

LEADERSHIP PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 8th June 2010 at 10.00 a.m.

Present: Councillors Bill McIntosh (Chair), Douglas Campbell, Peter Convery, Hywel Davies, Nan McFarlane, Robin Reid and Margaret Toner.

Attending: D. Anderson, Chief Executive; J. G. Peterkin, Depute Chief Executive and Executive Director – Development and Environment; E. Howat, Executive Director – Corporate Services; M. Williamson, Head of Curriculum and Service Improvement; B. McInroy, Head of Service and School Management; C. Monaghan, Head of Policy, Performance and Communication; D. Alexander, Head of Corporate Resources; A. Wilson, Head of HR and Organisational Development; V. Andrews, Head of Legal and Administration; J. McQuillan, Head of Property and Neighbourhood Services; W. Gray, Property and Asset Manager; D. Thomson, Trading Standards and Environmental Health Manager; K. Dalrymple, Roads Manager; B. Wyllie, Supervisory Traffic Engineer; J. Kelly, Team Leader Operations; M McCulloch, Quality Improvement Manager; K. Briggs, Principal Solicitor; W. Phillips, Revenues and Benefits Manager; J. Cronin, Policy and Strategy Manager; D. Robertson, Policy, Performance and Communications; C. Downie, Public Communications Officer; D. Knight, Committee Services Officer; and A. Gerrish, Committee Administrative Officer.

Also Present: Mairi Raeburn (in attendance for items 1 to 5 only).

Apology: Pastor Alastair Simmons

Community Services – Lifelong Learning.**1. Youth Music Initiate – Year 8.**

There was submitted a report (issued) of 13th May 2010 by the Executive Director – Children and Community

(1) advising

- (a) that this was the eighth year in which this Council had received funding from the Scottish Arts Council to address the Scottish Government's target that all pupils should receive a year's music instruction by the end of P6;
- (b) that the Youth Music Initiative should take into account other identified priorities and gap areas in provision e.g. cello/bass and brass tuition and rock and pop music;
- (c) that all delivery was framed within Curriculum for Excellence and supported the development of the four capacities within children and young people;
- (d) that the proposal for Year 8 was to build on the existing good practice of the last seven years of the Youth Music through the provision of various projects as outlined in the report; and

- (e) that the target, to ensure all children received a year of music instruction by P6, was achieved by delivery of music by either a combination of existing instrumental staff and primary music specialist funded by the authority or the provision made available through the Youth Music Initiative;
- (2) reporting that the ring-fenced funding would be allocated from June 2010 to June 2011; and
- (3) seeking approval for the proposals to be implemented and the use of £179,588 which had been awarded by the Scottish Arts Council.

Decided: to approve the use of this ring-fenced budget for Youth Music in South Ayrshire.

2. **Class Size Deal with Scottish Government.**

There was submitted a report (issued) of 14th May 2010 by the Executive Director – Children and Community

- (1) advising
 - (a) that the Scottish Government had agreed a deal on class sizes with local authorities in April 2010 in return for flexibility in some areas of the Concordat, details of which were contained in Appendix 1 of the report; and
 - (b) that it was a pre-requisite of the deal that delivery on class size reduction and free school meals would be assessed and accurate estimates of progress in these areas would be sought by Scottish Government in September 2010;
- (2) informing
 - (a) that the Council had agreed in the 2009/10 Budget that all funding released through a reduction in pupil rolls in schools should be used to improve the P1 to P3 class sizes pupil/teacher ratio and as a result the Council would meet its commitment in the deal to educate 20% of all P1 to P3 pupils in classes of 18 or less by August 2010; and
 - (b) that over the coming year, the Directorate would undertake a detailed analysis of the Scottish Index of Multiple Deprivation (SIMD) statistics in order to develop a more sophisticated model for applying free school meal provision and report the outcome of this work to Council in June 2011; and
- (3) indicating that financial provision had already been made within the 2010/11 Budget for all aspects included in the class sizes deal and that no additional funding would be required.

Questions and comments were raised by Members of the Panel regarding the inequality of the provision of school meals to pupils who resided in the most deprived communities in South Ayrshire and the need for improvement and the Head of Service and School Management responded accordingly.

