

PUBLIC PROCESSES PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 30th September 2015 at 10.00 a.m.

Present: Councillors Brian McGinley (Chair), Alec Clark, Peter Convery, Ian Douglas, Hugh Hunter, Helen Moonie and Alec Oattes.

Also present: Councillors Bill Grant, Robin Reid and Margaret Toner, Portfolio Holders; Councillors Douglas Campbell, Ian Cochrane and Allan Dorans.

Attending: V. Andrews, Executive Director – Resources, Governance and Organisation; Ralph Riddiough, Head of Legal and Democratic Services; D. Gillies, Head of Property and Risk; M. Baker, Head of Policy and Performance; G. Collins, Community Engagement Manager; C. McGarva, Community Engagement Officer; Alison Nelson, Democratic Services Co-ordinator and L. Sands, Committee Services Officer.

1. Declarations of Interest.

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

2. Item for Call-in – Rationalisation of Office Accommodation in Ayr.

Reference was made to the Minutes of the Leadership Panel of 23rd September 2015 (Page 4, Paragraph 9) when the Panel, having considered a report of 14th September 2015 by the Head of Property and Risk, had agreed

- (1) to approve the site selection process and outcome as noted in Appendix 1 of the report;
- (2) having considered the options, to request that a further report be brought to the Leadership Panel, at its meeting scheduled for 1st December 2015, in connection with paragraph 4.5 of the report, option numbers 2 (New Build Council/Police Campus at Arran Mall), 2A (New Build Council/Police Campus at Arran Mall with satellite at Riverside), 3 (New Build Council only Office at Arran Mall) and 3A (New Build Council only Office at Arran Mall with satellite at Riverside); and
- (3) to approve further work by officers in conjunction with Scottish Futures Trust on the workplace change and agile working workstream which would be incorporated in the report to Panel on 1st December 2015.

The Panel was advised that the report had been the subject of a call-in (issued) (**link attached**) details of which, together with the written responses from the Head of Property and Risk circulated at the meeting, are outlined below.

Question 1

How can the Council demonstrate Best Value by only opting for 1 site not in public ownership?

Answer 1

The Arran Mall site is not public ownership. The Riverside site is being assembled by Ayr Renaissance LLP, an arm's length external organisation owned by this Council and under its control.

'Best value' has a number of components, namely, efficiency, effectiveness, economy and equal opportunity. The Council is required to maintain an appropriate balance among quality of performance of functions, cost to authority of that performance and cost to persons of service provided (where rechargeable). So in summary, cost and quality are both relevant.

In relation to cost, the Council would seek to establish best value on any site acquisition having regard to standard site valuations including use of the District Valuer to establish values and open book accounting with any development partner, and open and transparent procurement practices. With regard to quality this would be established through professional advice, effective procurement, and project and contract management processes.

Question 2

How can the Council demonstrate partnership working by opting for a site that will not be a joint facility with the Police Service, therefore, incurring additional costs for the tax payer in the provision of 2 new facilities?

Answer 2

The Police have indicated that they are still keen to develop joint facilities at the two sites of Arran Mall and Riverside.

Question 3

If the King Street site is suitable as demonstrated by having 0 fails in the officer's assessment, why is it being discounted at this stage?

Answer 3

Decision based on 'Town Centre First' principle reflecting both Scottish Government policy and recent Council decisions.

Question 4

Will the Council purchase or lease the land at Arran Mall?

Answer 4

In the event that a project proceeds on this site, a decision on this will be taken at the appropriate time. No decision has been taken on this yet but the developer has indicated he will be happy to consider various options including purchase or lease. Consideration of best value for the Council will be relevant.

The Chair invited Councillor Campbell to explain his reasons for the call-in and heard him express his concerns regarding the site selection, the impact of the Arran Mall site being in private ownership, the risks to the Council in the event that the developer did not proceed with the development, and the size and capacity of the site available, availability of car parking and suitability of this site for a shared facility with Police Scotland. Councillors Dorans and Cochrane also expressed their concerns regarding

the risks to the Council of proceeding with a single site on privately owned land and the potential costs of the development.

