

SOUTH AYRSHIRE COUNCIL.

Minutes of a meeting in County Buildings and Remotely
on 10 December 2020 at 10.00 a.m.

Present: Provost Helen Moonie.

Present Councillors Laura Brennan-Whitefield, Siobhian Brown, Andy Campbell,
Remotely: Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly,
Chris Cullen, Ian Davis, Julie Dettbarn, Martin Dowey, Ian Fitzsimmons,
William Grant, Peter Henderson, Hugh Hunter, Mary Kilpatrick, Lee Lyons,
Craig Mackay, Derek McCabe, Brian McGinley, Bob Pollock, Philip Saxton,
Arthur Spurling and Margaret Toner.

Apologies: Councillors Iain Campbell and Peter Convery.

Attending: E. Howat, Chief Executive; C. Caves, Head of Legal, HR and Regulatory Services;
T. Baulk, Head of Finance and ICT; J. McClure, Committee Services Lead Officer;
and D. Mulgrew, Committee Services Assistant.

Attending D. Hutchison, Depute Chief Executive and Director – People; D. Gillies, Director –
Remotely: Place; M. Newall, Assistant Director – People; W. Carlaw, Service Lead –
Democratic Governance; and C. Boyd, Service Lead – Risk and Safety.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that apologies had been received from Councillors Iain Campbell and Peter Convery;
- (3) confirmed that today's meeting was not open to the press and public, which was permissible under the COVID-19 legislation;
- (4) outlined the procedures for conducting this meeting, including that all votes would be undertaken by means of a roll call;
- (5) intimated that items 14 and 15 on the agenda had been withdrawn; and
- (6) advised that she had written, on the Council's behalf, to express the Council's warmest congratulations to the following recipients of an award in the Queen's Birthday Honours List:-
 - Fiona McAvoy of Ayr, Head Teacher of Newton Primary School who received an MBE for her services to Education in South Ayrshire;
 - James Wilson of Troon who received an MBE for his services to veterinary practice and animal welfare on the Isle of Mull; and
 - Hugh Hill of Coylton who received a BEM for service to the Homeless in Scotland during Covid-19.

2. **Sederunt.**

The Chief Executive called the Sederunt for the meeting.

3. **Declarations of Interest.**

Having called the roll, the Head of Legal, HR and Regulatory Services confirmed that there were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

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

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

The Minutes of South Ayrshire Council of [1 October 2020](#) and [10 November 2020](#) (Special) (issued) were authorised to be signed as a correct record of these meetings.

(2) **Minutes of previous meetings of Panels.**

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

- (i) Appeals Panel of [2 September 2020](#).
- (ii) Audit and Governance Panel of [26 August](#) and [24 September 2020](#).
- (iii) Leadership Panel of [15 September](#) and [27 October 2020](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Henderson, seconded by Councillor McGinley, moved the recommendations as contained in the 'C' paragraph of the Leadership Panel minutes of 27 October 2020 entitled "Annual Procurement Report 2020" ([copy of minute excerpt herewith](#)).

The Council,

Decided: to agree the terms of the 'C' paragraph.

- (iv) Local Review Body of [19 August](#), [1 September](#) and [22 September](#).
- (v) Partnerships Panel of [9 September 2020](#)
- (vi) Regulatory Panel – Licensing of [17 September](#) and [29 October 2020](#).
- (vii) Regulatory Panel – Planning of [3 September 2020](#).
- (viii) Service and Performance Panel of [8 September 2020](#).

5. **Lone Working for Councillors.**

There was submitted a report (issued) of 3 December 2020 by the Chief Executive seeking approval of the recommendations of the recently constituted Lone Working for Councillors Member/Officer Working Group (MOWG) following its consideration of the key principles contained within the COSLA Lone Working Guidance for Councillors.

Following a question on whether there was a single point of contact for Members to report any perceived risks, the Head of Legal, HR and Regulatory Services advised that she would liaise with the Co-ordinator (Registration, Records and Information) who dealt with complaints and report back to Members; and outlined that there was a Policy on Unacceptable Actions By Complainants which Members should familiarise themselves with.

A further question was raised on threatening communications and whether these could be shared due to GDPR and the Service Lead – Democratic Governance advised that all abusive communications should be reported and that information could be redacted to ensure that these complied with GDPR; and the Head of Legal, HR and Regulatory Services further advised that additional clarification would be provided to Members on the process for redacting and reporting abusive messages.

A Member enquired if assurances could be provided that the communication/alert devices would be operational in rural areas and the Service Lead – Risk and Safety advised that assurances had been provided by the network provider that the device could latch on to any available network in the area, however there was no guarantee a connection could be established but this would be tested during the pilot.

A Member commented that employees who worked alone had been using devices for some time and information could have been sought from them and the Service Lead – Risk and Safety advised that there was a similar policy for employees, however, the approach varied between Departments depending on the outcome of Risk Assessments and there was no generic solution for this matter.

