

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 30th June 2016 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, Hywel Davies, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, 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 Kirsty Darwent and John Hampton.

Attending: E. Howat, Chief Executive; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; D. Hutchison, Director of Educational Services; T. Eltringham, Director of Health and Social Care; R. Riddiough, Head of Legal and Democratic Services; T. Baulk, Head of Finance and ICT; D. Gillies, Head of Property and Risk; and J. McClure, Committee Services Lead Officer.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received;
- (3) advised that she was delighted to hear that Yvonne Morrison of Maybole had been the recipient of the MBE for her services to Cancer Support Ayrshire and that she had written to Ms. Morrison expressing the Council's warmest congratulations;
- (4) outlined that she was delighted to welcome 300 soldiers from the Royal Highland Fusiliers, 2nd Battalion, the Royal Regiment of Scotland on Wednesday, 8th June 2016 as part of their homecoming celebrations. These soldiers had just returned from their latest tour in Afghanistan where they played a key role protecting important officials; and
- (5) referred to the recent tragic events in West Yorkshire and advised that she had sent a letter of condolence to the family of Jo Cox MP passing on the thoughts and sympathies of the Council and the people and communities of South Ayrshire.

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, Councillors McIntosh and Dorans declared an interest in Item 16 of this Minute entitled 'Rationalisation of Office Accommodation in Ayr' 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 this item was being considered and would take part in discussions on this matter.

Similarly, the Executive Director – Economy, Neighbourhood and Environment declared an interest in Item 16 of this Minute entitled ‘Rationalisation of Office Accommodation in Ayr’ as she was a member of the Ayr Renaissance LLP Board however, as she also did not perceive there was a conflict of interest, she would not leave the room when this item was being considered.

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

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

The Minutes of South Ayrshire Council of [12th May 2016](#) (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) Appeals Panel of [30th March 2016](#).
- (ii) Chief Officers’ Appointments/Appraisal Panel of [21st October 2015](#).
- (iii) Service and Performance Panel of [26th April 2016](#).
- (iv) Regulatory Panel (Planning) of [27th April 2016](#).
- (v) Regulatory Panel (Licensing) of [28th April 2016](#).
- (vi) Local Review Body of [19th April](#), [17th May](#) and [31st May 2016](#).
- (vii) Partnerships Panel of [19th April 2016](#).
- (viii) Public Processes Panel of [24th February](#) and [10th May 2016](#).
- (ix) Audit and Governance Panel of [20th April 2016](#).
- (x) Leadership Panel of [26th April](#) and [24th May 2016](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor McIntosh, seconded by Councillor McDowall, moved the recommendations in the C paragraph of the Leadership Panel minutes of 14th June 2016 entitled “Transform South Ayrshire” ([copy of excerpt of minute herewith](#)).

Decided: to approve the recommendations as contained in the “C” paragraph entitled “Transform South Ayrshire”.

- (xi) Ayrshire Shared Services Joint Committee of [1st April 2016](#).

5. Findings of Accounts Commission – Best Value Report.

There was submitted a [report](#) (issued) of 20th June 2016 by the Chief Executive updating the Council on the Audit Scotland report presented to the Accounts Commission on 9th June 2016.

The Council, having congratulated the Chief Executive and her staff on this achievement,

Decided:

- (1) to note the Audit Scotland report on progress, presented to the Accounts Commission, as outlined in Appendix 1 to the report;
- (2) to note the findings of the Accounts Commission; and
- (3) to request that the Best Value Working Group (BVWG) develop a new action plan to address the matters raised by Audit Scotland and the findings of the Accounts Commission.

6. Representation on Outside Bodies and Working Groups.

There was submitted a [report](#) (issued) of 20th June 2016 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the list of representatives on outside bodies and working groups.

Councillor McIntosh, seconded by Councillor McGinley, moved that Councillor Mary Kilpatrick be appointed to the Community Justice Ayrshire Shadow Board with Councillor Rita Miller as her Depute; and that Councillors Douglas Campbell, Ian Cavana, Peter Convery, Kirsty Darwent and Margaret Toner be appointed as the representatives on the steering group for the replacement Queen Margaret Academy project.

