

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 17th December 2015 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, Allan Dorans, Ian Douglas, Ann Galbraith, Bill Grant, William J. Grant, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and John Wallace.

Apologies: Councillors Hywel Davies, Sandra Goldie and John Hampton.

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; T. Eltringham, Director of Health and Social Care; T. Baulk, Head of Finance and ICT; D. Burns, Head of Housing and Facilities; R. Riddiough, Head of Legal and Democratic Services; M. Baker, Head of Policy and Performance; K. O’Hagan, Head of Employee and Customer Services; D. Gillies, Head of Property and Risk; J. Cronin, Head of Enterprise, Development and Leisure; C. Cox, Planning Manager; M. Douglas, Team Leader (Licensing); and J. McClure, Committee Services Officer.

1. Provost.

The Provost

- (a) welcomed everyone to the meeting;
- (b) intimated that apologies had been received from Councillors Hywel Davies, Sandra Goldie and John Hampton;
- (c) referred to the recent sad death of the former Provost Winifred Sloan and advised that a floral tribute had been sent to Winifred’s family expressing the Council’s condolences; and
- (d) outlined that an additional report had been received entitled “Equity Stake – Ayr Academy Learning Campus Project” which the Council agreed to consider at the end of the Agenda as a private item.

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

- (1) Councillors McIntosh and Dorans declared an interest in Items 16 and 17 on the agenda entitled 'Ayr Renaissance LLP – Board Appointments' and 'Ayr Riverside Block Development Framework' as they were members of the Ayr Renaissance LLP Board, however, as they did not perceive there was a conflict of interest, they would not leave the room when these items were being considered and would take part in discussions on these matters. Councillors McIntosh and Dorans also declared an interest in Item 21 'Rationalisation of Office Accommodation in Ayr' as they were members of the Ayr Renaissance LLP Board and would leave the room during discussion of this item due to the potential conflict of interest;
- (2) Councillor Darwent declared an interest in Items 16, 17 and 21 on the agenda entitled 'Ayr Renaissance LLP – Board Appointments', 'Ayr Riverside Block Development Framework' and 'Rationalisation of Office Accommodation in Ayr' as she was a member of the Ayr Renaissance LLP Board, however, as she did not perceive there was a conflict of interest, she would not leave the room when any of these items were being considered and would take part in discussions on these matters;
- (3) Councillors Andy Campbell, Convery, Douglas, Dorans, Galbraith, Kilpatrick and Miller declared an interest in Item 15 on the agenda entitled 'Provision of a Licensed Café at Belleisle and Troon Golf Courses' as they were members of the Licensing Board however, as there was no perceived conflict of interest, they would remain in the meeting and take part in discussions relating to this matter; and
- (4) the Executive Director – Economy, Neighbourhood and Environment declared an interest in Items 16, 17 and 21 on the agenda entitled "Ayr Renaissance LLP – Board Appointments' and 'Ayr Riverside Block Development Framework and 'Rationalisation of Office Accommodation', as she was a member of the Ayr Renaissance LLP Board, however, as she was not part of the decision making process she would remain in the meeting to answer any questions from Elected Members on these reports.

4. Minutes of previous meetings of Council and Panels.

(1) Minutes of previous meeting of Council.

The Minutes of South Ayrshire Council of [8th October 2015](#) (issued) were submitted and authorised to be signed as a correct record of this meeting.

(2) Minutes of previous meetings of Panels.

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

- (i) Chief Officers' Appointments/Appraisal Panel of [28th May 2015](#).
- (ii) Appeals Panel of [10th June 2015](#).
- (iii) Public Processes Panel of [23rd June 2015](#).
- (iv) General Purposes Panel of [19th August 2015](#).
- (v) Service and Performance Panel of [1st September](#) and [29th September 2015 \(Special\)](#).
- (vi) Regulatory Panel – Planning of [10th September](#) and [7th October 2015](#).
- (vii) Regulatory Panel – Licensing of [24th September](#) and [5th November 2015](#).
- (viii) Local Review Body of [15th September](#), [6th October](#) and [4th November 2015](#).
- (ix) Partnerships Panel of [15th September 2015](#).
- (x) Audit and Governance Panel of [24th September 2015](#).
- (xi) Leadership Panel of [23rd September](#), [30th September \(Special\)](#) and [3rd November 2015](#).
- (xii) Ayrshire Shared Services Joint Committee of [2nd September 2015](#).

