

## **SOUTH AYRSHIRE COUNCIL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 8th October 2015 at 10.00 a.m.

Present: Councillors Helen Moonie (Provost), 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, Margaret Toner and John Wallace.

Apology: Councillor John Allan.

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; J. Bradley, OD and Customer Service Manager; D. Hashagen, Co-ordinator (Employability and Skills), OD and Customer Services; and J. McClure, Committee Services Officer.

### **1. Provost.**

The Provost

- (a) welcomed everyone to the meeting;
- (b) intimated that an apology had been received from Councillor John Allan;
- (c) referred to the recent election of Councillor John Wallace to the Ayr East ward and welcomed him to his first meeting of South Ayrshire Council; and
- (d) congratulated everyone involved in last month's Scottish Airshow which had again proven to be an outstanding success.

### **2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

### **3. Declarations of Interest.**

Councillors Darwent, Dorrans and McIntosh declared an interest in item 8 of the minutes entitled "Ayr Renaissance LLP – Appointment of Chair" as they were members of the Ayr Renaissance LLP Board, however, as there was no conflict of interest, they would remain in the meeting during consideration of that item.

Similarly, the Executive Director – Economy, Neighbourhood and Environment also declared an interest in this item as she was a Director of the Ayr Renaissance LLP Board, however, as there was no conflict of interest she would remain in the meeting to answer any questions from Members.

#### **4. Minutes of previous meetings of Council and Panels.**

##### **(1) Minutes of previous meeting of Council.**

The Minutes of South Ayrshire Council of [25th June](#) and [2nd September 2015](#) (Special) (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) Public Processes Panel of [6th May 2015](#).
- (ii) General Purposes Panel of [19th May 2015](#).
- (iii) Service and Performance Panel of [2nd June](#) and [8th June 2015](#) (Special).
- (iv) Regulatory Panel – Planning of [27th May](#) (Special), [3rd June](#) and [24th June 2015](#).
- (v) Regulatory Panel – Licensing of [18th June](#), [27th August](#) and [3rd September 2015 \(Special\)](#).
- (vi) Local Review Body of [2nd June](#), [23rd June](#) and [26th August 2015](#).
- (vii) Partnerships Panel of [9th June 2015](#).
- (viii) Audit and Governance Panel of [9th June 2015](#).
- (ix) Leadership Panel of [16th June](#) and [25th August 2015](#).
- (x) Ayrshire Shared Services Joint Committee of [16th June 2015](#) (copy herewith).

#### **5. Results of Local Government By-Election 2015 – Ward 4 – Ayr East.**

There was submitted a [report](#) (issued) of 23rd September 2015 by the Chief Executive advising of the outcome of the recent By-Election in Ward 4 – Ayr East.

The Council

**Decided:** to note the outcome of the By-Election for Ward 4 – Ayr East and the election of John Wallace as Councillor for this electoral ward.

**6. Progress Against the Council Plan During 2014-15.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Head of Policy and Performance

Clarification was sought and provided by Officers on the challenges faced within Maybole and the plans for the town; on whether the Chief Executive was confident of meeting targets in respect of “A Strategic Approach to Community Engagement : A Framework for Good Practice”; who would now be carrying out the work of the Town Centre Officer who had responsibility for Maybole, Girvan, Troon and Ayr and had now left the employment of the Council; the Council house waiting list; the role of Ailsa Horizons offices and staff; and the uptake in utilisation of the business incubators.

The Executive Director – Economy, Neighbourhood and Environment intimated that she would provide a response in writing to all Elected Members regarding the use of incubators; and the level of house building in relationship to Council waiting list levels.

The Council

**Decided:** to commend the report and the ongoing work.

**7. Local Licensing Forum Membership.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Head of Legal and Democratic Services seeking approval to supplement the membership of the Local Licensing Forum.

The Council

**Decided:** to agree that the membership of the Local Licensing Forum be augmented by the appointment of Edward Goodwin, Kenneth Leinster, Kimberley Whitehead, Brian Borland, William Mackie and a member to be nominated by the Ayrshire Minority Ethnic Community Association.

