

## **SOUTH AYRSHIRE COUNCIL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 17th May 2010 at 2.00 p.m.

Present: Councillors Winifred Sloan (Provost), Andy Campbell, Douglas Campbell, Ian Cavana, Peter Convery, Hywel Davies, Ian Douglas, Stan Fisher, Ian Fitzsimmons, Ann Galbraith, Sandra Goldie, Bill Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, Elaine Little, Mairi Low, John McDowall, Nan McFarlane, Bill McIntosh, Helen Moonie, Alec Oattes, Mike Peddie, Robin Reid, Philip Saxton, Tom Slider and Margaret Toner.

Apologies: Councillors John Allan, Eddie Bulik and Brian Connolly.

Attending: D. Anderson, Chief Executive; J. G. Peterkin, Depute Chief Executive and Executive Director - Development and Environment; E. Howat, Executive Director – Corporate Services; V. Andrews, Head of Legal and Administration; C. Monaghan, Head of Policy, Performance and Communication; A. Wilson, Head of HR and Organisational Development; D. Robertson, Communications Manager; C. Bradshaw, Assistant Public Communications Officer; and D. Knight, Committee Services Officer.

### **1. Provost.**

The Provost

- (1) welcomed to the meeting
  - (a) Elected Members;
  - (b) Bill Fitzpatrick, Divisional Commander, Strathclyde Police who would shortly be giving a presentation to the Council; and
  - (c) Kieran Smart, a third year pupil from Queen Margaret Academy who was undertaking work experience with the Council's Communications Section; and
- (2) thanked Elected Members and members of staff who had taken part in the Land O' Burns Midnight Walk to help support the Ayrshire Hospice on Saturday, 15th May 2010 and also expressed her appreciation to the staff who had been acting as stewards during the event.

In response, Councillor Little, on behalf of the Council, congratulated the Provost on successfully completing the 13.1 miles Land O' Burns Midnight Walk.

### **2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

**3. Presentation.**

Bill Fitzpatrick, Divisional Commander gave a presentation to the Council on structural changes within Strathclyde Police.

A full discussion then took place and a number of questions were raised and answers given in relation to the possibility of one Police Force having responsibility for the whole of Scotland, the increasing number of Child Protection Orders and whether Child Protection should be included in the mainstream Police Budget, the attendance of Police Officers at meetings of Community Councils and Tenants' and Residents' Associations, evaluating the success of Community Planning measures in improving areas and the Women's Aid Unit in Glasgow.

The Provost, on behalf of the Council, thanked the Divisional Commander for his interesting and informative presentation.

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

The Minutes of 2nd March 2010 and the Special Meeting on 18th March 2010 (issued) were submitted and authorised to be signed as correct records of these meetings.

**5. Minutes of previous meetings of Panels.**

The Minutes of the undernoted Panels (issued) were submitted and approved as a correct record of these meetings:-

- (1) Appeals Panel of 25th February 2010.
- (2) South Ayrshire Local Review Body of 3rd March and 20th April 2010.
- (3) Leadership Panel of 9th March and 13th April 2010.

Councillor McIntosh moved the Minutes of the Leadership Panels and the recommendations as contained in the "C" paragraph.

By way of Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that with regard to paragraph 7 (c) on Page 217 of the Minutes of 13th April 2010 bearing the heading "Affordable Housing : Council New Build bid for Subsidy" the Council should not accept this Minute as a true record and that the matter should be continued to a future meeting.

There was a request that the vote be taken by calling the roll.