5. Revised Schedule of Meetings.

There was submitted a [report](#) (issued) of 9th December 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the current Schedule of Council and Panel meetings for 2016/17.

Reference was made by an Elected Member to the requirement for a Regulatory Panel (Licensing) close to the Summer and Christmas recess periods and the Executive Director – Resources, Governance and Organisation advised that this could be re-examined should it be deemed necessary and the Council

Decided: to approve the revised Schedule of Meetings for 2016/17 as contained in Appendix 1 of the report.

6. Appointments to Panels and Representation on Outside Bodies.

There was submitted a [report](#) (issued) of 9th December 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to make alterations to the membership of Panels and Outside Bodies.

Councillor McIntosh, seconded by Councillor Miller, moved that Councillor John Wallace be appointed as a member of the Service and Performance Panel replacing Councillor Allan Dorans, as a member of the Partnerships Panel replacing Councillor William J. Grant; and as a member of the Public Processes Panel replacing Councillor Alec Oattes; that Councillor Robin Reid be appointed as the representative of the CoSLA Resources and Capacity Executive Group; that Jim Johnstone be appointed as a Director of Freeport (Scotland) Limited; and to note that representatives from the Council were no longer required on the Prison Visiting Committee.

By way of Amendment, Councillor Dorans, seconded by Councillor Douglas Campbell, moved that Councillor John Wallace be appointed as a member of the Service and Performance Panel replacing Councillor Allan Dorans, as a member of the Partnerships Panel replacing Councillor William J. Grant, and as a member of the Public Processes Panel replacing Councillor Alec Oattes; that Councillor William J. Grant be appointed as the representative of the CoSLA Resources and Capacity Executive Group; that Jim Johnstone be appointed as a Director of Freeport (Scotland) Limited; and to note that representatives from the Council were no longer required on the Prison Visiting Committee.

On a vote being taken by a show of hands, nine Members voted for the Amendment and sixteen for the Motion which was accordingly declared carried and the Council

Decided:

- (1) that Councillor John Wallace be appointed as a member of the Service and Performance Panel replacing Councillor Allan Dorans;
- (2) that Councillor John Wallace be appointed as a member of the Partnerships Panel replacing Councillor William J. Grant;
- (3) that Councillor John Wallace be appointed as a member of the Public Processes Panel replacing Councillor Alec Oattes;
- (4) that Councillor Robin Reid be appointed as the representative of the CoSLA Resources and Capacity Executive Group replacing Councillor Brian Connolly;
- (5) to approve the appointment of Jim Johnstone as a Director of Freeport (Scotland) Limited; and
- (6) to note that representatives from the Council were no longer required on the Prison Visiting Committee.

7. Capability Policy.

There was submitted a [report](#) (issued) of 9th December 2015 by the Head of Employee and Customer Services seeking approval of the introduction of a Capability Policy for Local Government Employees.

Clarification was sought and provided on the frequency of staff members being suspended by a professional body; and the process for approving any amendments to the Policy and the Council

Decided: to approve the Capability Policy for Local Government Employees and Chief Officials (except the Chief Executive), attached as [Appendix 1](#) to the report, with separate procedures existing for the Chief Executive and employees on Teachers' Terms and Conditions.

8. Balancing the Budget – Seeking the Views of Communities - Update.

There was submitted a joint [report](#) (issued) of 9th December 2015 by the Head of Policy and Performance and Head of Finance and ICT advising of the outcome of the above process.

A full discussion took place in relation to the nature of and responses to the consultation process, including the number of responses to the survey; the methodology; the layout and content of the survey; efficiency saving proposals; and clarification was sought and provided on the cost of the advertising campaign to promote the exercise and in relation to the proposed savings in older people's services and the assessment of people for eligibility for nursing care.

Councillor McIntosh, seconded by Councillor McDowall, moved approval of the £1.602m efficiencies detailed in Appendix 2 of the report as part of concluding the 2016/17 budget setting process.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Dorans, moved that the recommendation at paragraph 2.1(2) of the report not be approved and that the efficiencies detailed in Appendix 2 of the report be considered as part of the 2016/17 budget setting in 2016.