**8. Ayr Renaissance LLP – Appointment of Chair.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to re-appoint James Knox as Chair of Ayr Renaissance LLP.

The Council

**Decided:** to approve the re-appointment of James Knox as Chair of the LLP until 31st March 2016.

**9. Scheme of Delegation.**

There was submitted a [report](#) (issued) of 1st October 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Scheme of Delegation following review.

The Council

**Decided:** to approve the proposed revisions to Section 7 of the Scheme of Delegation (updated Section 7 attached as Appendix 1 to the report) with effect from 1st November 2015.

**10. Standing Orders Relating to Contracts.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Standing Orders Relating to Contracts following a review in accordance with good governance.

Clarification was sought and provided on the changes relating to opening of electronic tenders which resulted in the proposals recommended by officers, and the Council

**Decided:** to approve the revised Standing Orders Relating to Contracts as contained in [Appendix 1](#) to the report, with effect from 1st November 2015.

**11. Workforce Strategy.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation seeking approval of the Workforce Strategy.

Clarification was sought and provided in relation to partnership working and arrangements for employees involved in Health and Social Care Integration; training for staff who worked with vulnerable persons and people with disabilities, particularly relating to equality and diversity; and the corporate parenting role responsibilities towards looked after and accommodated children in relation to employment opportunities.

The Council

**Decided:** to approve the Workforce Strategy, as contained in [Appendix 1](#) to the report.

**12. Framework for Employee Development.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation seeking approval of the Framework for Employee Development.

Clarification was sought and provided regarding succession planning and the role of multi-tasking within staff groups; how equality and diversity training and awareness was incorporated into the Framework and, for example, staff induction; whether there was a robust system to ensure that all employees had undertaken a PDR; the impact on a postholder of any failure to undertake training essential to a role; youth employability and whether careers advice was offered at schools; and steps taken to recover course fees from employees who had left the employment of this Council.

The OD and Customer Service Manager, in response to a question confirmed that she would provide in writing to all Members details of the number of courses provided by the authority and the number of employees who had undertaken training.

The Council

**Decided:** to approve the Framework for Employee Development, as outlined in [Appendix 1](#) to the report.

**13. Creating a Fairer Scotland : Employability Support Consultation.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation seeking approval of the Council's response to the Scottish Government's consultation on employability services : Creating a Fairer Scotland : Employability Support Consultation.

The Council

**Decided:** to approve the response for submission to the Scottish Government's consultation, attached as an [Appendix](#) to the report.

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

Reference was made to the [Minutes](#) of 21st May 2015 (Page 3, paragraph 6) and there was submitted a [report](#) (issued) of 1st October 2015 by the Executive Director – Resources, Governance and Organisation seeking instructions regarding any further 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 McDowall, seconded by Councillor Galbraith, moved that the Executive Director – Resources, Governance and Organisation be requested to submit a further response to the Local Government Boundary Commission (LGBC) on behalf of the Council on the following terms:-

- (1) that the Council acknowledged that the proposals which the LGBC had taken forward for public consultation did take account of the representations made by the Council to LGBC in May this year;