By way of Amendment, Councillor Dorans, seconded by Councillor William J. Grant, moved that Councillor Nan McFarlane be appointed to the Community Justice Ayrshire Shadow Board.

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

Decided:

- (1) to nominate and appoint Councillor Mary Kilpatrick to the Community Justice Ayrshire Shadow Board with Councillor Rita Miller as her substitute; and
- (2) to approve Councillors Douglas Campbell, Ian Cavana, Peter Convery, Kirsty Darwent and Margaret Toner as the representatives on the steering group for the replacement Queen Margaret Academy project.

7. Standing Orders Relating to Meetings.

There was submitted a [report](#) (issued) of 20th June 2016 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Standing Orders Relating to Meetings following review in accordance with good governance.

A full discussion then took place and clarification was sought and provided by the Head of Legal and Democratic Services in relation to the “6 month rule” in the Petitions Protocol; and the exclusion of those Elected Members not on the Panel when an applicant requested to be heard in private at the Regulatory Panel (Licensing).

Councillor McIntosh, seconded by Councillor Miller, moved approval of the revised Standing Orders Relating to Meetings, as attached at Appendix 1 to the report; and moved that delegated authority be granted to the Executive Director – Resources, Governance and Organisation to make the necessary changes to the Audit Handbook and any other relevant governance documents to reflect the proposed changes to the Standing Orders Relating to Meetings.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Dorans, moved that paragraph 2.6.8 of the Petitions Protocol be deleted (“a decision taken by Council in the last 6 months” as a case where it would be inappropriate for the Panel to consider a petition) and the subsequent paragraphs thereafter renumbered; and to insert at 4.6.2 in the Petitions Protocol “to request that officers report to a future meeting of the Council the issues raised in the petition with a recommendation from the Panel that the Council suspend Standing Orders to permit a review of a decision taken within the previous 6 months” and thereafter, to renumber the subsequent sub-paragraphs.

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

The Council

Decided:

- (1) to approve the revised Standing Orders Relating to Meetings, as attached at [Appendix 1](#) to the report, with effect from 1st July 2016; and
- (2) to delegate authority to the Executive Director – Resources, Governance and Organisation to make the necessary changes to the Audit Handbook and any other relevant governance documents to reflect the proposed changes to the Standing Orders Relating to Meetings.

8. Protocol for Councillors Dealing with Planning Matters and Pre-Application Discussions.

There was submitted a joint [report](#) (issued) of 22nd June 2016 by the Head of Legal and Democratic Services and the Head of Enterprise, Development and Leisure seeking approval of a “Protocol for Councillors Dealing with Planning Matters and Pre-Application Discussions”.

The Council

Decided: to approve the draft “Protocol for Councillors Dealing with Planning Matters and Pre-Application Discussions”, attached as Appendix 1 to the report.

9. Annual Accounts 2015/16.

There was submitted a [report](#) (issued) of 22nd June 2016 by the Head of Finance and ICT

- (1) providing an overview of the figures contained in the Annual Accounts for the year ended 31st March 2016;
- (2) outlining the significant variations from budget; and
- (3) detailing how the 2015/16 out-turn impacted on the Council's overall financial position.

A question was raised regarding whether the key risks would require to be re-examined following the UK's decision to leave the EU and the Head of Finance and ICT advised that this would be examined in liaison with External Audit.

The Council, having congratulated the Head of Finance and ICT and his staff on this report,

Decided:

- (a) to note the unaudited Annual Accounts, as outlined in Appendix 1 to the report, circulated under separate cover, prior to their submission to the auditor and also to note that all figures remained subject to audit;
- (b) to note the out-turn position for each Directorate/service for 2015/16 as detailed in Appendix 2 to the report;
- (c) to approve the new earmarking of funds of £1.091m across all Directorates/services to be carried forward for utilisation in 2016/17, as outlined in Appendix 3 to the report;
- (d) to agree that consideration of the balance of uncommitted funds of £18.418m as at 31st March 2016 would be dealt with under the Revenue Budget 2017/18 report as the next item on the agenda; and
- (e) to request that the Head of Finance and ICT undertake a review of the 2015/16 underspends contained in the service out-turn reports and report back to the Leadership Panel in August 2016.