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 carried.

The Council having considered the information contained within the report and [Appendix 1](#) to the report,

Decided: to agree the £1.602m efficiencies detailed in [Appendix 2](#) to be implemented as part of concluding the 2016/17 budget setting process.

9. Treasury Management Mid-Year Report – 2015/16.

Reference was made to the Minutes of the Audit and Governance Panel of 25th November 2015 (Page 4, paragraph 9) and there was submitted a [report](#) (issued) of 9th December 2015 by the Head of Finance and ICT providing a mid-year Treasury Management Update for the financial year 2015/16, including the addition of Appendices 3(a) and 3(b) following scrutiny at the Audit and Governance Panel, clarifying the longer term (three year) implications of any movements in the spend profile of both the General Services and Housing Revenue Account Capital Programmes, as agreed by Council or Leadership Panel since approval of both Capital Budgets in December 2014.

Clarification was sought and provided in relation to the impact of any slippage or delay in the capital programme on borrowing and reassurances were sought and provided in relation to the security of invested monies, and the Council

Decided:

- (1) to note the additional information included in Appendices 3(a) and 3(b); and
- (2) to approve the Treasury Management mid-year report.

10. Progress Against the Council Plan During 2015-16.

There was submitted a [report](#) (issued) of 9th December 2015 by the Head of Policy and Performance requesting that the Council review progress against the Council Plan in the first six months of 2015-16, as outlined in [Appendix 1](#) to the report.

Clarification was sought and provided on whether the roll-out date for providing all elected members with tablets was realistic; how the incubator spaces in Girvan and Maybole were being marketed; whether this Council had applied for LEADER funding; how many of the 500 people helped back into employment through the Ambition Programme had been from the Carrick area; and how many of the 500 people supported back into employment through the Ambition Programme were still employed a year after gaining employment.

With reference to the questions regarding employability elements of the Ambition Programme, the Executive Director – Resources, Governance and Organisation advised that she would respond to these points in writing.

The Council

Decided: having reviewed the progress made against the Council's strategic objectives as set out in Appendix 1, to note the position.

11. Review of Council Plan 2014-17.

There was submitted a [report](#) (issued) of 9th December 2015 by the Head of Policy and Performance proposing a review of the Council Plan in light of legislative changes, progress made during 2014/15 and future budget decisions.

Clarification was sought and provided in relation to whether the information provided to Portfolio Holders following the proposed workshops would be provided to all elected members; and the Council

Decided: to request that Officers make arrangements to review the Council Plan with Elected Members at workshops and thereafter present an updated Council Plan covering the period to 31st March 2018 to Portfolio holders for consultation prior to the revised Plan being presented to the Council meeting scheduled to take place on Thursday, 3rd March 2016.

12. South Ayrshire Town Centre and Retail Proposed Local Development Plan and Action Programme.

There was submitted a [report](#) (issued) of 20th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval of

- (1) the South Ayrshire Town Centre and Retail Proposed Local Development Plan (PLDP) for public consultation as outlined in [Appendix 1](#) to the report; and
- (2) the Draft Action Programme associated with the PLDP and setting out timescales and responsible parties for delivering actions set out in the PLDP, as outlined in [Appendix 2](#) to the report.

Council was advised that on page 15 of the draft PDLP there was an error with Site A and Site B being shown the wrong way round, but this had now been amended in the working draft document. Clarification was sought and provided regarding impact assessments carried out for the other towns in South Ayrshire as well as Ayr; how new businesses were being directed not only to Ayr but to the most appropriate town in South Ayrshire; and the links between this Plan and the Council Plan which could be addressed through the proposed workshops mentioned in the preceding item on the Agenda; and the Council's vision for South Ayrshire towns and villages.

With reference to the final question, which was directed to the Leader of the Council, Councillor McIntosh advised that he would respond to this question in writing.

The Council

Decided: to approve

- (a) the South Ayrshire Town Centre and Retail Proposed Local Development Plan for publication as set out in paragraph 4.2 of the report; and
- (b) the Draft Action Programme related to the South Ayrshire Town Centre and Retail Proposed Local Development Plan.