The Council, having thanked all members of the Member/Officer Working Group for their work on this matter,

Decided:

- (1) to agree the implementation of a policy and guidance on Lone Working for Elected Members as per the attached draft ([Annex 1](#));
- (2) to agree that a proof of concept pilot be undertaken on a communication/alert device suitable for lone working;
- (3) to agree that the Risk and Safety team develop online COAST training on Lone Working for Members, and pursue de-escalation training with an appropriate provider, to include online abuse; and
- (4) to agree that Lone Working training and guidance for Members be incorporated within the induction training carried out following the Local Government Election in 2022.

6. Scheme of Delegation.

There was submitted a report (issued) of 3 December 2020 by the Head of Legal, HR and Regulatory Services seeking approval to amend the Scheme of Delegation following review.

The Council

Decided: to approve the revised Scheme of Delegation with effect from 11 December 2020.

7. Representation on Outside Bodies, Working Groups, Etc.

There was submitted a report (issued) of 2 December 2020 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the lists of Outside Bodies, Working Groups, etc and the representatives thereon.

The Council

Decided:

- (1) to approve amendments to the appointments as Directors of Freeport (Scotland) Ltd., namely the Director – Place (as Director) and the Service Lead – Economy and Regeneration (as Director);
- (2) to agree that membership of the Significant Capital Projects Member/Officer Working Group be increased to five members; and to nominate and appoint Councillor Ian Cochrane as the additional member.

8. Revised Schedule of Meetings.

There was submitted a report (issued) of 2 December 2020 by the Head of Legal, HR and Regulatory Services seeking approval of revisions to the timetable of Council and Panel meetings in February 2021.

The Council

Decided: to approve the revisions to the timetable of Council and Panel meetings for February 2021 to take place as follows:-

Week 5		
Tuesday 9 February 2021	10.00 am	Leadership Panel (Education)
Wednesday 10 February 2021	2.00 pm	Service and Performance Panel
Week 7		
Tuesday 23 February 2021	10.00 am	Regulatory Panel - Licensing

9. Armed Forces Community Covenant 2020.

There was submitted a report (issued) of 2 December 2020 by the Assistant Director – People seeking approval to renew the Council's commitment to the Armed Forces Covenant; and to approve the nominations of Armed Forces' Champions at both Elected Member and Officer level.

Councillor Henderson, seconded by Councillor Saxton, moved the recommendations in the report subject to amendments to recommendations 2.1.2 and 2.1.3.

Following a question from a Member on how the Council could encourage communities to support veterans, the Assistant Director – People advised that everyone had a responsibility to ensure that veterans were not forgotten in the community; and that additional work would be undertaken to highlight the importance of supporting veterans.

The Council, having commended this very welcome report,

Decided:

- (1) to agree to renew the Council's commitment to the Armed Forces Community Covenant;
- (2) to note that the Veterans Champion should more accurately be the Armed Forces and Veterans Champion (currently undertaken by the Provost); and
- (3) to approve that support for this role be provided by the External Funding Officer.

10. South Ayrshire Performs – Annual Performance Report 2019/20.

There was submitted a report (issued) of 3 December 2020 by the Assistant Director – People submitting the second “South Ayrshire Performs – Annual Performance Report 2019/20”.

Following a Member raising concerns that the information provided within the Appendix to the report was out-of-date, the Depute Chief Executive and Director – People advised that the information provided in the Appendix was the most up-to-date available with more information being reported in February 2021, however, all of this information had been provided to Members as soon as it became available and was also reported to Service and Performance Panel for consideration.

A Member commented that the Council had gone through difficult times and the ability to maintain services during the pandemic was a credit to all staff.

Following a comment on the requirement for footnotes to explain large variances from year to year, the Assistant Director – People advised that he would include these in future reports.

Having heard a member enquire as to the measures in place to tackle the projected decrease in the population, the Director – Place advised that there were a number of factors leading to the decline in population and that the supply of new housing was a way to mitigate this; and that, following the recent approval of the Local Development Plan, certain sites would be investigated to ensure their deliverability and these sites could potentially be withdrawn from the next Local Development Plan and replaced by alternative sites.

The Council, following consideration of the report and having commended this report,

Decided: to approve the contents of the “Annual Performance Report 2019/20”, attached as Appendix 1.

11. United Nations Convention on the Rights of the Child: South Ayrshire Progress Report.

There was submitted a report (issued) of 3 December 2020 by the Depute Chief Executive and Director – People seeking approval to submit a report to the Scottish Government from South Ayrshire setting out the progress made on supporting children's rights.

A Member commented that, as some young carers did not consider themselves as carers as they had cared for a family member from an early age, it was imperative that the Council continued to work to identify young carers to enable them to access advice and support.

The Council, having thanked the Depute Chief Executive and Director – People and his staff for their work on this report,

Decided: to agree that the United Nations Convention on the Rights of the Child : South Ayrshire Progress Report (attached as Appendix 1) be submitted to the Scottish Government.