Decided:

- (i) to note that this Council would meet the commitment to educate 20% of all P1 to P3 pupils in classes of 18 or under from August 2010;
- (ii) to approve
 - (A) the proposal to introduce a nutritious meal to all children in P1 to P3 in seven primary schools in the 20% most deprived communities in South Ayrshire; and
 - (B) the expansion of pre-school provision for all 3 and 4 year olds from 475 hours to 570 hours from August 2010 in line with the Concordat commitment to the Early Years Framework.
- (iii) to request the Executive Director – Children and Community to submit a further report to the meeting of the Leadership Panel on 14th September 2010 on the possibility of extending the school meal provision to as many pupils as possible who reside within the most deprived communities in South Ayrshire.

3. Extension of Entitlement to Free School Transport.

There was submitted a report (issued) of 16th May 2010 by the Executive Director – Children and Community

- (1) advising that following the closure of Mainholm Academy in 2007, all pupils were transferred to either Ayr Academy, Belmont Academy or Kyle Academy and as part of the closure process, the Council approved free school transport to all the affected pupils for a period of three years;
- (2) reporting that this temporary arrangement for transport was due to come to an end in June 2010; and
- (3) seeking approval to extend the entitlement to free school transport for a period of one year for those pupils previously zoned for Mainholm Academy who now attended Ayr Academy, Belmont Academy and Kyle Academy.

Decided: to approve the continuation of free school transport for a period of one year for those pupils who previously would have been zoned for Mainholm Academy and were now zoned for other secondary schools in Ayr.

4. **Determined to Succeed Specific Grant.**

Reference was made to the Minutes of 23rd September 2008 (Page 575, paragraph 6) and there was submitted a report (issued) of 13th May 2010 by the Executive Director – Children and Community

- (1) seeking approval of proposed spending plans of the Scottish Government's specific grant of £424,609 known as "Determined to Succeed" as detailed in Appendix 1 of the report; and
- (2) reporting
 - (a) that this Fund was for specific deployment towards continued delivery of Determined to Succeed and had clear expectations set out in "Determined to Succeed: Policy Expectations for Local Authority Delivery";
 - (b) that this phase of "Determined to Succeed" should demonstrate progress around the six inter-related themes which set out policy direction and expectations for local delivery for academic sessions 2008-2011:-
 - supporting the development of skills for life, skills for work;
 - engaging employers;
 - broadening the reach of Determined to Succeed;
 - embedding enterprise in the curriculum;
 - building capacity; and
 - enhancing our international profile;
 - (c) that Appendix 2 of the report detailed how funding streams were linked to the key themes; and
 - (d) that this Council had been promoting enterprising learning and teaching successfully for a number of years with this being the sixth specific grant for this area of education.

Decided:

- (i) to approve
 - (A) the proposed use of funding as detailed in Appendix 1 of the report to meet the specific requirements of the grant "Determined to Succeed"; and
 - (B) the necessary virements for "Determined to Succeed"; and
- (ii) to note that this is the final year of funding for "Determined to Succeed" and activities that have been used to support this would either have to stop or be funded from other sources and it was not known whether funding would be continued to 2011-12 through the Revenue Support Grant.

5. **Scottish Education Establishment Management Information System (SEEMIS) Limited Liability Partnership (LLP).**

There was submitted a report (issued) of 19th May 2010 by the Executive Director – Children and Community

- (1) advising that in 1997, twelve Local Authorities had entered into a Joint Agency Agreement to form the SEEMIS organisation in order to provide information technology solutions to support education administration within headquarters and schools;
- (2) detailing the core business of SEEMIS as identified in the report; and
- (3) seeking approval for this Council to become a member of the SEEMIS Limited Liability Partnership.

Decided: to agree to this Council becoming a member of the SEEMIS Limited Liability Partnership.

Community Services – Housing and Customer First.