The Depute Chief Executive and Executive Director - Development and Environment then took the vote by calling the roll as follows:-

|                          |           |
|--------------------------|-----------|
| Winifred Sloan (Provost) | Motion    |
| Andy Campbell            | Amendment |
| Douglas Campbell         | Motion    |
| Ian Cavana               | Amendment |
| Peter Convery            | Motion    |
| Hywel Davies             | Motion    |
| Ian Douglas              | Motion    |
| Stan Fisher              | Motion    |
| Ian Fitzsimmons          | Motion    |
| Ann Galbraith            | Motion    |
| Sandra Goldie            | Amendment |
| Bill Grant               | Motion    |
| John Hampton             | Motion    |
| Hugh Hunter              | Motion    |
| Mary Kilpatrick          | Motion    |
| Elaine Little            | Motion    |
| Mairi Low                | Motion    |
| John McDowall            | Amendment |
| Nan McFarlane            | Motion    |
| Bill McIntosh            | Motion    |
| Helen Moonie             | Amendment |
| Alec Oattes              | Motion    |
| Mike Peddie              | Abstain   |
| Robin Reid               | Motion    |
| Philip Saxton            | Amendment |
| Tom Slider               | Abstain   |
| Margaret Toner           | Motion    |

Six members voted for the Amendment and nineteen Members for the Motion.

**Decided:** to approve the Minutes of the Leadership Panels.

- (4) Regulatory Panel of 11th March and 15th April 2010.
- (5) Community Services Standing Scrutiny Panel of 17th March and 21st April 2010.
- (6) Corporate and Community Planning Standing Scrutiny Panel of 18th March and 22nd April 2010.
- (7) General Purposes Panel of 24th March 2010.
- (8) Development and the Environment Standing Scrutiny Panel of 20th April 2010.
- (9) Scrutiny and Governance Management Panel of 27th April 2010.
- (10) Rural Panel (Special) of 4th May 2010.

## **6. Representation on Outside Bodies.**

There was submitted a report (issued) of 15th April 2010 by the Executive Director – Corporate Services

- (1) updating the Council on a review of the organisations on which Elected Members and Officers represented the Council; and
- (2) seeking the Council's approval to remove organisations from the list and to make appointments to the list of outside bodies.

Councillor McIntosh requested that the Council continue this matter to allow further clarification of certain organisations contained within the report.

**Decided:** to continue consideration of this matter to a future meeting.

## **7. Local Government Investments Regulations (Scotland) 2010.**

Reference was made to the Minutes of 2nd March 2010 (Page 161, paragraph 9) when that Council had approved the Treasury Management Strategy for 2010/11 and there was submitted a report (issued) of 10th May 2010 by the Head of Corporate Resources

- (1) advising
  - (a) that since that meeting, the Scottish Government had issued Investment Regulations (The Local Government Investments (Scotland) Regulations 2010) and Finance Circular 5/2010 which provided the consent of Scottish Ministers for local authorities to make investments and set out the requirements of the consent;
  - (b) that the Investment Regulations had come into force on 1st April 2010 and as a result, elements of the Treasury Management Strategy for 2010/11 previously approved by the Council required to be revised in order to take into account the requirements of the new Regulations; and
  - (c) that the new Regulations required revisions to the Treasury Management Strategy in the following areas:-
    - the annual investment strategy as detailed in Appendix 1 of the report was a summation of issues covered under Regulations 26 to 39 and 40 to 43; and
    - permitted investments as detailed in Appendix 2 of the report was a summation of issues covered by Regulations 21 to 25 which would require the Council to identify each investment type and the criteria for use;
- (2) intimating that the revisions introduced as part of the new Regulations that had come into force from 1st April 2010 had not been available at the time of writing the previously approved Treasury Management Strategy for 2010/11 and that the Scottish Government had, therefore, allowed all Councils a three month transitional period, expiring on 30th June 2010, to submit to Council the necessary revisions required under the new Regulations;

- (3) reporting that the new framework introduced by the Regulations made by Scottish Ministers under Section 40 of the Local Government in Scotland Act 2003 provided greater autonomy for local authorities in their investment activities and that the Regulations provided freedoms to invest in a range of investment types and products, and in particular would allow authorities to invest in periods of longer than 364 days and with this greater freedom came greater responsibility and the onus was on the Council to act prudently in regard to its Treasury Management activities; and
- (4) indicating that the Executive Director - Corporate Services would arrange appropriate training for Members as required by the CIPFA Treasury Management Code of Practice.

