

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 21st May 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, 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 and Margaret Toner.

Apology: Councillor Corri Wilson.

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; D. Burns, Head of Housing and Facilities; D. Bell, Managing Director, Ayr Renaissance LLP; S. McCall, Senior Systems Analyst (GIS/Web); and D. Knight, Co-ordinator (Democratic Support).

Also attending: Craig Whelton, Partner Burness Paull LLP (in attendance for item 10 only).

1. Provost.

The Provost welcomed everyone to the meeting.

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 Darwent and McIntosh

- (a) declared an interest in item 10 - "Ayr Town Centre Regeneration – Use of Compulsory Purchase Order Powers" on the agenda, as they were Members of the Board of Ayr Renaissance LLP; and
- (b) indicated that as there was no conflict of interest, they would remain in the meeting during consideration of this matter; and

- (2) Lesley Bloomer, Executive Director – Economy, Neighbourhood and Environment
- (a) declared an interest in item 10 - “Ayr Town Centre Regeneration – Use of Compulsory Purchase Order Powers” on the agenda, as she was a Member of the Board of Ayr Renaissance LLP; and
 - (b) advised that as she was not part of the decision making process she would, as lead officer, remain in the meeting to answer any questions from Elected Members on this report.

4. Minutes of previous meetings of Council and Panels.

(1) Minutes of previous meeting of Council.

The Minutes of South Ayrshire Council of [5th March](#), [25th March \(Special\)](#) and [1st April \(Special\)](#) 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 [5th November](#) 2014.
- (ii) Rural Panel of [13th November](#) 2014.
- (iii) General Purposes Panel of [14th January](#) and [12th February \(Special\)](#) 2015.
- (iv) Appeals Panel of [16th January](#) 2015.
- (v) Service and Performance Panel of [4th February](#) 2015.
- (vi) Regulatory Panel – Planning of [17th December 2014](#), [4th March](#) and [25th March \(Special\)](#) and [2nd April](#) 2015.
- (vii) Regulatory Panel – Licensing of [19th February](#) and [19th March](#) and [2nd April \(Special\)](#) 2015.
- (viii) Local Review Body of [18th February](#) and [10th March](#) and [31st March](#) 2015.
- (ix) Partnerships Panel of [10th February](#) 2015.
- (x) Audit and Governance Panel of [11th February](#) 2015.

- (xi) Leadership Panel of
 - (a) [17th February](#) 2015.
 - (b) [17th March](#) 2015.

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor McIntosh, seconded by Councillor McDowall, moved the recommendation in the minutes of 17th March 2015 as contained in the “C*” paragraph on Page 2, paragraph 4 entitled “[South Ayrshire Local Development Plan Review](#)” in relation to the continuation of the Elected Member/Officer Local Development Plan Project Board with an additional member being the Portfolio-holder for Social Services ([copy of excerpt of minute issued](#)).

Decided: to approve the recommendation as contained in the “C*” paragraph on Page 2, paragraph 4 entitled “South Ayrshire Local Development Plan Review” in relation to the continuation of the Elected Member/Officer Local Development Plan Project Board with an additional member being the Portfolio-holder for Social Services.

- (xii) Public Processes Panel of [25th February](#) and [26th March \(Special\)](#) 2015.
- (xiii) South Ayrshire Shadow Integration Board of [11th December](#) 2014, [26th February](#) and [26th March](#) 2015.
- (xiv) Ayrshire Shared Services Joint Committee of [20th February 2015](#).

5. **Local Scrutiny Plan 2015-16.**

There was submitted a [report](#) (issued) of 30th April 2015 by the Chief Executive advising of the contents of the Audit Scotland Local Scrutiny Plan for South Ayrshire Council for 2015 to 2016 as detailed in Appendix 1 of the report and the proposed scrutiny activity for the next three years.

The Council

Decided: to approve the publication of the Local Scrutiny Plan and the planned scrutiny activity for 2015/16 as detailed in Appendix 1 of the report.

6. **Response to Boundary Commission 5th Review of Electoral Arrangements.**

There was submitted a [report](#) (issued) of 14th May 2015 by the Executive Director – Resources, Governance and Organisation seeking approval of a draft response to be sent on behalf of the Council to the Local Government Boundary Commission for Scotland’s consultation on proposals for Council wards.