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6. **Housing Need and Demand Assessment.**

There was submitted a report (issued) of 29th April 2010 by the Executive Director – Children and Community

- (1) advising that the Housing Need and Demand Assessment, sometimes referred to as the HNDA, was a technical exercise to determine the location and amount of market and affordable housing needed and for whom and in what timescale;
- (2) reporting that the Assessment had been carried out in full accordance with the official Scottish Government Guidance on Housing Need and Demand Assessments;
- (3) intimating that information from the HNDA would be used to inform the Council's Local Development Plan and Local Housing Strategy;
- (4) outlining the results of the public consultation; and
- (5) seeking approval for South Ayrshire's Housing Need and Demand Assessment.

A question was raised by a Member of the Panel in relation to homelessness and the possibility of purchasing houses on the open market for rented accommodation for families and the Policy and Strategy Manager responded according.

Decided: having recorded their appreciation of the work undertaken by the staff within the Housing Service and in particular, Zhan McIntyre

- (a) to approve South Ayrshire's Housing Need and Demand Assessment as summarised in Appendix 1 of the report;
- (b) to note that South Ayrshire's Housing Need and Demand Assessment met the requirements of Scottish Planning Policy in relation to housing;
- (c) to agree that the content of South Ayrshire's Housing Need and Demand Assessment would form the evidence base for the Local Authority's Local Housing Strategy; and
- (d) to request the Executive Director – Children and Community in consultation with the Portfolio Holder to explore the possibility of buying houses for use as rented accommodation to alleviate the number of families in bed and breakfast and to report his findings to a future meeting of this Panel.

7. Housing Modernisation Projects – Customer Feedback Surveys.

There was submitted a report (issued) of 27th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) advising of the responses received in relation to customer feedback surveys carried out by Property and Asset Management on recent Housing Modernisation Projects; and
- (2) intimating
 - (a) that carrying out housing modernisation surveys allowed the Council to monitor the standard of work carried out and to assist continuing service improvement; and
 - (b) that customer feedback surveys had been issued to 258 properties which had been part of three recent housing modernisation projects instructed as part of the Housing Capital Investment Programme for 2009/10 and Appendix 1 attached to the report outlined the results of the survey.

Questions were raised by a Member of the Panel in relation to having day to day repairs included in the Customer Feedback Survey and encouraging tenants to participate in the completion of customer feedback surveys and the Property and Asset Manager responded accordingly.

Decided:

- (i) to note the results of the housing modernisation projects customer feedback surveys carried out to date;
- (ii) to agree that housing repairs should be included in future customer feedback surveys;
- (iii) that with the inclusion of housing repairs, that tenants be encouraged to participate in the completion of customer feedback surveys in order to allow the Council to monitor the standard of work and to assist with continuing service improvement; and
- (iv) to agree that a further report should be submitted to this Panel in six months.

Development and the Environment – Sustainability and the Environment.

8. Tackling Dog Fouling Across South Ayrshire.

There was submitted a report (issued) of 25th May 2010 by the Depute Chief Executive and Executive Director - Development and Environment

- (1) outlining the current strategy for tackling dog fouling in South Ayrshire;
- (2) reporting that despite these efforts, complaint levels and public concerns remained high; and
- (3) seeking approval for a revised strategy for raising public awareness of dog fouling issues and measures proposed to tackle the problem as outlined in the report.

Various questions and comments were raised by Members of the Panel in relation to public awareness, education, enforcement, consultation and timescales and whether areas such as play parks and beaches should be off-limits to dogs and the Trading Standards and Environmental Health Manager responded accordingly.

Decided:

- (a) to approve the revised strategy as detailed in the report; and
- (b) to request the Depute Chief Executive and Executive Director – Development and Environment to arrange for Briefings on progress to be circulated to Elected Members in three and six months time.

9. Review of the Roads Service’s Response During the Adverse Weather Conditions Experienced Between 17th December 2009 to 16th January 2010.

There was submitted a report (issued) of 26th May 2010 by the Depute Chief Executive and Executive Director - Development and Environment

- (1) advising of the outcomes arising from the review of the Roads Service’s response and performance during the adverse weather conditions experienced between 17th December 2009 and 16th January 2010; and
- (2) identifying potential operational improvements for inclusion within future Winter Plans as contained within Appendix A of the report.

A question was raised by a Member of the Panel in relation to poor condition of the roads due to the extreme weather conditions endured this year and the Roads Manager responded accordingly.