Adjournment

The time being 11.40 a.m., the Council adjourned for fifteen minutes.

Resumption of Meeting.

The meeting resumed at 11.55 a.m.

13. Ayrshire Civil Contingencies Team – Delegation of Shared Service Functions.

There was submitted a [report](#) (issued) of 9th December 2015 by the Executive Director – Resources, Governance and Organisation

- (1) seeking approval of the delegation of specific functions to Ayrshire Shared Services Joint Committee, said functions to be carried out by South Ayrshire Council as lead authority;
- (2) seeking delegated authority for the conclusion of the Service Agreement for the shared civil contingencies service and adoption of the related revised structure and reporting arrangements.

Clarification was sought and provided on the current staffing structure and the Council

Decided:

- (a) to delegate the functions relating to the provision of Civil Contingencies Services to the Ayrshire Shared Services Joint Committee and to the carrying of those functions by South Ayrshire Council as lead authority for the three Ayrshire Councils with effect from 1st April 2016;
- (b) to request the Executive Director – Resources, Governance and Organisation to make the appropriate amendments to the Scheme of Delegation to reflect this approval with effect from the date of commencement of the shared service and to publish this;
- (c) to delegate finalisation and execution of the Service Agreement to the Executive Director – Resources, Governance and Organisation before commencement of the shared service on 1st April 2016; and
- (d) to approve the revised structure and reporting arrangements as outlined in [Appendix 1](#) to the report.

14. Housing Revenue Account (HRA) Business Plan Review and Revenue and Capital Estimates 2016/17.

There was submitted a joint [report](#) (issued) of 10th December 2015 by the Executive Director – Economy, Neighbourhood and Environment and the Executive Director – Resources, Governance and Organisation

- (1) advising of the outcome of the review of the HRA Business Plan; and
- (2) seeking approval of the 2016/17 Revenue and Capital Budgets.

It was clarified by the Head of Housing and Facilities that there was an error at paragraph 5.1.2 of the Report where the rental stated as £75.26 should have been stated as £78.26. Clarification was sought and officers confirmed that a break even position had been previously agreed for the Property Maintenance Service and whilst a schedule of rates was used to recharge, consideration was being given as to how any surplus arising as a result be treated in future years as part of the budget process; that the Property Maintenance service review was undertaking a review of the recharging process and that the schedule of rates was not being approved as part of this report. Officers further clarified the consultation process undertaken with tenants in respect of rent increases and level of surpluses, the position in relation to use of surpluses and work in relation to maintaining Housing Quality Standards.

Councillor Saxton, seconded by Councillor Reid moved

- (a) that the work undertaken as part of the HRA Business Plan Review be noted;
- (b) that a 0.4FTE Level 10 Team Leader (Housing) post be deleted;
- (c) that the four existing temporary posts (two posts at Level 7 and two posts at Level 5) in the Housing Operations staffing structure be made permanent;
- (d) approval of the 2016/17 HRA Capital and Revenue Budgets; and
- (e) that an annual review of the HRA Business Plan be undertaken by officers, with the input of the Portfolio Carriers for Resources & Performance and Housing & Customer Services.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor William J Grant moved

- (i) that the work undertaken as part of the HRA Business Plan Review be noted;
- (ii) that the 0.4FTE Level 10 Team Leader (Housing) post be deleted;
- (iii) that the four existing temporary posts (two posts at Level 7 and two posts at Level 5) in the Housing Operations staffing structure be made permanent;
- (iv) that the key principle 3, the Guidance on the Operation of Local Authority Housing Revenue Accounts (HRAs) in Scotland issued by the Scottish Government in February 2014 be noted and also to note that a methodology for considering year end surpluses and deficits would form part of the 2016/17 General Fund budget and that the property and maintenance budget surplus for 2014/15 was £853,000;
- (v) that the Council agree to transfer £388,000 of the Property and Maintenance surplus held in the General Services reserves to the HRA, to adjust the income calculation as detailed in the table in paragraph 4.5 to provide for income at 2015/16 amount of £30,957,000 and part use of 2014/15 Property and Maintenance surplus of £388,000 (total £31,345,000) and not to levy a rent increase for 2016/17;