- (2) however, serious concerns remained that the geographical divide, particularly in relation to Wards 7 and 8, remained problematic for future local Members and that, with only three Councillors and a bigger Ward 8, the Elected Members would not be able to fairly represent their constituents because of the large distances involved and the number of Community Councils, Parent Councils, Community Association, etc;
- (3) that Officers were asked to consider maintenance of the existing boundary alignment between Wards 7 and 8 and the impact of this in the context of the review guidelines as set out by the Commission. Officers were also asked to consider the anomaly between Wards 6 and 7 where the strong local tie between Mossblown and Annbank was broken (as had been the case since the previous review of ward boundaries);
- (4) that Council should note that leaving the current boundaries of Ward 8 unchanged would give a projected count of 7,818 electors; that this fell 19% short of the desired parity for wards in South Ayrshire and was considerably higher than the 10% maximum recommended by the LGBC. Council should note further that the LGBC may consider a higher parity where the ward had special geographical considerations that made strict adherence to electoral parity undesirable. This included areas where transport and communications links were slow, infrequent or subject to interference by the weather and seasons. Council was requested to agree that these special geographical considerations applied in relation to proposed Ward 8 and accordingly to request the LGBC to reconsider retaining the existing boundary line between Wards 7 and 8;
- (5) that Council should note that the proposal to leave the boundary between Wards 7 and 8 unchanged would give a projected elector count of 11,255 for Ward 7 and this increase would put Ward 7 at 17% over parity (with only three Councillors instead of four as at present) and that, whilst this was considerably higher than the 10% maximum recommended by the LGBC, Council was asked to agree that this was a preferable option to the extension of Ward 8 as proposed. The geography of Ward 7 would still allow Members for that Ward to better represent their constituents than would be the case for Ward 8 Members under the current consulted proposal with it being proposed that the LGBC therefore be requested to reconsider this;
- (6) that the Council is asked to agree that an additional proposal should be made to the LGBC which would improve local ties and would improve upon the parity for Ward 7 (and meet the issue noted at paragraph (5) above) if the LGBC agreed to the Council's request to retain the existing Wards 7/8 boundary and would, in any case, meet an existing concern relating to local ties. The proposal was to amend Ward 7 by moving the area north of the River Ayr including Annbank and St. Quivox to Ward 6. Assuming acceptance of the retention of the existing Ward 7/8 boundary, this would reduce the elector count in Ward 7 to 10,286 and reduce the parity of Ward 7 to 7%, within the 10% recommendation. Parity in Ward 6 would increase to 6% (based on 10,211 electors) again within the 10% recommendation. This would not address the parity issue for Ward 8 but would overall address the special geographical considerations of Ward 8 (if the Ward 7/8 boundary was also retained) and would, in any case, address the geographical and community anomaly of splitting Annbank (in particular) into Ward 7 as at present; and

- (7) Council be asked to agree that, in the event that the LGBC rejected the Council's proposals at paragraphs (4), (5) and (6) above, the Council would request that consideration be given to altering the current LGBC proposal to include Kirkmichael in Ward 7. This proposal breaks established local ties between the communities of Crosshill, Straiton and Kirkmichael and splits an established Community Council. This goes against the LGBC's own guidance of taking account of Community Council areas in the design of new Wards. Keeping just the settlement of Kirkmichael with these communities in Ward 8 would add 316 electors to Ward 8 and increase parity to 4%. Moving the whole of Crosshill, Straiton and Kirkmichael Community Council area to Ward 8 would add 528 electors to Ward 8 and increase parity to 6%. Both of these options are within the 10% recommendation of the LGBC. This would maintain Community Council boundaries and local ties and would at least address this specific issue if the LGBC would not accept the point regarding the unwieldy size of new proposed Ward 8.

By way of Amendment, Councillor Oattes, seconded by Councillor William J. Grant, moved that if Ward 8 has to be enlarged to suit the parameters of the LGBC, the most suitable compromise would be to add to Ward 8 Turnberry, Maidens and Kirkoswald due to fairer representation for the electorate.

Following discussion and further suggestions being made that the Council should reiterate to the LGBC that 30 Elected Members should remain in South Ayrshire and not 28 as proposed by the LGBC, Councillor McDowall agreed (with the agreement also of Councillor Galbraith) to incorporate Councillor Oattes' Amendment into his Motion and Councillor Oattes then agreed (with the agreement also of Councillor William J. Grant) to withdraw his Amendment, and the Council

**Decided:** to request the Executive Director – Resources, Governance and Organisation, in consultation and agreement with Councillors Galbraith, William J. Grant, McDowall and Oattes, to reword the draft response as outlined above to take account of Councillor Oattes' Amendment as an alternative proposal and to reflect Members' continuing concerns about the basis of the review in general and any reduction in Councillor numbers for South Ayrshire; and to submit this amended further response to the LGBC by 22nd October 2015.