Decided:

- (a) to note that the Roads Service had complied with the Council's approved Winter Policy and Plan during the adverse weather conditions during December 2009 and January 2010; and
- (b) to approve the implementation of the proposed Improvement Plan for the Council's Winter Service.

10. Road Defect Categorisation Intervention Levels.

There was submitted a report (issued) of 25th May 2010 by the Depute Chief Executive and Executive Director - Development and Environment

- (1) outlining
 - (a) the current position on roads liability from roads-related maintenance, with specific emphasis on intervention levels for road defects; and
 - (b) the industry recognised areas of good practice and provided information to support the introduction of a new inspectorial regime employing road defect intervention levels in accordance with the "Well Maintained Highways, Code of Practice", which had been endorsed by the Convention of Scottish Local Authorities and the Scottish Government; and
- (2) seeking approval to adopt the revised inspectorial and defect intervention levels, to comply with the "Well Maintained Highways, Code of Practice" which in turn would provide the Council with an improved management process to defend roads-related liability claims.

A question was raised by a Member of the Panel in relation to putting weight restrictions on roads and the Roads Manager responded accordingly.

Decided:

- (i) to approve the adoption of the proposed revised inspectorial and defect intervention levels, to comply with the "Well Maintained Highways, Code of Practice" which in turn would provide the Council with an improved management process to defend roads-related liability claims; and
- (ii) to note that a training programme: an "Inspection Guidance Manual" and an information leaflet for customers would all be provided as part of the new process.

11. **Decriminalised Parking Enforcement.**

There was submitted a report (issued) of 27th May 2010 by the Depute Chief Executive and Executive Director - Development and Environment

- (1) informing of the recommendation contained within the feasibility report on Decriminalised Parking Enforcement (DPE); and
- (2) seeking approval
 - (a) to progress the development of a business case and draft submission to the Scottish Government for the implementation of DPE in South Ayrshire; and
 - (b) to approve a response to the Scottish Government's consultation on a proposed variation to the level of penalty charge notices issued within a DPE scheme.

A question was raised by a Member of the Panel in relation to the lack of car parking in Prestwick and the Supervisory Traffic Engineer responded accordingly.

Decided: to request the Depute Chief Executive and Executive Director - Development and Environment to:-

- (i) arrange for a business case and draft submission to the Scottish Government for the implementation of DPE to be prepared;
- (ii) investigate options for further developing a DPE scheme in conjunction with neighbouring local authorities;
- (iii) report back to this Panel to seek approval for the submission of the business case to the Scottish Government for the implementation of DPE; and
- (iv) issue a response to the Scottish Government in support of Ministers' proposals to introduce two higher rates for Penalty Charge Notices.

12. **Voucher and Off-Street Car Parking.**

There was submitted a report (issued) of 1st June 2010 by the Depute Chief Executive and Executive Director - Development and Environment seeking approval for an increase in Car Parking charges and fines in line with the private sector and local authorities.

Questions were raised by Members of the Panel in relation to charges and the use of on-street parking meters and the Roads Manager responded accordingly.

Decided: to approve the proposed increase in car parking charges and fines from 1st July 2010 as detailed in the Appendix to the report.

Corporate and Community Planning – Corporate, Strategic and Community Planning.

13. Progress Against The Council Corporate Plan to 31st March 2010.

Reference was made to the Minutes of the Council of 7th October 2009 (Page 563, paragraph 22) and there was submitted a report (issued) of 28th May 2010, by the Head of Policy, Performance and Communication outlining the progress achieved to date against the Council Corporate Plan aims and objectives.

Decided:

- (1) to note the progress achieved over 2009/10 against the Council Corporate Plan as set out in the table at 4.2 of the report and Appendix 1 attached to the report; and
- (2) to note that detailed performance reports were to be considered at the forthcoming Standing Scrutiny Panels.