The Head of Property and Risk advised the Panel that if the development were to go ahead at the Arran Mall site then steps would be taken to ensure there were measures in place with the developer to protect the Council from risks identified. He confirmed that the Arran Mall site was adequate to accommodate the required footprint for the Council as well as that of Police Scotland, that costs would be impacted by a single or double site, and that there was expected to be adequate parking available. He also confirmed that consideration was being given to appropriate office desk requirements within the new development, with a view to moving towards a more agile or flexible working environment including more 'touch down' facilities for staff not permanently office-based.

The Executive Director – Resources, Governance and Organisation advised the Panel that the Council could, at any time prior to a final decision, explore other options, if appropriate to do so in light of circumstances.

Decided: following review and by a majority, to uphold the decision of the Leadership Panel.

3. Minutes of previous meeting.

The Minutes of the Public Processes Panel of 23rd June 2015 (issued) (**link attached**) were submitted and approved.

4. Action Log and Work Programme.

There was submitted the Action Log and Work Programme (issued) (**link attached**) as a guide for the Panel.

Decided: to note the Action Log and the Work Programme.

5. FOI/EIR Annual Report.

There was submitted a report (issued) (**link attached**) of 22nd September 2015 by the Head of Legal and Democratic Services providing an annual update to the Panel of the Council's response times and volume of requests under the Freedom of Information (Scotland) Act 2002 (FOISA) by subject matter and by applicant status. The report covered the period 1 July 2014 to 30 June 2015. The Council's response times and volume of requests under the Environmental Information (Scotland) Regulations 2004 for that period would follow at the next Public Processes Panel.

Panel members noted the volume of requests from MPs/MSPs and Charities/ Voluntary organisations, but expressed particular interest in requests emanating from members of the general public, and officers were asked to provide a more detailed breakdown in future reporting identifying the nature of the requests from the general public and whether further information could be made available on the website, for example, to deal with requests for particular types of information.

Decided:

- (1) to note the response rate and volume of requests under FOISA for 2014/15 as detailed in Appendix 1 of the report; and

- (2) to agree that the current efforts across all Directorates be renewed to ensure that response times are maintained and improved where appropriate.

6. Records Management Plan.

There was submitted a report (issued) (**link attached**) of 22nd September 2015 by the Head of Legal and Democratic Services providing Members with an update on steps the Council must take in relation to the Public Records (Scotland) Act 2011 ('the Act').

A discussion took place regarding the Records Management Plan and the apparent slippage in certain timescales. The Head of Legal and Democratic Services advised the Panel that while certain of the 14 elements are either complete or will be so soon, other elements will always remain a work in progress. He further advised

- (i) that the Council could receive a request from the Keeper of the Records of Scotland to submit the Records Management Plan at any time, following which the Council would have 3 months to finalise the plan and submit it;
- (ii) that while the Records Management Plan is an improvement plan, it must reflect the Council's position at the time of submission;
- (iii) that until the request to submit it is received, the best use of time is to continue with the improvement journey and then use the final three months to finalise the draft for submission; and
- (iv) that he would reconsider the format of the report.

Decided:

- (1) to note the contents of the report; and
- (2) to request that a further report be submitted to the next meeting of this Panel providing an updated work plan.

7. A Strategic Approach to Community Engagement: Update Report.

There was submitted a report (issued) (**link attached**) of 10th September 2015 by the Executive Director – Economy, Neighbourhood and Environment providing an update on the Council's work on Community Consultation and Engagement.

The Community Engagement Manager provided the Panel with an update on Community Engagement and current work to develop a calendar of consultation dates.

The question was asked as to how the Town Centre Community Capital Fund was progressing. The Community Engagement Manager informed the Panel that the closing date for funding applications had been Tuesday 29th September 2015 and, as it was a Community-led approach, applications had to come from community groups, who were aware of the scheme as it had been well-publicised since the summer of this year.

It was agreed that officers would seek to arrange another training day for Elected Members in relation to Participatory Budgeting.

Decided: having scrutinised the update report, to note the contents of the report.

The meeting ended at 12.15 p.m.