#### **15. Report to Members and the Controller of Audit on the 2014/15 Audit.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Head of Finance and ICT outlining Audit Scotland's audit of the Council's accounts for financial year 2014/15.

Clarification was sought and provided and comments made in relation to the Property Maintenance non-trading account under or over spend and how it was to be treated when recognising the Scottish Government's Guidance on the operation of the HRA; Members having access to all appropriate information to allow them to make decisions; the potential for renegotiation of PPP contracts; the Council's long-term borrowing strategy; and the Council's ongoing improvement in relation to procurement.

The Council

**Decided:**

- (1) to note the report by Audit Scotland on the Council's Audit of Accounts 2014/15 as outlined in [Appendix 1](#) to the report and that the accounts had been given an unqualified audit certificate;
- (2) to note the action plan appended to the Audit Scotland report, designed to address the areas of concern which were highlighted; and
- (3) to note that regular updates on progress against the action plan would be provided to the Audit and Governance Panel.

**16. Treasury Management Annual Report 2014/15.**

There was submitted a [report](#) (issued) of 30th September 2015 by the Head of Finance and ICT

- (1) outlining, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the annual report of treasury management activities for 2014/15, attached as Appendix 1 to the report; and
- (2) seeking approval of the contents of the report.

Clarification was sought and provided on authorised borrowing limits and whether these could be increased, and the Council

**Decided:** to approve the Annual Treasury Management Report 2014/15, attached as [Appendix 1](#) to the report.

**17. Syrian Vulnerable Persons Relocation (VPR) Scheme.**

There was submitted a [report](#) (issued) of 27th September 2015 by the Executive Director – Economy, Neighbourhood and Environment advising of the Syrian Vulnerable Persons Relocation Scheme; and seeking approval to fully consider with partners, the role that South Ayrshire could play in this process.

Clarification was sought and provided regarding the funding being provided by Scottish Government and the Home Office for local authorities; and the consequences for those people who did not apply for indefinite leave to remain in the UK.

Having heard various members intimate their support for the work being carried out to welcome these families into South Ayrshire and noting the role of the Community Planning Partnership, the Council



**Decided:**

- (1) to support, in principle, the Syrian Vulnerable Persons Relocation Scheme; and
- (2) to request that officers work in partnership with interested parties to consider the level of accommodation and support that could be made to assist the Syrian VPR Scheme and report these findings to a future meeting of the Leadership Panel.

**18. Required Reporting on Climate Change 2014-15.**

There was submitted a [report](#) (issued) of 8th September 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval for the South Ayrshire Council Annual Progress Report 2014-15 in relation to public sector climate duties which came into force on 1st January 2011 as introduced by the Climate Change (Scotland) Act 2009.

Clarification was sought and provided regarding vehicle emission in light of recent press coverage; and the role of the Council's Green Champions, and the Council

**Decided:** to approve the South Ayrshire Council Annual Report on Climate Change 2014-15, as outlined in [Appendix 1](#) to the report; and that the report be made publically available via submission to the Sustainable Scotland Network.

**19. Formal Questions.**

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

Question A

How much Capital Funding was allocated to each of the five towns in the last five years?

Question B

How much Capital funding is forecast to be spent in the five towns in the next five years?