14. Gender Equality Scheme Annual Progress Report 2010.

Reference was made to the Minutes of 3rd July 2007 (Page 254, paragraph 24) when it had been agreed to approve the Council's Gender Equality Scheme, covering the period from July 2007 to June 2010 and there was submitted a report (issued) of 25th May 2010 by the Head of Policy, Performance and Communication reporting

- (1) reporting
 - (a) that the Council's Third Annual Report on the Gender Equality Scheme was appended to the report, covering the progress achieved since June 2009 and that the report provided an update on the work undertaken in relation to delivering the Council's gender equality duties as an Education Authority and Licensing Board and the broader work engaged in across the Council in terms of Equalities and Diversity Impact Assessments; and
 - (b) that the Quality and Human Rights Commission required this report to be published and submitted to them before the end of June 2010;
- (2) informing that the approach taken in this Third Annual Report had been to build on the reporting from the point that had been reached at the end of the second year and identify some of the next steps with the intention to take the Scheme forward towards the publication of the new Single Equality and Diversity Scheme later this year; and
- (3) advising that important progress had continued to be made, although challenges still remained and would continue to be addressed and these efforts would inform the gender strand of the Council's Single Equality Scheme.

Decided:

- (A) to note the progress that had been achieved to date as outlined in the appended Gender Equality Scheme Annual Progress Report; and
- (B) to approve its submission to the Equality and Human Rights Commission.

15. Improvement Agenda – Fifth Progress Report.

Reference was made to the Minutes of South Ayrshire Council of 9th July 2009 (Page 396, paragraph 5) and there was submitted a report (issued) of May 2010 by the Head of Policy, Performance and Communication

- (1) advising on current progress against the Improvement Agenda;
- (2) detailing the status for each improvement strand as at the end of March 2010;
- (3) reporting that overall, good progress had been made across all improvement strands; and
- (4) concluding that Audit Scotland had completed its fieldwork and it was expected that the revisit report would be available in time for consideration after the summer recess.

Decided: to note

- (a) the status of each improvement strand and the detailed information provided; and
- (b) that one improvement strand (Core ICT systems) had been graded as “amber” and one (Joint Working and Shared Services) had been graded as “red”.

Corporate and Community Planning – Resources and Performance.

16. Council Tax Collection Statistics – Cash at 30th April 2010.

There was submitted a report (issued) of 21st May 2010 by the Head of Corporate Resources advising

- (1) of the collection levels which had been achieved in respect of Council Tax to 30th April 2010 and the action which had been taken to achieve Best Value in the collection thereof;
- (2) that the position as at 30th April for the current year was outlined in Appendix 1 of the report and showed that collection rate was 10.56 per cent against the target collection of 10.10 per which equated to a positive variation of £293,758 and was a direct consequence of advancing the Council Tax payment date to 1st April 2010; and
- (3) that in order to address increased customer demand due to the economic recession, Corporate Services staff were working controlled periods of overtime to ensure accurate benefit awards together with prompt rebilling and recovery of Council Tax and that, in the event of non-payment, Council Tax arrears would be passed earlier to Stirling Park, Sheriff Officers, to maximise recovery and minimise the impact of the economic downturn upon collections.

Decided:

- (a) to approve the contents of the report; and
- (b) to request the Head of Corporate Resources to provide updated figures to the next meeting of this Panel.

17. Housing and Council Tax Benefit – Counter-Fraud Performance Monitoring 2009/10.

There was submitted a report (issued) of 21st May 2010 by the Head of Corporate Resources

- (1) advising of the counter-fraud section's performance in tackling Housing and Council Tax Benefit Fraud; and
- (2) reporting that the Internal Audit report on Housing and Council Tax Benefit Fraud prevention published in September 2008 had recommended that information should be periodically made available to Elected Members on the work of the counter-fraud staff.

Decided: to approve the contents of the report.

