

PUBLIC PROCESSES PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 9th December 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, John McDowall and Philip Saxton, Portfolio Holders; Councillors Douglas Campbell, Ian Cochrane, Allan Dorans and Nan McFarlane.

Attending: V. Andrews, Executive Director – Resources, Governance and Organisation; R. Riddiough, Head of Legal and Democratic Services; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; D. Hutchison, Director of Educational Services; C. Monaghan, Head of Communities; K. Braidwood, Operations Unit Manager, Ayrshire Roads Alliance; G. Collins, Community Engagement Manager; D. Thomson, Trading Standards and Environmental Health Manager; C. McGarva, Community Engagement Officer; G. Quirk, Integrated Children’s Services Officer 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 – Service Review – Out of School Care.

Reference was made to the Minutes of the Leadership Panel of 1st December 2015 (Page 3, Paragraph 6) when the Panel, having considered a report of 13th November 2015 by the Director of Educational Services, and noting

- (1) that this Council would be conducting an imminent review of Child Care based on a national report; and
- (2) 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,

agreed

- (a) a small rise in after school and holiday childcare charges;
- (b) an increase for the annual registration fee to £10 per child to achieve an average annual income of £1,200;
- (c) 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
- (d) a 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.

The Panel was advised that the report had been the subject of a call-in (issued) ([link attached](#)) details of which were outlined by Councillor Cochrane when he introduced and spoke to the call-in.

The Director of Educational Services provided a response to the points raised in the call-in stating that

- (i) an Elected Members' briefing reporting on the current provision of breakfast clubs at that time had been circulated on 22nd November 2013, following the decision taken at the special meeting of South Ayrshire Council on 22nd October 2013;
- (ii) a report evaluating the breakfast club pilot went to the Leadership Panel of 18th March 2014 which gave an indication of the resource implications of enhanced provision prior to the end of that financial year; and
- (iii) a further update report on pilot breakfast clubs was brought to the Leadership Panel on 17th June 2014 and it was agreed at this meeting that breakfast clubs be made permanent.

Following the Director of Educational Services response a discussion took place and a question was raised as to whether there was funding support from the Scottish Government in relation to the cost of breakfast clubs. The Integrated Children's Services Officer informed the Panel that the Grant that had been available for these costs had ended two years previously and there was now very little support with only small lottery funding amounts available.

Issues were raised and discussed relating to wider concerns in terms of costs and availability, however it was ruled by the Chair that these matters were not relevant to the Call-In as they were not part of the service review in question. It was noted that there was scope for a wider review of this service area to be carried out as a result of the Children and Young Persons Act and the imminent national report on childcare.

Decided: to uphold the decision of the Leadership Panel.

3. Item for Call-in – Introduction of Permits for Street Cafes.

Reference was made to the Minutes of the Leadership Panel of 1st December 2015 (Page 4, Paragraph 9) when the Panel, having considered a report of 3rd November 2015 by the Executive Director – Economy, Neighbourhood and Environment agreed by majority

- (a) to 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.

The Panel was advised that the report had been the subject of a call-in (issued) ([link attached](#)) details of which were outlined by Councillor Allan Dorans when he introduced and spoke to the call-in.

Councillor McDowall, Portfolio Holder, expressed his support for the call-in, stating that it was the Council's responsibility to promote health standards. Accordingly, it would be wrong of the Council to give the impression that smoking in public was acceptable.

Councillor Saxton then stated his reasons for moving the amendment that was agreed at the Leadership Panel. He argued that people have a choice whether to eat and drink in an outdoor area where people are smoking and business owners should be left to

decide whether to restrict smoking in street cafes. Councillor Grant also spoke in support of the decision taken at Leadership Panel.

A discussion then followed regarding the decision of the Leadership Panel. Some Members felt that the Council had a duty to promote good health within the community and, therefore, should set an example by introducing a smoking ban. Others felt that the decision of the Leadership Panel had been the correct decision as they saw the restriction on smoking in outdoor areas as a choice for the proprietors to make as smoking was a freedom of choice.

The views of Environmental Health were asked for and the Trading Standards and Environmental Health Manager advised that the Council had been asked to act as an exemplar in reducing smoking figures and illnesses in South Ayrshire, therefore, they should attempt to discourage smoking whenever possible, although, figures indicated that approximately only 20% of the population did smoke.

The question was asked as to what consultation had taken place prior to the recommendation to impose a restriction on smoking in outdoor areas and the Executive Director – Economy, Neighbourhood and Environment advised that a consultation among officers within Environmental Health, Ayrshire Roads Alliance and Enterprise relating to public health views, issues that had been raised and dealing with businesses had taken place to come to a clear recommendation.

Following the discussion the Panel decided, as there was no clear consensus, that further consideration should be given to the matter by the Leadership Panel.

Decided: following discussion and review, to remit the report back to the Leadership Panel for further consideration, on the basis that the Public Processes Panel support the officer recommendation of the original report to Leadership Panel.

Councillor Convery left the meeting during consideration of the above item.

4. Minutes of previous meeting.

The Minutes of the Public Processes Panel of 30th September 2015 (issued) ([link attached](#)) were submitted and approved.

5. 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 current status of the Action Log and Work Programme and that the Work Programme would now be developed further for the forthcoming year.

6. EIR Annual Report.

There was submitted a report (issued) ([link attached](#)) of 30th November 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 Environmental Information (Scotland) Regulations 2004 (EISR) by subject matter and by applicant status. The report covered the period 1 July 2014 to 30 June 2015.

Decided:

- (1) to note the response rates and volume of requests under EISR for 2014/15 as detailed in Appendix 1 of the report; and
- (2) to agree that current efforts across all Directorates be renewed to ensure that response times are maintained and improved where appropriate.

7. Records Management Plan.

There was submitted a report (issued) ([link attached](#)) of 30th November 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 question was raised regarding progress with item no. 11, Audit Trail, and the Head of Legal and Democratic Services confirmed that a good electronic system would be required and he expected that the implementation of the ICT review would assist with this. A question followed concerning Members receiving a report from ICT regarding cyber-attacks and it was agreed that an Information Bulletin would be issued to Members with this information.

Decided:

- (1) to note the contents of the report;
- (2) to request an Information Bulletin on cyber-attacks be issued to Members; and
- (3) to request that a further report be submitted to the next meeting of this Panel providing an updated work plan.

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

There was submitted a report (issued) ([link attached](#)) of 30th November 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.

Clarification was sought on what work was being done to promotion awareness of the Community Council Elections. Assurance was given by the Head of Communities that there was online information for all Community Councils and to encourage participation generally by the public.

Clarification was also sought on the responsibilities of the Community Councils and Locality Planning Groups respectively as there were concerns of roles blurring. The Community Engagement Manager advised that work was under way to put the right structures in place so all groups knew what their roles and responsibilities were. The Head of Communities advised that the Health and Social Care legislation and the Community Empowerment legislation did not provide clarity on the roles of the locality groups and there was not a lot of guidance available as yet but this would no doubt develop over time. The panel recognised the positive work so far within the locality planning groups and noted that future Guidance would become available in relation to Community Empowerment which should assist in focussing future work. It was acknowledged that members had the opportunity to take a more strategic look at community engagement activity as part of the review of the Council Plan now underway.

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

The meeting ended at 12.10 p.m.