Councillor McIntosh, seconded by Councillor McDowall, moved that the Council should

- (1) approve the terms of the draft response attached as Appendix 1 to the report; and
- (2) request the Executive Director – Resources, Governance and Organisation to submit this response forthwith on behalf of the Council to the Local Government Boundary Commission for Scotland.

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

- (a) the proposals were based on electorate figures which reflected neither the current electoral role nor the significant increase in electors from approved large scale housing developments at Coylton, Symington, Greenan, North East Troon and South East Ayr (Corton) and that once account was taken of these adjustments and the increased numbers of electors in particular localities it affected the variation from parity particularly for proposed wards Troon and Kyle Coylton and North Carrick which were already above the parity ratio for the Council area;
- (b) the Council should also object to the proposed wards 6 (Kyle Coylton and North Carrick) and 7 (Girvan, Maybole and Carrick) due to the geographical spread of the proposed wards that did not reflect the character of the communities in the villages of Kyle and Carrick; and
- (c) the Council should enclose alternative options that took account of the electoral role and housing developments approved by the Council.

Concerns were expressed by Elected Members that the draft response as detailed in Appendix 1 of the report was not robust enough; that the Commission's process was a flavoured one based on a numerical process rather than geography; the non-homogeneous geographical area for wards 6 and 7; the significant increase in electors from proposed housing developments had not been included in the review; and the proposed reduction in the number of South Ayrshire's Councillors.

The Council noted that it would be the responsibility of each political Group, communities and individuals to respond to the Boundary Commission's twelve week public consultation on its proposals for wards between July and October 2015.

Adjournment of meeting.

The time being 10.50 a.m., the Council agreed to adjourn for fifteen minutes to allow the mover and seconder of the Motion to consider its terms having regard to the concerns raised in debate.

Resumption of meeting.

The Council resumed at 11.05 a.m.

Councillor McIntosh advised that the Conservative and Labour Groups had misgivings that the proposed draft response to the Boundary Commission's consultation on proposals for Council wards did not outline strongly enough the Council's views and comments regarding a number of matters and he moved, seconded by Councillor McDowall, that his Motion be amended to take account of the Council's serious concerns and that the Executive Director – Resources, Governance and Organisation be granted delegated authority to modify and perfect the draft response and that a copy be sent to each Elected Member.

The Executive Director – Resources, Governance and Organisation advised the Council that the proposed draft response to the Consultation would be amended to include the following:-

- that the Council did not endorse the Boundary Commission's proposals to reduce the number of Councillors from 30 to 27;
- that the paragraph in relation to the electorate figures did not reflect either the current electoral role or the significant increase in electors from approved large-scale housing developments at Coylton, Symington, Greenan, North East Troon and South East Ayr (Corton);
- the issues with regards to the geographical spread of wards 6 and 7; and
- that proposals would be forthcoming from individual Groups and communities.

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

The Council

Decided: to approve the terms of the Motion as amended.

7. **Rent Arrears Policy.**

There was submitted a [report](#) (issued) of 20th April 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking agreement to amend the Rent Arrears Policy as a result of the Scottish Government's mitigation of Welfare Reform under occupancy.

Councillor Douglas Campbell raised a point of order as he believed that Councillor Saxton during his summing up had introduced a new point regarding the Rent Arrears Policy.

The Provost reminded Members that in summing up the Motion, they should be mindful not to introduce any new matters, as stated in Standing Orders, however, the Provost confirmed the Motion for decision was as originally moved.

The Council

Decided: to amend the current rent arrears recovery policy as outlined in section 4.1 of the report with immediate effect.

8. Representation on Outside Bodies.

There was submitted a [report](#) (issued) of 14th May 2015 by the Executive Director – Resources, Governance and Organisation

- (1) advising that under the constitution of the CK Marr Educational Trust, a Trustee may only serve for a maximum of two terms of four years, and then would not be eligible for reappointment for another twelve months and that Councillor Saxton would have completed eight years as a Trustee on 30th May 2015, and, accordingly, would require to be replaced as a Council representative on the Board; and
- (2) requesting the Council to consider the nomination and appointment of a replacement for Councillor Saxton as a Trustee.