- (vi) that Council note the paragraph in the Audit Scotland report on South Ayrshire accounts 2014/15 which stated “following a number of years of persistent underspending, we recommended in our 2013/14 annual audit report that the Housing Service should re-examine its budget building methodology and its demand models with the assistance of the Finance Service and ensure that a credible budget was in place for 2015/16. Management advise that a member/officer group has been working on a fundamental review and will report in October 2015 with the aim of implementing proposals in the 2016/17 budget” and that the Guidance on the Operation of Local Authority Housing Revenue Accounts (HRAs) in Scotland required Councils to publish robust, written methodology for calculating and allocating HRA costs (including internal costs charged by the Council to the HRA) in sufficient financial detail for tenants to understand why costs were being charged and who was benefiting from the services these costs related to; and
- (vii) that the annual review of the HRA Business Plan be undertaken by officers with the input of the Portfolio Carriers for Housing and Customer Care, Resources and Performance and Councillor William J. Grant and should consider the issues above and make recommendations to Council as soon as practical.

On a vote being taken by a show of hands, 11 Members voted for the Amendment and sixteen for the Motion which was accordingly declared carried.

The Council

Decided:

- (A) to note the work undertaken as part of the HRA Business Plan Review;
- (B) to approve the deletion of 0.4FTE Level 10 Team Leader (Housing) post;
- (C) to approve making four existing temporary posts (two posts at Level 7 and two posts at Level 5) permanent in the Housing Operations staffing structure as outlined in Section 4.5;
- (D) to approve the 2016/17 HRA Capital and Revenue Budgets; and
- (E) to agree that an annual review of the HRA Business Plan be undertaken by officers, with the input of the Portfolio Carriers for Resources & Performance and Housing & Customer Services.

15. Provision of a Licensed Café at Belleisle and Troon Golf Courses.

There was submitted a [report](#) (issued) of 20th November 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval for the Council to be a liquor licence holder to enable a licensed catering service to be provided at Belleisle Golf Course in line with the decision agreed by Council on 3rd July 2014 and to make suitable provision for a licensed service at the temporary golf clubhouse in Troon for the 2016 golf season.

Clarification was sought and provided that the named licence holder would be the Council; that the service could be run as a private business in future and not incumbent on the Council; that the licence holder would be entitled to make applications to run other events once a personal licence was granted; that the Executive Director would be the responsible person on behalf of the Council should an incident occur; and that if the premises were leased out at a future date, the lessee would take over the day to day running of the business but the licence could be retained by the Council.

The Council

Decided: to agree

- (1) to the Council applying for and operating a premises licence for the sale of alcohol at Belleisle Golf Course Clubhouse;
- (2) to review provision at Belleisle after 12 months with a further report to Leadership Panel on proposed future provision;
- (3) to the Council applying for a transfer of the existing premises licence for the golf clubhouse at Troon golf course;
- (4) to the Council applying for a temporary licence for the temporary clubhouse until such time as the refurbishment programme was completed;
- (5) that an external provider be sought for the provision of the licensed catering service at the refurbished Golf Clubhouse in Troon; and
- (6) to grant delegated authority to the Executive Director – Economy, Neighbourhood and Environment to agree operational hours to be included in the licence applications for both Troon and Belleisle Golf Clubhouses, in consultation with Councillor Bill Grant, Portfolio Holder.

16. Ayr Renaissance LLP – Board Appointments.

There was submitted a [report](#) (issued) of 9th December 2015 by the Executive Director – Resources, Governance and Organisation seeking approval

- (1) for the appointment of three new Board Members to the Board of Ayr Renaissance LLP; and
- (2) to delegate authority to the Executive Director – Resources, Governance and Organisation to bring about the necessary changes to the relevant LLP Agreement to introduce fixed term appointments for all Board Members and to increase the term of appointment of the Chair of the Board of the LLP.