18. Consultation on Proposal for the Enforcement of Local Tax Arrears (Scotland) Bill.

There was submitted a report (issued) of 21st May 2010 by the Head of Corporate Resources

- (1) advising
 - (a) of consultation on a proposed private members' bill for the Enforcement of Local Tax Arrears; and
 - (b) that John Wilson MSP had issued the above consultation in relation to a proposed members' bill on 19th March 2010 and that the consultation would close on 10th June 2010; and
- (2) intimating
 - (a) that proposals within the bill aimed to reduce the time that local authorities had to establish that a tax debt was due from 20 years to 5 years and to reduce the collection period from 20 years to 5 years and also aim to end local authorities' use of summary warrants for the collection of local taxes, replacing this with individual applications to court for a decree;
 - (b) that the above proposals would have significant implications for this Council in terms of increasing the cost of collection and also there would be an increase in debtor protection;
 - (c) that increased costs for debtors might well outweigh any potential advantages; and
 - (d) that seven consultation questions had been posed and the draft responses to these were contained in Appendix 1 attached to the report.

Decided:

- (i) to approve the contents of the proposed response to the consultation on this private members' bill; and
- (ii) to request the Head of Corporate Resources to write to the Scottish Parliament communicating the Council's official response to the consultation on this private members' bill.

19. Information Security Policy.

There was submitted a report (issued) of 27th May 2010 by the Head of Corporate Resources

- (1) advising
 - (a) that the current Information Security Policy and Guidance required to be updated in accordance with ISO 27000 series best practice which would widen the focus from data and exclusively electronic information, to cover information in all its forms, including electronic, paper, fax, telephone calls and voicemail; and
 - (b) that the updated Information Security Policy statement was a high level statement of management intent to ensure adequate protection of Council information by implementing the Information Security Management System (ISMS) which aligns with current best practice, as described in the ISO 27000 series; and
- (2) seeking approval for the adoption of a revised policy document which would provide the framework for governance in relation to Information Security within this Council.

A question was raised by a Member of the Panel in relation to confidentiality issues for Elected members and Officers working from home and the Head of Corporate Resources responded accordingly.

Decided:

- (i) to approve the adoption of the revised Information Security Policy as contained in Appendix 1 attached to the report; and
- (ii) to authorise the ICT Strategy Group to direct and manage the development of procedures and guidance to support implementation of this policy.

20. Treasury Management Quarter 4 Report 2009/10.

There was submitted a report (issued) of 27th May 2010 by the Head of Corporate Resources

- (1) advising that the Chartered Institute of Public Finance and Accountancy (CIPFA) had issued a revised Code of Practice for Treasury Management in November 2009, following consultation with Local Authorities during the summer of 2009 and that the revised Code required that Members should be provided with regular monitoring reports on Treasury Management activities, and that the Council was undertaking this on a quarterly basis to ensure the Council was embracing Best Practice in accordance with CIPFA's revised Code of Practice;
- (2) presenting
 - (a) an update of the economic background from January to March 2010; and
 - (b) a forecast for interest rates Sector Treasury Services;

- (3) outlining the following within the Treasury Management Strategy
 - (a) investments; and
 - (b) borrowing and prudential indicators; and
- (4) outlining the resource implications for General Services and Housing Revenue Account.

Decided: to approve the contents of the Treasury Management Quarter 4 Report for 2009/10.

21. Revised Policy : Special Leave.

Reference was made to the Minutes of the South Ayrshire Council (Special) of 21st April 2009 (Page 244, paragraph 4) and there was submitted a report (issued) of 27th May 2010 by the Head of HR and Organisational Development

- (1) informing of the revised Special Leave Policy as attached in Appendix 1 of the report and highlighting that this Policy supported the holistic approach to maximising employee attendance at work, while at the same time facilitating work life balance and that special leave would be available to all employees for a variety of reasons which might be with or without pay;
- (2) intimating that the policy was divided into sections which covered
 - (a) family emergencies, urgent domestic distress and bereavement;
 - (b) leave for National, Public and Community Service such as Reserve Forces, Children's Panel and Jury Duty; and
 - (c) other leave such as examination leave and voluntary service overseas; and
- (3) advising that the revised policy would provide managers with guidance in supporting employees in managing individual circumstances which arose when balancing their personal and work life.

Decided: to approve the revised policy for Special Leave, attached as Appendix 1 of the report.

