

PUBLIC PROCESSES PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 29th September 2016 at 10.00 a.m.

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

Apology: Councillor John Wallace.

Attending: V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; R. Riddiough, Head of Legal and Democratic Services; J. Cronin, Head of Enterprise, Development and Leisure; M. Burns, Community Learning Co-ordinator; P. Wilkes, Co-ordinator (Registration, Records and Information); C. McGarva, Community Engagement Officer; and L. Sands, Committee Services Officer.

Also Attending: Councillors William Grant (in attendance for item 5(b) only), Alec Oattes (in attendance for item 5 (a) only), Local Members; and Bill Grant, Portfolio Holder (in attendance for item 5 (a) only).

1. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Clark declared an interest in Item 5 (a) of this Minute entitled 'Public Petitions - Utility Bill Charges for Community and Village Halls' as he was supporting the petition, however as he did not perceive there was a conflict of interest, he would not leave the room when this item was being considered and would take part in discussions on this matter.

2. Call-ins from Leadership Panel.

The Panel noted that there had been no call-ins from the Leadership Panel meeting which had taken place on 21st September 2016.

3. Minutes of previous meeting.

The Minutes of the Public Processes Panel of 21st June 2016 (issued) ([link attached](#)) were submitted and approved.

4. Action Log and Work Programme.

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

Decided: to note the current status of the Action Log and Work Programme.

5. Public Petitions.

(a) Utility Bill Charges for Community and Village Halls.

There was submitted a petition containing a significant number of signatures, in the following terms, namely:-

“We, the undersigned, demand that South Ayrshire Council immediately retract in full any measures demanding utility bill payments from impacted community centres in the Girvan and South Carrick area. These include community centres in Girvan, Ballantrae, Colmonell, Barr, Dailly, Pinwherry and Crosshill”.

Under the provisions of Council Standing Order No. 31 for Meetings, the Chair then invited Rhona Walker, Karen McCartney and Margaret Bunnett to come forward to present the case to the meeting.

The Head of Legal and Democratic Services referred to the petitions protocol and indicated that petitioners addressing the meeting would be limited to ten minutes in total which included an opportunity to sum-up.

The three petitioners addressed the panel. Their main points were as follows:

1. There had been no consultation with community associations in advance of the decision.
2. Whilst the petitioners recognised that the Council were in times where cuts were required to be made, it was argued that Community Associations could not afford to pay utility bills, with the result that such associations would have to curtail activities or cease operating.
3. The halls were vital community assets that were run by volunteers.
4. The petitioners challenged the Communities Service Review findings in the report of 16 February 2016 that the negative impact of the decision was low.

The petitioners concluded by asking that the decision be referred back to the Leadership Panel for reconsideration.

Local Members addressed the Panel in support of the petition and argued

- (a) that small communities did not have access to the range of everyday facilities that those living in larger towns did, and that community halls were the heart of small communities. The impact of the decision was therefore greater on smaller communities. It was argued that the Council should be supporting the efforts of communities and that consultation was important in this regard; and
- (b) in addition to points already made, queried whether Community Associations in the South Carrick area carried any significant levels of reserves, and made the point that a “one size fits all” approach to cuts of this nature did not work.

The Community Learning Co-ordinator then spoke to the report to the Panel that had been prepared by the Head of Communities, with the Executive Director for Economy, Neighbourhood and Environment also attending to assist with any questions. Clarification was offered around certain points in the report and the Panel were updated on recent progress in relation to the proposal that Community Associations pay 10% of the utility bills initially.

The discussion was then opened to the Panel and the following additional points were developed:

1. It was argued that reversing the decision would not address the fundamental issue, that the Council was in a time when it was essential for Councils and communities to work together, in light of both the funding picture and the wider backdrop of national policy that communities should take on more responsibility in relation to local services.
2. It was recognised that there was a challenge in ensuring that there was a level playing field across communities in terms of access to services, and that communities were treated equally and fairly.

The petitioners summed up their case before the meeting moved to its decision.

A motion was moved by Provost Moonie and seconded by Councillor Hunter as follows:-

“that the matter is returned to the Leadership Panel to request that they resolve to work closely with the community to provide advice to promote the viability of the facilities”.

By way of Amendment, Councillor Clark, seconded by Councillor Douglas, moved that:-

“the matter be referred back to Leadership Panel for further review”.

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

Having given due consideration to all submissions, the Panel

Decided: to approve the motion as set out above.

(b) Closure of Coylton Public Library.

There was submitted a petition containing a significant number of signatures, in the following terms, namely:-

“I’m signing this petition because I’m protesting against the closure of Coylton Public Library for the following reasons: Public libraries play a crucial role in providing free and convenient access to literature thereby encouraging reading, assisting literacy and improving peoples research skills. Furthermore, in Coylton the library is the only place where villagers, particularly the elderly and young people, have access to free Wi-Fi, the Internet and photocopying, etc”.