The Council

Decided:

- (a) to record its thanks to the three recently retired Members of the Ayr Renaissance LLP;
- (b) to approve the appointment of Peter Gordon, Jeremy Wyatt and David Smith to the Board of Ayr Renaissance LLP (the 'LLP');
- (c) to delegate authority to the Executive Director – Resources, Governance and Organisation to bring about the necessary changes to the relevant LLP Agreement to
 - (i) introduce fixed term appointments for all Board Members such that
 - Board Members who were not Councillors would be eligible to sit on the Board for a maximum of two consecutive terms not exceeding four years each, each term to commence on the date of appointment and to expire on 31st December in the relevant year (or sooner if the Board Member resigned from the Board or was lawfully removed from it); and
 - Board Members who were Councillors would be eligible to sit on the Board for a maximum of two consecutive fixed terms not exceeding five years each, each term to commence on the date of appointment as a Board Member by the Council and to end on the date the Board Member ceased to be a Councillor (or sooner if the Board Member resigned from the Board or was lawfully removed from it); and
 - (ii) introduce fixed term appointments for the Chair of the Board, such that the Chair would be eligible to sit as Chair of the Board for a maximum of two consecutive terms not exceeding four years each, each term to commence on the date of appointment and expiring on 31st March in the relevant year (or sooner if the Chair resigned or was lawfully removed as Chair);
- (d) to note that all existing Board Members (not including the Chair) had agreed that their positions be brought into line with these new arrangements, such that
 - existing Board Members who were not Councillors would be deemed to have commenced their second four year term on 1st January 2016; and
 - existing Board Members who were Councillors would be deemed to be currently serving their first fixed term of office; and
- (e) to extend the current term of the existing Chair so that it expired on 31st March 2018, this date being deemed to be the end of this first fixed four year term as Chair.

17. **Ayr Riverside Block Development Framework.**

There was submitted a [report](#) (issued) of 4th December 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval of the finalised version of the Development Framework for the Ayr Riverside Block which took account of the outcomes of the public consultation undertaken in October and November 2015.

Clarification was sought and provided regarding other agencies which would have an input on the design of any new buildings, which would be Historic Environment Scotland, and the amount of riverside that could be opened up; whether the final design would be approved by this authority at a future meeting; and at what stage private sector funding might be provided.

The Council

Decided:

- (1) to approve the Ayr Riverside Block Development Framework as attached at [Appendix 1](#) to the report and as summarised in Section 5; as draft planning guidance;
- (2) to agree that draft planning guidance (Appendix 1) became a material planning consideration for the determination of planning applications and other consents; and
- (3) to authorise the Executive Director – Economy, Neighbourhood and Environment to progress Appendix 1 as planning guidance through the planning process to become finalised planning guidance.

18. **Notice of Motion.**

There were submitted two Motions.

- (1) Councillor McFarlane, seconded by Councillor Douglas Campbell moved

“To ask Council to agree, that as the Food Purchasing agreement with Excel comes to an end in May 2016, to take this opportunity to source as much food from local producers and suppliers as practically possible for the Council's school kitchens and canteen facilities.

Council agrees that using locally produced food is good for the local economy and could cut our carbon footprint.

That Council agrees local food is traceable, accountable and of highly nutritional quality, while being economically viable for the Council.

To note and welcome that both North and East Ayrshire Council have been awarded the Scottish Soil Association accreditation for putting in place a locally sourced food agreement for their schools and catering establishments.”

A full debate took place regarding the terms of the Motion and Councillor McFarlane agreed to the addition of the term “whilst seeking best value for the Council and subject to any legal constraints” at the end of the first paragraph.

The Council

Decided: unanimously, to support the Motion.

(2) Councillor Dorans, seconded by Councillor Cochrane moved that

“Council notes the Conservative Government are proposing a Trade Union Bill that will restrict the ability of this council to engage in good industrial relations practices with our workforce and their representatives. Council believes the collection of union dues through the check-off arrangement, from which the Council receives income, is part of our collective arrangements with the trades unions and one which we will defend and support. Council commits not to use agency staff to break or weaken industrial action and to continue to support arrangements that afford trade union representatives sufficient resources to enable them to carry out their functions to ensure the continuation of good industrial relations.

The Leader of the Council commits to writing to the Secretary of State for Business, Innovation and Skills stating council's opposition to this Bill and our resolve not to cooperate with any attacks on facility time or check off. Council also agrees to the Leader writing to the Scottish Government outlining the position taken by South Ayrshire Council and urging them to do whatever they can to support this approach across the public sector in Scotland.”