**Decided:**

- (i) to note the implementation of the new Investment Regulations with effect from 1st April 2010;
- (ii) to approve the revisions of the Treasury Management Strategy for 2010/11 as contained in this report; and
- (iii) to request that the Executive Director - Corporate Services arrange further training as required for Members in relation to the CIPFA Treasury Management Code.

**8. Equal Pay : Employment Tribunal Claims.**

There was submitted a report (issued) of 10th May 2010 by the Head of HR and Organisational Development

- (1) advising
  - (a) of the current employment tribunal applications lodged in relation to equal pay claims and that these claims were individually represented by the three SJC signatory Trade Unions - Unison, Unite (T&G) and GMB and by the 'no win no fee lawyer' Stefan Cross, now known as FoxCross Solicitors;
  - (b) that the implementation of single status with the introduction of a fair transparent job evaluation scheme sought to end any liability previously in existence in relation to inequality of pay; and
  - (c) that despite seeking to settle any liability in relation to pay discrimination through the offer of equal pay compromise, there were still some 600 employment tribunal applications against the Council;
- (2) detailing the ongoing progress being made with equal pay employment tribunal claims; and
- (3) reporting that the costs in relation to settlement of any employment tribunal claims would be contained within the financial provision already made in relation to equal pay.

A question was raised by a Member of the Council in relation to whether future claims would be contained within the costs set aside and the Head of HR and Organisational Development responded accordingly.

**Decided:**

- (i) to approve the proposals to progress the settling of certain employment tribunal claims in relation to equal pay on a priority basis, in line with legal advice; and
- (ii) to delegate responsibility to the Executive Director - Corporate Services to proceed as appropriate with the settlement of any remaining claims.

**9. Community Planning Update.**

There was submitted a report (issued) of 11th May 2010 by the Head of Policy, Performance and Communication

- (1) advising
  - (a) that in 2008, the South Ayrshire Community Planning Partnership had been allocated a three year funding package under the Fairer Scotland Fund and that for the first two financial years, this money had been received as a “ring fenced” allocation but for 2010/11 a total of £1.670m had been paid to the Council as part of its block allocation for the year;
  - (b) that in future years, it was not anticipated that the Fairer Scotland Fund would be separately identified within the Council's block allocation and therefore, it was important that Council was aware of how this Fund was used;
- (2) seeking the Council's agreement to recommend to the Community Planning Partnership Board that the remaining Fairer Scotland Funding was targeted at addressing issues highlighted by the Scottish Index of Multiple Deprivation (SIMD) as detailed in the report; and
- (3) reporting
  - (a) that £1.670m had now been provided in the Revenue Budget for funding Fairer Scotland Fund projects in 2010/11; and
  - (b) that the proposals presented in paragraph 3.10 Table 2, paragraph 3.14 and Appendix 1 of the report would result in the allocation of all but approximately £2,000 of the £1.670m Fairer Scotland Fund for 2010/11.

The Head of Policy, Performance and Communication outlined the present position with regard to the notification from Ayr College of its decision to withdraw funding of £37,500 from the Learning Champion project and that Ayr Community Engagement and Learning Trust had decided that it could no longer continue to operate because of the withdrawal of a significant Lottery contribution to their funding and was being wound up, thereby returning £36,750 into the funding for 2010/11.

Councillor Douglas Campbell, seconded by Councillor Little, moved that the Council should endorse the recommendations as detailed in the report and in Appendix 1 for the allocation of the balance of Fairer Scotland Fund monies to projects and initiatives aimed at tackling deprivation in South Ayrshire as identified by the 2009 SIMD figures with the exception that the £37,500 proposed for the South Ayrshire Learning Bus (one tutor and one driver) be refused.

By way of an Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that the Community Planning Board should be made aware of the real resource implications and either make provision via the setting aside of a reserve, or accept that the Council alone cannot be responsible for future fiscal commitments arising from historical use of the Fairer Scotland Fund.