<b>General Services Capital Programme</b>							
<b>Broken Down Over Town</b>							
<b>Summary of Actual Spend 2010/15</b>							
<b>Year</b>	<b>Ayr</b>	<b>Prestwick</b>	<b>Troon</b>	<b>Maybole</b>	<b>Girvan</b>	<b>Other</b>	<b>Totals</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
2010/11	7,994,862	262,968	1,547,248	75,571	2,096,010	3,800,484	<b>15,777,143</b>
2011/12	4,003,450	3,099,865	118,622	200,342	545,390	3,220,120	<b>11,187,789</b>
2012/13	2,964,260	91,956	240,586	1,224,102	955,695	2,751,857	<b>8,228,456</b>
2013/14	3,978,134	12,275	6,121,051	1,629,414	1,026,161	3,072,303	<b>15,839,338</b>
2014/15	8,248,358	215,838	2,031,965	567,710	1,300,249	4,113,023	<b>16,477,143</b>
<b>Totals</b>	<b>27,189,064</b>	<b>3,682,902</b>	<b>10,059,472</b>	<b>3,697,139</b>	<b>5,923,505</b>	<b>16,957,787</b>	<b>67,509,869</b>
<b>Summary of Projected Spend 2015/20</b>							
<b>Year</b>	<b>Ayr</b>	<b>Prestwick</b>	<b>Troon</b>	<b>Maybole</b>	<b>Girvan</b>	<b>Other</b>	<b>Totals</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
2015/16	8,517,004	139,724	10,619,463	475,476	1,980,049	11,461,751	<b>33,193,467</b>
2016/17	27,019,365	0	5,716,153	125,000	9,161,267	20,222,178	<b>62,243,963</b>
2017/18	5,183,000	0	2,390,000	0	526,000	22,580,000	<b>30,679,000</b>
2018/19	100,000	0	0	0	0	14,935,000	<b>15,035,000</b>
2019/20	0	0	0	0	0	13,586,594	<b>13,586,594</b>
<b>Totals</b>	<b>40,819,369</b>	<b>139,724</b>	<b>18,725,616</b>	<b>600,476</b>	<b>11,667,316</b>	<b>82,785,523</b>	<b>154,738,024</b>
<b>TOTALS</b>	<b>68,008,433</b>	<b>3,822,626</b>	<b>28,785,088</b>	<b>4,297,615</b>	<b>17,590,821</b>	<b>99,743,310</b>	<b>222,247,893</b>
<b>Notes</b>							
(a) The 'Other' column has been used for works which are (a) multi-town and unable to be split; and (b) projects which cannot be split e.g.							
Office Accommodation or ICT Works.							
(b) Programmes for 2017/18, 2018/19 and 2019/20 are not yet fully developed and hence, majority of funding remains within General.							

<b>Housing Revenue Account Capital Programme</b>							
<b>Broken Down by Major Towns</b>							
<b>Summary of Actual Spend 2010/15</b>							
<b>Year</b>	<b>Ayr</b>	<b>Prestwick</b>	<b>Troon</b>	<b>Maybole</b>	<b>Girvan</b>	<b>Other</b>	<b>Totals</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
2010/11	2,598,516	220,869	220,869	0	0	0	<b>3,040,254</b>
2011/12	6,352,713	45,714	45,714	0	0	0	<b>6,444,141</b>
2012/13	1,521,188	0	100,830	0	0	0	<b>1,622,018</b>
2013/14	2,534,288	20,266	20,266	0	20,266	20,266	<b>2,615,352</b>
2014/15	3,417,916	0	58,865	0	58,865	58,865	<b>3,594,511</b>
<b>Totals</b>	<b>16,424,621</b>	<b>286,849</b>	<b>446,544</b>	<b>0</b>	<b>79,131</b>	<b>79,131</b>	<b>17,316,276</b>
<b>Summary of Projected Spend 2015/20</b>							
<b>Year</b>	<b>Ayr</b>	<b>Prestwick</b>	<b>Troon</b>	<b>Maybole</b>	<b>Girvan</b>	<b>Other</b>	<b>Totals</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
2015/16	10,684,000	0	260,000	0	100,000	0	<b>11,044,000</b>
2016/17	1,413,000	0	1,300,000	0	0	0	<b>2,713,000</b>
2017/18	0	0	0	0	0	860,000	<b>860,000</b>
2018/19	0	0	0	0	0	0	<b>0</b>
2019/20	0	0	0	0	0	0	<b>0</b>
<b>Totals</b>	<b>12,097,000</b>	<b>0</b>	<b>1,560,000</b>	<b>0</b>	<b>100,000</b>	<b>860,000</b>	<b>14,617,000</b>
<b>TOTALS</b>	<b>28,521,621</b>	<b>286,849</b>	<b>2,006,544</b>	<b>0</b>	<b>179,131</b>	<b>939,131</b>	<b>31,933,276</b>
<b>Notes</b>							
(a) HRA capital information relates to Council new build projects and sheltered housing upgrades only.							
(b) The 'Other' column has been used for works which were/are to be carried out in areas outwith the 5 main towns							
(c) Programmes for 2017/18, 2018/19 and 2019/20 are not yet fully developed and hence, majority of funding remains within General.							
(d) Capital expenditure on individual properties, which accounts for the majority of the HRA Capital Programme have not been included							
as these works are not broken down by tenancy and contracts are typically across all towns and villages							
These works relate to kitchen and bathroom replacements, central heating upgrades, electrical rewire, external cladding and roof replacement							