Councillor McIntosh, seconded by Councillor Miller, moved that Councillor Toner as Portfolio-holder for Lifelong Learning be appointed as a Governor of the CK Marr Educational Trust.

By way of Amendment, Councillor McFarlane, seconded by Councillor Dorans, moved that Councillor Allan be appointed as a Governor of the CK Marr Educational Trust.

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

The Council

Decided: that Councillor Toner be appointed as a Trustee of the CK Marr Educational Trust.

9. Formal Questions.

In terms of Council Standing Order No. 26(2), there was submitted (tabled) Formal Questions from Councillor Douglas Campbell, details of which, together with the Answers, are outlined below:-

The South Ayrshire Council website provides a list of potential grant and funding opportunities for business, community groups and individuals	
<i>Question</i>	<i>Answer</i>
Which of the following sources of funding are: (a) Part funded by the European Union? (b) Fully Funded by the European Union?	See table below

<i>Item</i>	<i>Part Funded</i>	<i>Fully Funded</i>
Business and housing		
(a) Business Assistance	No	No
(b) Energy Agency	No	No
(c) Private Sector Housing Grants	No	No
Voluntary Organisations - request for financial assistance		
(a) Standard Awards	No	No
(b) Conditions of Grants	No	No
(c) Community Development Fund	No	No
Funding finder		
(a) Open4Funding - Funding Sources Finder	No	No
External business funding sources		
(a) Enhanced Capital Allowances	No	No
(b) European Social Fund (ESF)	Yes	No
(c) Farm Business Development Scheme (FBDS)	Yes	No
(d) Find grants and loans for your business	No	No
(e) Scottish Enterprise	No	No
(f) Small Business Rate Relief Scheme	No	No
(g) The Prince's Scottish Youth Business Trust	No	No
(h) Waste and Resources Action Programme	No	No
External community funding sources		
(a) Awards for All	No	No
(b) Big Lottery Fund	Not known	Not known
(c) Coalfields Regeneration Trust	Not known	Not known
(d) European Social Fund	Yes	Yes

(e) Forward Scotland	Not known	Not known
(f) Heritage Lottery Fund	Not known	Not known
(g) Scottish Arts Council	Not known	Not known
(h) Scottish Natural Heritage	Not known	Not known
(i) Sport Scotland Lottery Fund	Not known	Not known
(j) Ayrshire Leader	No	Yes

Question	Answer
To ask the Chief Executive to detail European funding the Council has sourced for financial years 2015/16, 2016/17 and 2017/18 that have been included in Council budget allocations?	There is no European funding included within the Council budget allocations for 2015/16, 2016/17 and 2017/18. This type of funding source is treated as temporary in nature and is therefore not included within permanent budget allocations. Any new funding identified and confirmed will be added to budgets on a temporary basis in line with Financial Regulations.
To ask the portfolio carrier for Resources and Performance to advise the Council on whether the Council should or should not include funding from the European Union when determining the three year budget for 2016/17 to 2018/19?	<p>The Council should not include permanent budgets for this type of funding source. The Council Financial Regulations allow for temporary budgets to be established when additional temporary funding of this nature is sourced. These temporary arrangements are notified to Leadership Panel through the regular budgetary control monitoring reports.</p> <p>This temporary virement arrangement is considered good practice which allows the management and control of temporary funding that may fluctuate from year to year.</p>
To ask the portfolio carrier for Resources and Performance whether the Council will continue to apply for funding from the European Community from 2015 until the Council election in 2017?	The Council will continue to seek all types of additional funding in order to improve the outcomes for the people of South Ayrshire so long as the Council meets the required application criteria.

The Provost ruled that the supplementary question raised by Councillor Douglas Campbell was not competent in terms of Standing Order 26.4 and accordingly no answer was given.

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 and any discussion of Appendix E within Item 10 Ayr Town Centre Regeneration and Item 11 Judicial Review of Planning Decision for the Planning Application on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6 and 12 of Part 1 of Schedule 7A of the Act.

