economic Development, Tourism and Leisure.

22. South Carrick Leisure Development

There was submitted a report (issued to members only) of 23rd November 2015 by the Executive Director – Resources, Governance and Organisation

- (1) updating on progress of the South Carrick Leisure Development and informing on the outcome of the SWHub Stage 2 detail design phase for the project, including the most up to date costs and programme;
- (2) seeking approval to vary the Council's contributions to the project; and

- (3) seeking authority from the Council for the Executive Director - Resources, Governance and Organisation to execute the necessary documents on behalf of the Council at Financial Close, as noted in Appendix 1 of the report.

The Panel

Decided:

- (a) to approve the outcome of the SWHub Stage 2 detailed design phase for the South Carrick Leisure Development project, including the most up to date scheme, costs and programme;
- (b) to agree to vary the Council's contribution to the project, as set out in paragraph 5.1 of the report, to be funded through additional borrowing; and
- (c) to grant authority to the Executive Director - Resources, Governance and Organisation to execute the necessary documents on behalf of the Council at Financial Close, as noted in Appendix 1 of the report.

23. Application for Non-Domestic Rates Relief on 747 Hangar, Prestwick International Airport.

There was submitted a report (issued to members only) of 9th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to provide Non-Domestic Rates Relief to Company A for a period up to six months to support an inward investment opportunity.

Decided: to agree that the opportunity of discretionary non-domestic rates relief be available for inclusion in the intervention package to attract Company A to locate at the vacant 747 Hangar at Prestwick Airport, on the conditions as set out in the report.

24. Consideration of Disclosure of the above Confidential Reports.

Decided:

- (1) to authorise the disclosure of the following report falling under Standing Order 31.2:-
 - Amendments to South-West Hubco Agreement;
- (2) to authorise the disclosure of the following report falling under Standing Order 31.2, when the sale had been concluded:-
 - Disposal of Gaiety Theatre, Carrick Street, Ayr;
- (3) to authorise the disclosure of the following report falling under Standing Order 31.2, when the contract had been concluded:-
 - South Carrick Leisure Development;

- (4) to authorise the disclosure of part of the above report falling under Standing Order 31.2:-
- Provision of Print Services; and
- (5) not to authorise the disclosure of the whole or part of any documents of the following report falling under Standing Order 31.2:-
- Application for Non-Domestic Rates Relief on 747 Hangar, Prestwick International Airport.

The meeting ended at 11.30 a.m.