By way of Amendment, Councillor McDowall, seconded by Councillor Cavana, moved that this Council

“recognises that the Trade Union Bill currently progressing through the Westminster Parliament, if enacted, will severely impact on this Council's ability to maintain good industrial relations with our recognised Trade Unions, effectively end collective bargaining and prevent Trade Union representatives from carrying out their legitimate functions by ending facilitated time off. The prevention of check-out arrangements would constitute direct national government restrictions on local government existing arrangements with Trade Unions.

This Council regrets that Scottish Ministers submission of a legislative consent memorandum to Scottish Parliament was unsuccessful and urges the Scottish Government to work at Westminster to ensure that the Trade Union Bill does not gain a parliamentary majority. Council believes that this would be in the best interests of maintaining good industrial relations with our employees and Trade Unions and instructs the Deputy Leader of the Council to write to the First Minister in this connection.”

A full debate took place on the terms of the Motion and the Amendment and clarification was sought and provided on the use of agency staff during strike action.

A request was made by the mover of the Motion to incorporate the terms of the Motion into the Amendment, however this request was rejected. At this point Councillor Reid moved that the question now be put and this was seconded by Councillor Bill Grant.

On a vote being taken by a show of hands on whether to proceed to the vote, seventeen Members voted to proceed to the vote and seven Members voted against. The vote on the terms of the Motion and Amendment then proceeded.

A request having previously been made that the vote be taken by calling the roll, the Executive Director – Resources, Governance and Organisation then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
Mary Kilpatrick	Amendment
John Allan	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Motion
Brian Connolly	Motion
Peter Convery	Amendment
Kirsty Darwent	Amendment
Allan Dorans	Motion
Ian Douglas	Motion
Ann Galbraith	Amendment
Bill Grant	Amendment
William J. Grant	Motion
Hugh Hunter	Amendment
John McDowall	Amendment
Nan McFarlane	Motion
Brian McGinley	Amendment
Bill McIntosh	Amendment
Rita Miller	Amendment
Alec Oattes	Motion
Robin Reid	Amendment
Philip Saxton	Amendment
Margaret Toner	Amendment
John Wallace	Motion

Sixteen Members voted for the Amendment and eleven for the Motion. The Amendment was accordingly declared carried.

The Council

Decided: to agree the terms of the Amendment.

Time of Meeting.

During consideration of the above item, the time being 1.55 p.m., the Provost asked the Council if they would be willing to agree to continue the meeting beyond 2.00 p.m. as the business of the meeting was not likely to be completed by 2.00 p.m., in accordance with Standing Order No. 6.2. The Council so concurred.

Adjournment.

The time being 2.15 p.m., the Council adjourned for 25 minutes.

Councillors Brian McGinley and John Wallace left the meeting at this point.

Resumption of Meeting.

The time being 2.40 p.m., the Council resumed.

19. Formal Questions.

The Council noted that no formal questions had been submitted.

THE NEXT ITEM WAS CONSIDERED BY COUNCILLORS SITTING AS TRUSTEES OF THE CHARITABLE TRUSTS AS REFERRED TO IN THE REPORT

20. Charitable Trusts.

There was submitted a [report](#) (issued) of 3rd December 2015 by the Executive Director – Resources, Governance and Organisation seeking approval of the finalised re-organisation proposals for sixteen charitable trusts administered by this authority, which had been approved by the Office of the Scottish Charity Regulator (OSCR).

The Council

Decided:

- (1) as trustees of the trusts listed in **Appendix 1:-**
 - (a) to note that the re-organisation proposals agreed on 18th December 2014 and 25th June 2015 had been approved by OSCR;
 - (b) to agree to give effect to the proposals and transfer the assets of the trusts listed in Appendix 1 to the Scottish Ayrshire Charitable Trust on 1st April 2016 and wind up the trusts listed in Appendix 1 as of that date; and
 - (c) to delegate authority to the Executive Director – Resources, Governance and Organisation to notify OSCR within three months of 1st April 2016 that the re-organisation had taken effect; and

- (2) as trustees of the South Ayrshire Charitable Trust, to agree
- (a) to request the Executive Director – Resources, Governance and Organisation to provide a receipt in relation to the transfer which could be exhibited to OSCR; and
 - (b) to request the Executive Director – Economy, Neighbourhood and Environment to arrange for notice of the application process for grants from the South Ayrshire Charitable Trust to be published in the local press and on the Council’s website after 1st April 2016.