10. General Services 2017/18 Revenue Budget Considerations.

There was submitted a [report](#) (issued) of 22nd June 2016 by the Head of Finance and ICT advising of the issues to be considered in setting the General Services Revenue Budget for 2017/18.

Following a question from an Elected Member regarding how many Community Halls were in South Ayrshire, the Executive Director – Economy, Neighbourhood and Environment outlined that she would submit this information in writing to all Members.

Councillor McIntosh, seconded by Councillor McDowall, proposed a change to the wording in recommendation (3) within the report and, following discussion, the Council unanimously

Decided:

- (1) to note the current projected budget gap of £5.428m for 2017/18 and further note the significant uncertainty surrounding the estimated gap;
- (2) to note the uncommitted accumulated General Services reserves of £18.418m as at 31st March 2016 which was subject to audit;
- (3) in order to address the estimated budget gap for 2017/18 and to recognise the “other considerations contained within this report and the unallocated General Services Reserve of £18.4m, to agree
 - (a) £1,900,000 of unallocated reserves to be utilised to fund the implementation of our Transformational Change Programme “Transform South Ayrshire” as outlined in the relevant report to Leadership Panel on 14th June 2016;
 - (b) £1,000,000 of unallocated reserves to be invested in this Council’s roads network, through Ayrshire Roads Alliance;
 - (c) £1,000,000 of unallocated reserves to be allocated to the creation of a Community Halls Fund, into which the communities would be invited to bid to assist them in taking ownership of Council-owned community buildings in their local area;
 - (d) to request officers to submit proposals for the introduction of such a scheme;
 - (e) £4,600,000 of unallocated reserves to be utilised to reduce the estimated budget gap for 2017/18 to £800,000;
 - (f) that further consideration be given to the identified budget gap and the use of unallocated reserves after the summer recess and once the financial settlement figures were known later in 2016; and
 - (g) to approve the delegated powers as outlined in paragraph 4.6.2(i) within the report; and
- (4) to request that the Head of Finance and ICT present a revised five year financial strategy to Council following confirmation of the 2017/18 Local Government settlement.

11. General Services Capital Programme 2015/16 Monitoring Report as at 31st March 2016.

There was submitted a [report](#) (issued) of 20th June 2016 by the Head of Property and Risk outlining the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 31st March 2016 and seeking approval of the changes to budgets in 2016/17 and further years.

The Council, having congratulated the Head of Property and Risk and his staff on the excellent work undertaken,

Decided:

- (1) to note the progress made on the delivery of the General Services Capital Programme to 31st March 2016, resulting in spending of £28,493,429 or 98.11% of the approved budget for 2015/16;
- (2) to approve the adjustments contained in Appendix 1, Table 2 as attached to the report; and
- (3) to approve the revised budget for 2016/17 at £49,101,405 and 2017/18 at £33,840,277, as highlighted in Appendix 1, Table 3, as attached to the report.

12. Housing Capital Programme 2015/16 : Monitoring Report as at 31st March 2016.

There was submitted a joint [report](#) (issued) of 21st June 2016 by the Head of Property and Risk and the Head of Housing and Facilities advising of the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 31st March 2016 and seeking approval of changes to 2016/17 and further years.

The Council, having congratulated both Heads of Service and their staff on the excellent work undertaken,

Decided:

- (1) to note the progress made on the delivery of the Housing Capital Programme to 31st March 2016, resulting in spend of £16,632,801 or 93.03% of the approved budget for 2015/16;
- (2) to approve the adjustments contained in Appendix 1, Table 2 as attached to the report; and
- (3) to approve the revised budget for 2016/17 at £23,219,399, as highlighted in Appendix 1, Table 3, attached to the report.

13. Council House New Build at North Drive, Troon.

There was submitted a [report](#) (issued) of 17th June 2016 by the Head of Housing and Facilities seeking approval for a development of up to thirteen new Council houses at North Drive, Troon.