A full discussion then took place on the terms of the Motion and Amendment and a number of questions were raised by Elected Members in relation to a review of the homelessness allocation policy, the Community Planning Support posts including financial and redundancy costs and who employed them, whether areas with high levels of deprivation were improving and the relevant Officers responded accordingly and the Chief Executive advised that he would arrange for detailed information to be forwarded to Elected Members regarding the homelessness allocation policy.

There was a request that the vote be taken by calling the roll.

#### **Declaration of Interest.**

At this point in the meeting, Councillor McDowall declared an interest in this item of business as he was a member of the Community Planning Board and withdrew from the meeting.

#### **Adjournment of Meeting.**

The Council agreed to adjourn the meeting at 3.20 p.m. for ten minutes.

#### **Resumption of Meeting.**

The meeting resumed at 3.30 p.m.

The Depute Chief Executive and Executive Director - Development and Environment then took the vote by calling the roll as follows:-

|                          |           |
|--------------------------|-----------|
| Winifred Sloan (Provost) | Motion    |
| Andy Campbell            | Amendment |
| Douglas Campbell         | Motion    |
| Ian Cavana               | Amendment |
| Peter Convery            | Motion    |
| Hywel Davies             | Motion    |
| Ian Douglas              | Motion    |
| Stan Fisher              | Motion    |
| Ian Fitzsimmons          | Motion    |
| Ann Galbraith            | Motion    |
| Sandra Goldie            | Amendment |
| Bill Grant               | Motion    |
| John Hampton             | Motion    |
| Hugh Hunter              | Motion    |
| Mary Kilpatrick          | Motion    |

|                |           |
|----------------|-----------|
| Elaine Little  | Motion    |
| Mairi Low      | Motion    |
| Nan McFarlane  | Motion    |
| Bill McIntosh  | Motion    |
| Helen Moonie   | Amendment |
| Alec Oattes    | Motion    |
| Mike Peddie    | Motion    |
| Robin Reid     | Motion    |
| Philip Saxton  | Amendment |
| Tom Slider     | Motion    |
| Margaret Toner | Motion    |

Five members voted for the Amendment and twenty one Members for the Motion.

**Decided:** to endorse the recommendations as detailed in the report and in Appendix 1 for the allocation of the balance of Fairer Scotland Fund monies to projects and initiatives aimed at tackling deprivation in South Ayrshire as identified by the 2009 SIMD figures with the exception that the £37,500 proposed for the South Ayrshire Learning Bus (one tutor and one driver) be refused.

#### **10. Communications Strategy for South Ayrshire Council.**

There was submitted a report (issued) of 10th May 2010 by the Head of Policy, Performance and Communication

(1) advising

- (a) that communication was a key consideration for all organisations but was particularly important where change was ongoing and that Strand 11 of the Council's Improvement Agenda focused on communications and engagement including developing a strategy for internal and external communications; and
- (b) that until recently, the Council's capacity to deliver a strategic approach to communications was limited due to the size and composition of the communications function and that the strategy as detailed in the Appendix of the report sought to address this and provide the opportunity to establish communications as a core function across the Council which would provide a framework for improving communication activities across the Council and supported by an action plan targeting activity; and

(2) reporting

- (a) that the development of the strategy had been informed by feedback from informal focus groups with employees and by two focus groups of members of the public who had attended the Community Conversations and had expressed an interest in feeding into further development work by the Council; and
- (b) that the Strategy had been considered by the Corporate and Community Planning Standing Scrutiny Panel and by the Panel's Project Management Working Group and that it had also been the subject of a breakfast briefing for Elected Members on 21st April 2010.



Questions and a number of concerns were raised by Members of the Council in relation to future reporting arrangements for the Communications Strategy, communications being written in plain English and effective communication channels and the Head of Policy, Performance and Communication responded accordingly and advised that the Corporate and Community Planning Stranding Scrutiny Panel would receive regular updates on the progress being made with the implementation of the Communications Strategy.