Under the provisions of Council Standing Order No. 31 for Meetings, the Chair then invited James Ross and Jim Hamilton to come forward to present the case to the meeting.

The Head of Legal and Democratic Services referred to the petitions protocol and indicated that petitioners addressing the meeting would be limited to ten minutes in total which included an opportunity to sum-up.

The two petitioners addressed the Panel, and spoke to the short paper that had been submitted with the petition and circulated to the Panel in advance. The main points were as follows:

1. The decision was made without consultation.
2. It was noted that public libraries played a crucial role in providing free and convenient access to literature, encouraged reading, assisted with literacy and improved people’s life skills.

3. It was also noted that libraries supported the young, unemployed and elderly, and others who did not have access to the internet from a computer at home. Benefits claims, for example, had to be made online, and public transport to other libraries was expensive. There was now no place in Coylton where the public could have access to free internet access.
4. The decision ran contrary to the strategic aims of the Scottish Government's "Strategy for Public Libraries in Scotland, 2015-2016".
5. The closure discriminated against Coylton as a rural community, and exacerbated issues of loneliness and social isolation.
6. The mobile library service was inadequate to support a growing community, and was not available at the times when it could be most useful.

The Head of Enterprise, Development and Leisure then spoke to the report to the Panel that she had prepared, with the Executive Director for Economy, Neighbourhood and Environment also attending to assist with any questions. It was confirmed that officers were continuing to work with the community in relation to access to free Wi-Fi, in relation to which there were ongoing technical and security issues that were being resolved.

The Portfolio Holder for Economic Development, Tourism and Leisure addressed the Panel and advised that he regretted the cut and the lack of consultation, and pointed out that all libraries had been affected. He also mentioned the fact that Coylton library had been the least used of the libraries.

The discussion was then opened to the Panel and the following additional points were developed:

1. The loss of access to computers and the internet needed to be resolved.
2. Questions were asked around the scheduled visits of the mobile library.
3. It was noted that the landscape was changing as regards use of books.

In summing up, the lead petitioner asked that the Leadership Panel be asked to reconsider the decision. The Panel then moved to its decision.

A motion was moved by Provost Moonie and seconded by Councillor Hunter as follows:-

"the petition is referred back to the Leadership Panel in relation to internet/Wi-Fi access with a recommendation that all reasonable efforts are made to ensure that provision is made available in Coylton on an interim or permanent basis as a matter of urgency, and that consultation is carried out with the community in relation to the frequency of the mobile library service and consideration given to the operational management of the service as to whether the service can be improved within the community".

Having given due consideration to all submissions, and there being no Amendment, the Panel unanimously

Decided: to approve the motion as set out above.

6. **Records Management Plan.**

There was submitted a report (issued) ([link attached](#)) of September 2016 by the Head of Legal and Democratic Services providing an update on steps the Council must take in relation to the Public Records (Scotland) Act 2011 ('the Act').

Questions were raised by Panel Members and responses provided by the Head of Legal and Democratic Services and the Co-ordinator (Registration, Records and Information);

and a full discussion took place in relation to: possible financial implications due to there being no definitive timescale for the completion of the Records Management Plan; the audit trail, in particular how far along was any progress towards an Electronic Document Records Management System (EDRMS); how vital records would be protected; the Council wide review of Business Continuity plans and if this was reported to any Panel; and the circulation of Government information that had been sent to the Council via officers.

Decided:

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

7. FOI/EIR Annual Report 2015/16.

There was submitted a report (issued) ([link attached](#)) of 21st September 2016 by the Head of Legal and Democratic Services providing an annual update to the Panel of the Council's response times and the volume of requests under the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2002 (EIR) by subject matter and by applicant status. The report covered the period 1st July 2015 to 30th June 2016, with comparison provided for the same period in 2014/15.

Questions were raised in relation to the reasons for the increase in enquires and if the outcomes of this year's FOIs would be used to improve services in the future and the Head of Legal and Democratic Services advised that awareness and interest of members of the public had generally increased and that the Information Governance team were currently working with officers across services to publish information related to frequently asked questions on the Council website and although this would be an extensive piece of work it was important that this was carried out.

Decided:

- (1) to note the response rates and volumes of requests under FOISA and EIR for 2015/16, as detailed in Appendix 1 of the report; and
- (2) to agree that efforts across all Directorates continued to ensure that response times would be maintained and improved where appropriate.

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

There was submitted a report (issued) ([link attached](#)) of 15th September 2016 by the Head of Communities providing an update on the Council's work on Community Consultation and Engagement.

Panel Members praised the good work being carried out by the Locality Planning Groups and welcomed the Community Council Conference, scheduled for 18th November 2016, however agreed that it was important that the Locality Planning Groups supported other groups already within the local areas.

A member of the Panel raised concerns regarding the lack of policy in relation to Community Engagement and a full discussion took place, with the Panel noting that the Best Value Working Group were currently looking at Community Engagement and that their comments would be passed on.

Decided: after scrutinising the report, to note the contents of the report.

The meeting ended at 12:55 p.m.