22. Revised Policy : Flexible Working.

Reference was made to the Minutes of the South Ayrshire Council (Special) of 21st April 2009 (Page 244, paragraph 4) and there was submitted a report (issued) of 27th May 2010 by the Head of HR and Organisational Development

- (1) informing of the revised Flexible Working Policy as attached in Appendix 1 of the report which had taken into account legislative changes, for example, guidance on the 'time to train regulations' which had come into force on 6th April 2010 giving employees the right to request time off from training and requiring employers to respond to requests within a set time frame and outlining that these regulations applied immediately to the Council as employees numbers were over 250;
- (2) advising that continuous changing customer demands and expectations required the Council to respond with flexibility in service delivery and informing that a progressive approach towards modern working practices facilitated increased flexibility across the workforce which would assist the Council in delivering customer focused services using a variety of working patterns;
- (3) indicating that the Council recognised the importance of balancing working life with domestic and family responsibilities and reporting that effective service provision could be enhanced by employees being able to strike a balance between work and personal life with the concept of flexible working enhanced by extending variable working schemes and practices to all employees of the Council and not restricted to parents and carers as defined under the Employment Rights Act; and
- (4) reporting that in line with legislation, the Council had an obligation to comply with specific timescales in relation to the application process for all flexible working requests and that the revised policy advised managers of their responsibilities to ensure adherence in relation to legislative requirements.

Decided: to approve the revised policy for Flexible Working, attached as Appendix 1 of the report.

23. Revised Policy : Travel and Subsistence.

Reference was made to the Minutes of South Ayrshire Council (Special) of 21st April 2009 (Page 244, paragraph 4) and there was submitted a report (issued) of 27th May 2010 by the Head of HR and Organisational Development

- (1) informing of the revised Travel and Subsistence Policy as attached in Appendix 1 of the report which brought together the former Travel and Disturbances Allowance Scheme and the Business travel – Employee Information policies;
- (2) advising
 - (a) that this policy was one element among many other initiatives supporting the workforce in the continuous drive towards the sustainability agenda and underpinning this agenda, employees were encouraged to use the most efficient, cost effective and environmentally friendly method of travelling whilst undertaking their duties; and

- (b) that the revised policy reinforced this message while providing clarity, guidance and consistency of approach when reimbursing employees for receipted expenditure reasonably incurred and this was achieved, for example, through the introduction of all standard mileage charts for key regular journeys and other non standard mileage claims to be based on the AA Route Planner;
- (3) reporting that a review of car user status had also been undertaken and as included in the previous policy, this would be automatically reviewed on an annual basis in line with the revised criteria and indicating that car users would be notified of the changes as part of the implementation and communication process; and
- (4) highlighting that communication of the revised policy would be paramount and would involve a programme of awareness raising including, an HR management circular, questions and answers via 'The Wire', an individual letter to car users and guidance document in relation to the updated travel and expense claim form.

Decided: to approve the revised policy for Travel and Subsistence, attached as Appendix 1 of the report.

24. Standing Orders Relating to Contracts: Authority to Negotiate with Contractor for Construction of MUGA at Kingcase Primary School, Prestwick.

There was submitted a report (issued) of 1st June 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) advising that Sainsbury's Supermarket currently being built by Dawn Construction adjacent to Kingcase Primary School had gifted to the Council a Multi Use Games Area (MUGA) to be formed in the grounds of Kingcase Primary School; and
- (2) seeking approval to negotiate with Dawn Construction for the construction of a MUGA at Kingcase Primary School, Prestwick in accordance with Section 16.2 of the Council's Standing Orders Relating to Contracts.

A question was raised by a Member of the Panel enquiring who would be responsible for the ongoing maintenance of the MUGA and the Property and Asset Manager responded accordingly.

Decided:

- (a) that the Depute Chief Executive and Executive Director – Development and Environment be authorised to enter into negotiations with Dawn Construction Limited for the work proposed to create a MUGA at Kingcase Primary School in accordance with Section 16.2 of the Standing Orders Relating to contracts; and
- (b) that a contract be awarded as outlined at (1) above if Best Value for the Council could be demonstrated.

25. Exclusion of press and public.

The Panel 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 items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6, 9, 10 and 12(a) of Part 1 of Schedule 7A of the Act.