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

**20. Non-Charitable Trusts.**

Reference was made to the [Minutes](#) of 25th June 2015 (Page 5, paragraph 10) and there was submitted a [report](#) (issued) of 30th September 2015 by the Executive Director – Resources, Governance and Organisation proposing to take forward re-organisation proposals for seven non-charitable trusts administered by South Ayrshire Council, which had purposes to benefit the poor of South Ayrshire.

Clarification was sought and provided regarding what publicity there would be to advertise the opportunity for people/groups to apply for funding from the Trusts; and regarding whether it would also be publicised how people could donate to the Trusts.

The Council

**Decided:**

- (1) as trustees of the trusts listed in [Appendix 1](#) to agree:
  - (a) a resolution, as set out in [Appendix 2](#), for each trust listed in Appendix 1, to wind up the trust and transfer the assets of the trust to the South Ayrshire Charitable Trust;
  - (b) to notice of the said resolution being placed in the local press; and
  - (c) to submissions being made to the Lord Advocate in relation to the winding up of the trusts listed in Appendix 1 and the transfers of the assets to the South Ayrshire Charitable Trust, which submissions would include the statements of reasons, outlined in [Appendix 3](#); and
- (2) as trustees of the South Ayrshire Charitable Trust to agree:
  - (a) to accept the transfer of funds of the non- charitable trusts listed in Appendix 1 to the South Ayrshire Charitable Trust, should approval by given by the Lord Advocate to the transfers;
  - (b) agree that any outstanding liabilities of the trusts listed in Appendix 1 would be met by the South Ayrshire Charitable Trust;
  - (c) to agree that the Executive Director - Resources, Governance and Organisation provide a letter to that effect to the Lord Advocate; and
  - (d) to amend the schedule to the business plan of the South Ayrshire Charitable Trust as outlined in [Appendix 4](#) once the transfer of assets was complete to indicate that the geographical restrictions placed on the trusts listed in Appendix 1 would continue after any transfer of assets.

**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 item of business on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 12 of Part 1 of Schedule 7A of the Act.

**21. Review of Planning Decision Process.**

Reference was made to the [Minutes](#) of 21st May 2015 (Page 10, paragraph 11) and there was submitted a report (issued to members only) of 24th September 2015 by the Chief Executive outlining the circumstances and processes leading to a determination notice being issued without reasons, the outcome of the Judicial Review challenge and process changes being implemented to minimise the likelihood of repetition.

The Council

**Decided:**

- (1) to note the circumstances and processes leading to a determination notice being issued without reasons;
- (2) to note the outcome of the Judicial Review challenge; and
- (3) to approve the process changes already implemented to minimise the likelihood of repetition.

**22. Consideration of Disclosure of the above Confidential Report.**

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

**Decided:** to authorise the disclosure of part of the following report falling under Standing Order 31.2:-

- Review of Planning Decision Process

The meeting ended at 12.30 p.m.