**Decided:** to approve the draft Communications Strategy for South Ayrshire Council.

#### 11. **Performance Management Framework.**

Reference was made to the Minutes of the Leadership Panel of 13th April 2010 (Page 220, paragraph 11) when that Panel had approved the purchase of the Covalent performance management system to help strengthen the Council's ability to monitor, manage, evaluate and report progress and there was submitted a report (issued) of 6th May 2010 by the Head of Policy, Performance and Communication

- (1) requesting agreement to the performance management framework that had been developed to underpin the effective operation of the Council including the proposed approach to self-evaluation and the performance measures to be used within public performance reporting;
- (2) outlining the recommended performance management framework as shown in Figure 1 of the report, together with the current status of the individual components which included:-
  - South Ayrshire Planning Hierarchy;
  - Performance Management System;
  - Self Evaluation;
  - Reporting Arrangements;
  - Scrutiny Arrangements;
  - Resource Planning; and
  - Improvement and Forward Planning;
- (3) proposing that with regard to the various options for self evaluation, the model "How Good is our Council" be adopted which had been developed by Perth and Kinross Council, based on 'How Good is our School', using the six high level questions that characterised the inspection models used by both HMIE and SWIA; and

(4) reporting

- (a) that the framework in its totality involved significant amounts of Officers' and Elected Members' time, which should show a positive return in terms of the effective delivery of the Council's priorities, effective scrutiny and reporting, and a track record of continuous improvement;
- (b) that the CMT had a vital role to play in managing the workload to ensure that the 'overhead' involved was kept proportionate to the value derived, and that there was adequate support for both Officers within Directorates and for Members in delivering good governance; and
- (c) that the direct financial resource implications of Covalent had already been approved and if there were any external costs associated with the adoption of "How Good is our Council", these would be highlighted in due course.

Questions were raised by Members of the Council in relation to how progress was measured and comparisons made with other local authorities, what was the measure of success, the objectives for businesses and how to support young people and the Head of Policy, Performance and Communication responded accordingly.

**Decided:**

- (i) to approve the Performance Management Framework as set out within this report;
- (ii) to support the adoption of the 'How Good is our Council' approach to self evaluation; and
- (iii) to endorse the selection of performance measures set out within Appendix 2 as those to be used for reporting to the public on performance.

**12. COSLA Convention 2010.**

There was submitted a report (issued) of 9th May 2010 by the Head of Policy, Performance and Communication

- (1) seeking agreement for South Ayrshire Council to host the COSLA Convention on 21st and 22nd October 2010 to be held in Ayr Town Hall, with County Hall being used for the dinner and the meeting of the Chief Executives;
- (2) advising
  - (a) that COSLA held two major Conventions each year with individual authorities volunteering to host the events attended by senior politicians and chief officers from local authorities across Scotland and from COSLA;
  - (b) that the format was a dinner on the Thursday evening followed by individual Group and Chief Executive meetings for the first part of Friday morning followed by plenary business, then lunch, and the continuation of any remaining plenary business; and

- (c) that if the Council agreed that South Ayrshire should host the October Convention, the next step would be for a small working Group to be formed involving key personnel from across the Council and from COSLA to ensure that the event was planned and executed to a high standard;
- (3) highlighting the economic benefits to local businesses from attendees staying overnight, during the Convention; and
- (4) reporting
  - (a) that the main costs associated with the Convention related to hospitality for the dinner, lunch and associated catering for the meetings and some additional costs associated with the provision of car parking and transporting people from the designated car park and County Buildings to the Town Hall, with any additional technical equipment required, signage and possibly some additional staffing cover; and
  - (b) that it was estimated that the event would cost up to £10,000 but all efforts would be made to minimise the actual costs incurred and that a carry forward from last year's projected underspend was requested to meet the costs of hosting the Convention.

A question was raised by a Member in relation to the financial implications of hosting this Convention on the Budget and whether Elected Members could be kept informed of the costs and the Head of Policy, Performance and Communication responded accordingly.

**Decided:** to agree to host the Convention on 21st and 22nd October and that £10,000 should be carried forward from the 2009/10 projected underspend to fund this event.

The meeting ended at 4.25 p.m.