Following a question from an Elected Member on road safety issues at the site, the Executive Director – Economy, Neighbourhood and Environment advised that initial discussions had taken place with Ayrshire Roads Alliance (ARA) and that further consultations would take place in due course, with ARA and other appropriate consultees.

The Council

Decided:

- (1) to agree to the transfer of land at North Drive, Troon (outlined in Appendix 1) from the Council's General Fund to the Housing Revenue Account for the sum of £0.065m for new Council housing development, subject to planning permission;

- (2) to approve the development of up to 13 x 1 bedroom bungalows at North Drive, Troon, subject to planning permission, via the Council's affordable housing contractor framework; and
- (3) to agree to a total funding package of £1.771m for this development consisting of Scottish Government subsidy, Second Homes Council Tax funds and borrowing against the Housing Revenue Account as outlined in Section 6 of the report.

14. Notice of Motion.

Councillor Hugh Hunter, seconded by Councillor Margaret Toner, moved:-

"This Council commends the work done by Malcolm Sargent House to give support and respite to young people with cancer and their families; believes Malcolm Sargent House to be an integral part of the Prestwick and wider South Ayrshire community; notes that CLIC Sargent has commenced a 30 day consultation process on the future of the facility; and wishes to confirm and express its support for the efforts to keep Malcolm Sargent House open. The Chief Executive is therefore requested to write to CLIC Sargent on behalf of the Council in these terms".

A full debate then took place regarding the terms of the Motion and the Council

Decided: unanimously, to support the Motion.

15. Formal Questions.

The Council noted that no formal questions had been submitted.

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 8 of Part 1 of Schedule 7A of the Act.

16. Rationalisation of Office Accommodation in Ayr.

Reference was made to the Minutes of 3rd March 2016 (Page 9, paragraph 14) and there was submitted a report (issued to members only) of 21st June 2016 by the Head of Property and Risk updating the Council on the options for the Arran Mall site, together with an update on the Riverside site.

Questions were raised by Elected Members in relation to tendering and leasing and the Head of Property and Risk responded accordingly; and regarding the minutes of the Member/Officer Working Group for the Office Rationalisation Project and the Head of Property and Risk advised that minutes of all future meetings of this Working Group would be made available to Elected Members.

Adjournment of Meeting.

Following a question from an Elected Member on a previous decision taken in relation to Office Accommodation Ayr, the time being 12.35 p.m., Council agreed to adjourn for fifteen minutes to allow this information to be sought.

Councillors Davies and Saxton left the meeting at this point.

Resumption of Meeting.

The meeting resumed at 12.50 p.m.

The Chief Executive updated the Council on the previous decisions taken by the Leadership Panel and Council in relation to this matter and when these decisions were made and advised that she would provide a written update to Members on all previous reports considered and the proposals therein.

Councillor Reid, seconded by Councillor McDowall, moved the recommendations as outlined in the report.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor William J. Grant, moved that recommendation (3) be amended to read that the Council “agree that an update report of the outcome of the development for Riverside be submitted to the Leadership Panel in January 2017 and to cease negotiations of a new build at Arran Mall and pursue a joint development with Police Scotland at their premises at King Street, Ayr. The outcome of discussions with Police Scotland to be reported to a future meeting of the Council”.

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

Decided:

- (1) to note the current position and funding options for the Arran Mall site;
- (2) to agree that the appointment of SWHub to provide Strategic Support Services for development work at the Riverside should be postponed until the Ayr Renaissance masterplanning process was completed;
- (3) to agree that an update report of the outcome of the development work for Riverside and on Arran Mall be submitted to the Leadership Panel in January 2017; and
- (4) to request that the Chief Executive write to the Board of Ayr Renaissance as outlined in paragraph 4.2.5 of the report.

17. Consideration of Disclosure of the above Confidential Report.

Having heard the Head of Legal and Democratic Services, the Council

Decided: not to authorise the disclosure of the following report falling under Standing Order 31.2:-

- Rationalisation of Office Accommodation in Ayr; and

The meeting ended at 1.00 p.m.