12. **Notice of Motion.**

- (1) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Peter Henderson, seconded by Councillor Brian McGinley, moved:-

“This council notes:

- Next April the UK Government plan to cut the benefit level for millions of claimants by ending of the time limited increase to the basic rate of Universal Credit (and the tax credit equivalent) announced by the Chancellor on 20th March 2020 as part of his pandemic response package;
- The £20 a week boost reflected the reality that the existing level of benefits were not adequate to protect the swiftly increasing number of households relying on them as the crisis hit. Exactly because that increase was a very significant and welcome move to bolster low- and middle-income families living standards, its removal will be a huge loss;
- Pressing ahead with this cut would see the level of unemployment support fall to its lowest real-terms level since 1990-91, and it’s lowest ever relative to average earnings. Indeed, the basic level of out-of-work support prior to the March 2020 boost was – at £73 a week (£3,800 a year) – less than half the absolute poverty line;
- The increase in benefits has had a positive effect on the lives of thousands of claimants who are better able to pay for life’s essentials such as food, clothing and utilities; and
- The local South Ayrshire economy has also benefited from the increase in benefit levels as claimants spend their money locally thereby supporting local businesses and jobs.

This council resolves:

- That the Chief Executive write within 7 days of today’s date to the Chancellor, Rishi Sunak and to the Prime Minister, Boris Johnson demanding that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits; and
- That we work with other local government organisations to pressure the UK Government to make the £20 increase to Universal Credit permanent.”

Point of Order

A point of order was raised regarding the terms of the Motion as Councillor Henderson, when speaking to his Motion, had moved that the Chief Executive write to the Chancellor and Prime Minister “requesting” that the £20 increase be made permanent whereas the written Motion stated that the Chief Executive write “demanding” that the £20 increase be made permanent and Councillor Henderson, as the Mover of the Motion, outlined that the Motion was as outlined on the agenda; and the Head of Legal, HR and Regulatory Services confirmed that the Motion was competent.

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

Decided: unanimously, to agree the terms of the Motion as set out above.

- (2) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Craig Mackay, seconded by Councillor Brian McGinley, moved:-

“Council recognises the clear benefits of good health and diet in reducing the effects of Covid-19 on those who contract the virus; realises that without ongoing encouragement many of the people who may have become more physically active during the summer lockdown may be at risk of returning to a less active lifestyle; and acknowledges that improving overall levels of health and fitness in South Ayrshire is consistent with this Administration’s strategic objectives.

Council agrees to consider how best to encourage and support a healthier and more active population in South Ayrshire; resolves to run a positive campaign to reinforce the good intentions and achievements that many people have secured; and asks that a report be brought back to the Leadership Panel by March 2021 by the Director - People detailing how Council and partner facilities and programmes in South Ayrshire can more effectively be used by people of all ages to maximise both indoor and outdoor activities within the Covid-19 restrictions; as well as in the same report to advise how the Council can seek to support improvements in access to quality and security of foods and access to vitamin D in South Ayrshire.”

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

Decided: unanimously, to agree the terms of the Motion as set out above.

- (3) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Chris Cullen, seconded by Councillor Philip Saxton (with the agreement of Councillor Peter Henderson who had withdrawn as the seconder), moved:-

“This council notes:

- Human Rights Day is observed every year on December 10th. It marks the day in 1948 that the United Nations General Assembly adopted the Universal Declaration of Human Rights. In 1950, the Assembly passed resolution 423 inviting all States and interested organisations to annually observe December 10 as Human Rights Day;
- that today is December 10th and is the 70th official Human Rights Day since the UN General Assembly passed the resolution to annually observe The 10th of December as Human Rights Day;
- the positive impact that the Human Rights Act 1998 (“the Act”) has had on the protection of the rights of individuals in South Ayrshire;
- the valuable guidance the Act provides for South Ayrshire Council to ensure policies are developed in line with international human rights standards; and
- that by doing this Council reaffirms the importance of human rights in rebuilding the world, the need for global solidarity as well as the world’s interconnectedness and shared humanity, and in doing so, answers the UN Human Rights generic call “to stand up for someone’s rights” and the need to build back better in the recovery of post COVID-19 in South Ayrshire and in Scotland.

This council resolves to:

- Continue to demonstrate its commitment and support of Human Rights through its daily working and in the development of policy in line with the Act at South Ayrshire Council.”

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

Decided: unanimously, to agree the terms of the Motion as set out above.

13. Formal Question.

The Council noted that no formal questions had been submitted.

14. Disclosure of Confidential Information.

The Council

Decided: to note that, as previously intimated, this item had been withdrawn.

15. Former Station Hotel.

The Council

Decided: to note that, as previously intimated, this item had been withdrawn.

16. Closing Remarks.

Provost wished all Members a happy and peaceful Christmas and thanked everyone for their contribution throughout the year..

The meeting ended at 12.20 p.m.