26. Landsbanki Bankruptcy Claim.

There was submitted a report (issued to members only) of 25th May 2010 by the Head of Corporate Resources advising the Panel of the latest position in relation to the South Ayrshire Council Icelandic bank deposits held in Landsbanki Islands hf, and detailing the recent expressions of interest from two financial institutions in potentially buying the Council's claim in the Landsbanki administration process.

A question was raised by a Member of the Panel enquiring whether the position would be kept under review and the Head of Corporate Resources responded accordingly.

Decided:

- (1) to note the latest position in terms of the likely timescale and ultimate loss anticipated in relation the deposits outstanding, and
- (2) to reject any offer of purchase of the Landsbanki outstanding investment unless it meets the level of recovery currently anticipated through priority creditor status.

27. Proposed Sale of Former Public Convenience, Maidens Road, Turnberry.

There was submitted a report (issued to members only) of 26th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to dispose of the former public convenience at Maidens Road, Turnberry.

Decided: to formally declare this property surplus to requirements and available for disposal to Mr. Raymond Dorrian for £61,500, subject to him obtaining detailed planning consent for a house within three months of conclusion of missives; whom failing the second highest bidder, Mr. Mark Seaton for £32,750; and whom failing the third highest offer, from Mr. Raymond Dorrian, at £31,000.

28. Revision of Lease Arrangements – Crofthead Grazings and Possible Extension to Crofthead Caravan Park, by Ayr.

There was submitted a report (issued to members only) of 27th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to formally conclude the terms provisionally agreed between Officers from Property and Asset Management, Mr. Gordon McCormack, the Council's tenant at Crofthead Caravan Park and James Craig Ltd., the agricultural tenant at Crofthead Grazings.

Decided: to authorise the Depute Chief Executive and Executive Director - Development and Environment to conclude a legal agreement concerning an interposed Limited Duration Tenancy (as detailed within the report) in favour of Gordon McCormack, the tenant of Council land occupied by Crofthead Caravan Park, of approximately 53 acres of rough grazing land, which was currently the subject of an agricultural tenancy to James Craig Ltd.

29. Minute of Variation of the lease governing the council's occupation of premises at Units 509, Newton Trading Estate, McCalls Avenue, Ayr.

There was submitted a report (issued to members only) of 27th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to revise the terms proposed for the Council's occupation of premises at the Newton Trading Estate following negotiations between Officers from Property and Asset Management and Montagu-Evans, Chartered Surveyors on behalf of the Landlord, UK Prem Fund 1 LLP.

Decided:

- (1) to authorise the Depute Chief Executive and Executive Director - Development and Environment to conclude the draft Minute of Variation altering the lease terms under which the Council occupied the premises at Units 5-9, Newton Trading Estate, McCalls Avenue, Ayr, together with a wayleave for the installation of a new electricity sub-station; and
- (2) to agree that the cost of the one-off payment for Stamp Duty Land Tax included in the Minute of Variation be met from savings to be incurred on the termination of the lease of 18/20 York Street, Ayr, to be vired in accordance with the Council's Financial Regulations.

Development and the Environment – Sustainability and the Environment.

30. Grounds Maintenance Best Value Review – Final Implementation Report.

Reference was made to the Minutes of 9th March 2010 (Page 179, paragraph 20) and there was submitted a report (issued to members only) of 24th May 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to implement the findings of the Best Value Review of Grounds Maintenance Services previously submitted for consideration on 9th March 2010.

Decided: to approve the recommendations outlined in the Best Value Review of Grounds Maintenance Services including:-

- (1) the delivery of Grounds Maintenance Services through a combination of improved and reconfigured in-house Neighbourhood Service;
- (2) revised Service Level Agreements; and
- (3) improved Performance Reporting mechanisms.

Community Services – Social Services.

31. Outcome of Complaints Review Committee of 20th April 2010.

There was submitted a report (issued to members only) of 12th May 2010 by the Complaints Review Committee advising of the outcome of the Hearing which had been held on 20th April 2010 and

- (1) detailing how the Complaints Review Committee had reached its conclusions; and
- (2) recommending that on the basis of these conclusions, the Complaint was not upheld.

Decided: to note the conclusions reached by the Complaints Review Committee that the Complaint was not upheld.

The meeting ended at 11.45 a.m.