10. Ayr Town Centre Regeneration – Use of Compulsory Purchase Order Powers.

There was submitted a [joint report](#) (issued) of 21st May 2015 together with Appendix E (issued to members only) by the Executive Director – Economy, Neighbourhood and Environment and the Executive Director – Resources, Governance and Organisation seeking authority to proceed with Compulsory Purchase Orders in respect of the three properties as detailed at 2.1 of the report in order for the Riverside Block area to be assembled into the single ownership of Ayr Renaissance LLP so that it might proceed with the regeneration of Ayr town centre.

Clarification was sought and provided that it was hoped that an agreement would be reached with the three owners of the remaining properties, that the value of a property would be set by the District Valuer and the timescale for the process, and the Council

Decided: to agree

- (1) to the making of Compulsory Purchase Orders (CPOs) under Sections 188 - 191 of the Town and Country Planning (Scotland) Act 1997 for the acquisition of the land, buildings and rights (including the creation of new rights) within the Riverside Block area (shown outlined in red on the attached plan at Appendix A) to facilitate the regeneration of Ayr Town Centre, including:
 - all interests in the premises known as 8-10 High Street, Ayr KA7 1PA edged red on the attached plan at Appendix B, including those registered in the Land Register of Scotland under title numbers AYR27163 and AYR31712;
 - all interests in the premises known as 18 - 24 High Street, Ayr KA7 1PA tinted pink on the attached plan at Appendix C together with right of access over the access passage tinted yellow on the said plan, including those registered in the Land Register of Scotland under title number AYR11090;
 - all interests in the premises at 42-48 High Street, Ayr KA7 1PA edged red on the attached plan at Appendix D, including those registered in the Land Register of Scotland under title numbers AYR44137 and AYR54525;

- (2) to delegate to the Executive Director - Resources, Governance and Organisation the powers to work in conjunction with Ayr Renaissance to take all necessary steps to secure the making, confirmation and implementation of the CPOs, including the publication and service of all notices, statement of reasons and presentation of the Council's case at public inquiry to secure confirmation of the CPOs by the Scottish Ministers;
- (3) to delegate to the Executive Director - Resources, Governance and Organisation the powers to work in conjunction with Ayr Renaissance LLP to undertake negotiations with landowners to secure the withdrawal of objections to the CPOs, including, where appropriate, seeking exclusion of land from the CPOs;
- (4) to dispose of the land interests acquired either voluntarily or by way of the CPOs to Ayr Renaissance LLP in accordance with the memorandum of understanding entered into with Ayr Renaissance LLP; and
- (5) to note and endorse its decision of 3rd July 2014 to enter into a CPO cost indemnity agreement with Ayr Renaissance LLP for reimbursement of any associated costs incurred by the Council.

11. Judicial Review of Planning Decision for the Planning Application 14/00692/APPM for Retail Supermarket Development at Holmston Roundabout, Ayr.

There was submitted a report (issued to members only) of 14th May 2015 by the Executive Director – Resources, Governance and Organisation seeking instructions from the Council in relation to judicial review proceedings.

The Executive Director – Resources, Governance and Organisation reminded the Council of the confidential nature of this item and that a full report would be submitted to the Council, following completion of the ongoing legal process.

The Council

Decided:

- (1) to grant delegated authority to the Executive Director – Resources, Governance and Organisation in terms of paragraph 4.4 of this report;
- (2) to agree that Officers be requested to give full consideration to the circumstances and processes leading up to the determination decision by the Council on 2nd October 2014 and to the subsequent issues leading on from the Decision Notice issued on 20th January 2015 and the subsequent challenge by way of a Judicial Review; and
- (3) that the outcome of these deliberations be reported to a future meeting of this Council, following completion of the ongoing legal process.

12. Consideration of Disclosure of the above Confidential Reports.

Having heard the Executive Director – Resources, Governance and Organisation, the Council decided not to authorise the disclosure of the whole or part of any documents of the following Appendix and report falling under Standing Order 31.2 of the Standing Orders relating to Meetings-

- Item 10 Appendix E in relation to Ayr Town Centre Regeneration; and
- Item 11 Judicial Review of Planning Decision for the Planning Application 14/00692/APPM for Retail Supermarket Development at Holmston Roundabout, Ayr.

The meeting ended at 12.05 p.m.