Exclusion of press and public.

The Council 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 8 and 9 of Part 1 of Schedule 7A of the Act.

Having previously declared an interest in this matter, Councillors Dorans and McIntosh left the meeting during consideration of the following item.

21. Rationalisation of Office Accommodation in Ayr.

Reference was made to the Minutes of the Leadership Panel of 23rd September 2015 (Page 4, paragraph 9) and there was submitted a report (issued to members only) of 10th December 2015 by the Executive Director – Resources, Governance and Organisation outlining the revised options and costs for new office accommodation projects at Arran Mall and Riverside, together with an update on the outcome of the workplace change study commissioned to determine workspace ratio provision.

Clarification was sought and provided on various matters concerning partnership organisations, timescales, consultation and budgetary matters.

Adjournment

The time being 3.05 p.m., the Council adjourned for five minutes following a request from the SNP Group.

Resumption of Meeting

The meeting resumed at 3.10 p.m.

Councillor Reid, seconded by Councillor McDowall moved that

- (1) in relation to Arran Mall:-
 - (a) that Police Scotland be advised that the Council wished to proceed with a stand-alone Council new build office block with no Police building included; and
 - (b) that work be progressed, with a report on progress to come to Council within six months;
- (2) in relation to the Riverside Block:-
 - (a) that an elected members' briefing/workshop be held during January 2016, to give clarity on the range of options available to the Council in respect of funding, ownership, project management and other related matters, this session to be facilitated by Council and Ayr Renaissance Officers; and
 - (b) that the Council and Ayr Renaissance work closely with each other throughout this process to ensure the best possible outcomes for both partner organisations in this venture; and
- (3) in general terms:-
 - (a) that the Ayrshire Valuation Joint Board and Health and Social Care Partnership be requested to advise the Council by 31st January 2016 whether they wished to relocate to the Council's new-build office accommodation to avoid any delays;
 - (b) that full consideration be given to the utilisation of external specialist expertise to run the two projects, negotiations, etc. on the Council's behalf; and
 - (c) that the Executive Director – Resources, Governance and Organisation undertake this further work and requisite further development work for both sites, with a further paper submitted to Council on 3rd March 2016.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor William J. Grant, moved that the Council request the Executive Director – Resources, Governance and Organisation to undertake further development work on the Riverside and Arran Mall options to further refine the scope of each project and options around funding and programme with the respective developers and partner organisations with a further paper to be presented to Leadership Panel on the options for both sides by April 2016.

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

The Council

Decided: to agree the terms of the Motion as outlined at (1) to (3)(c) above.

Councillors Dorans, McGinley and McIntosh re-joined the meeting at this point.

22. Equity Stake – Ayr Academy Learning Campus Project.

There was submitted a report (issued to members only) of 15th December 2015 by the Executive Director – Resources, Governance and Organisation seeking approval

- (1) for the Council to take up a 10% equity stake in the DBFM Holdco set up for the Ayr Academy Learning Campus Project; and
- (2) of the appointment of the Head of Property and Risk as a Director of DBFM Holdco and DBFM Co.

Clarification was sought and it was confirmed that there was no remuneration associated with the appointment as a Director; and regarding possible implications for other projects and the Council

Decided:

- (a) to grant authority to take up a 10% equity stake in the DBFM Holdco set up for the Ayr Academy Learning Campus Project; and
- (b) to approve the appointment, if required, of the Head of Property and Risk as a Director of DBFM Holdco and DBFM Co. on behalf of the Council.

23. Consideration of Disclosure of the above Confidential Report.

Having heard the Executive Director – Resources, Governance and Organisation, the Council

Decided:

- (1) not to authorise the disclosure of the following report falling under Standing Order 31.2:-
 - Rationalisation of Office Accommodation in Ayr; and
- (2) to authorise the disclosure of the following report falling under Standing Order 31.2:-
 - Equity Stake – Ayr Academy Learning Campus Project.

The meeting ended at 3.25 p.m.