

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 9th September 2010 at 10.00 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Eddie Bulik, Andy Campbell, Douglas Campbell, Ian Cavana, Brian Connolly, 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.

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

Also attending: Chris Mackay (Partner), Burness LLP (in attendance for item 10 only).

1. Provost.

The Provost welcomed Members to the special meeting.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Standing Orders for Meetings and Scheme of Delegation.

There was submitted a report (issued) of 31st August 2010 by the Executive Director – Corporate Services

(1) advising

- (a) that in accordance with the commitments given under Corporate Governance, the Standing Orders for Meetings and the Scheme of Delegation required to be kept under review;
- (b) that this review had been completed, and the amended Standing Orders and Scheme of Delegation were detailed in Appendices of the report, with the amendments being highlighted in bold; and

- (c) that the principal amendments were to the Scheme of Delegation, to take account of the forthcoming retiral of the Depute Chief Executive and Executive Director – Development and Environment, and to reflect changes in Officer responsibilities following organisational changes during the last year with other updates being incorporated to reflect changes in legislation and current practice;
- (2) reporting
- (a) that a more extensive, ‘plain English’ and ‘modernisation’ review of the Standing Orders for Meetings would be reported to a future meeting of the Council; and
 - (b) that further updates to the Scheme of Delegation were anticipated to reflect the outcome of the ongoing review of Audit Committee functions being undertaken through the Corporate and Community Planning Standing Scrutiny Panel; and
- (3) proposing that the Standing Orders for Meetings and the Scheme of Delegation be amended as detailed in the Appendices of the report.

Questions were raised by Members of the Council in relation to whether Elected Members would have the opportunity to input into the future reviews and the delegation to the Chief Executive to approve new posts within a Directorate and Elected Members not being able to scrutinise these changes and the relevant Officers responded accordingly.

Councillor Cavana, seconded by Councillor McDowall, moved that this Council agree the recommendation contained within the Scheme of Delegation, paragraph 2.1 of the report with the exception that in Section 5 (Powers Delegated to Officers), Page 29, paragraph X3 the words “*and Members*” be deleted and that in Section 4 (Terms of Reference and Delegations to Panels – General Purposes Panel), Page 21 the words “*including visits by Members outwith the UK*” be added after the word “seminars” in the second line.

By way of Amendment, Councillor McIntosh, moved that the Council should approve the revised Standing Orders for Meetings and the revised Scheme of Delegation as detailed in Appendix 1 and Appendix 2 of the report to take effect from 1st October 2010 subject to Section 5 (Powers Delegated to Officers), Page 29, paragraph X3 being amended in relation to the Chief Executive’s delegation authorising Members of the Council making visits outwith the UK to include the words “*during periods of recess*”.

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

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

Winifred Sloan (Provost)	Amendment
John Allan	Amendment
Eddie Bulik	Motion
Andy Campbell	Motion
Douglas Campbell	Motion
Ian Cavana	Motion
Brian Connolly	Amendment

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

Twenty members voted for the Amendment and ten members voted for the Motion. The Amendment was therefore declared carried.

Decided: to approve the revised Standing Orders for Meetings and the revised Scheme of Delegation as detailed in Appendix 1 and Appendix 2 of the report to take effect from 1st October 2010 subject to Section 5 (Powers Delegated to Officers), Page 29, paragraph X3 being amended in relation to the Chief Executive's delegation authorising Members of the Council making visits outwith the UK to include the words "*during periods of recess*".

4. **Declarations of Interest.**

Councillors Little and Peddie declared an interest in the following item of business on the agenda regarding Ayr Renaissance LLP as they are on the Board of Ayr Renaissance LLP and withdrew from the meeting during its consideration.

5. **Ayr Renaissance LLP.**

There was submitted a report (issued) of 31st August 2010 by the Executive Director – Corporate Services

- (1) advising
 - (a) that Ayr Renaissance LLP had been created in January 2009 to deliver the regeneration strategy for Ayr Town Centre by means of an independent Board responsible for delivering the regeneration of the Town Centre in the most financially efficient way utilising the skills and acumen available to it via both experienced Council representatives and private sector Board members; and
 - (b) that currently, the Council had four Board members appointed by it, namely, Councillors Bill McIntosh, Mike Peddie and Elaine Little, and the Chief Executive;
- (2) intimating
 - (a) that while it had been considered appropriate for the Chief Executive to represent the Council on the Board of the LLP during its initial start-up and launch phase, the recent appointment of Lesley Bloomer as Executive Director – Development and Environment brought with it an opportunity for the Executive Director to contribute her considerable experience from within both the private and public sectors to the LLP Board as it moved into the development and implementation of its Business Plan; and
 - (b) that it was, therefore, considered appropriate at this time for the Chief Executive to tender his resignation as a Director, and to appoint the Executive Director – Development and Environment in his place; and
- (3) proposing
 - (a) that Lesley Bloomer be approved as a Director of Ayr Renaissance LLP; and
 - (b) that an alternate Director should be appointed by Ms. Bloomer to represent the Council in case of her absence from any Board meeting.

Questions were raised by Members of the Council in relation to substitution for Board Members and the Board members' entitlement to appoint an alternative Board Member and the relevant Officers responded accordingly.

Decided:

- (i) to appoint Lesley Bloomer as a Director of Ayr Renaissance LLP, with effect from her start date with the Council; and
- (ii) to agree that Ms. Bloomer be authorised to appoint an alternate Director at Board meetings when she is absent.

6. **Fairer Scotland Fund - Update.**

Reference was made to the Minutes of 17th May 2010 (Page 278, paragraph 9) when the Council had considered the background to the review of Fairer Scotland Fund spending and had agreed a set of projects and services aimed at tackling deprivation in South Ayrshire and there was submitted a report (issued) of 30th August 2010 by the Policy, Performance and Communication

- (1) advising that the Community Planning Board considered the unallocated funding at its meeting on 25th August 2010, noted the potential liabilities the Council might face if future funding were to be reduced or withdrawn and agreed to fund a further project at the Lochside Learning Centre;
- (2) updating the Council with respect to potential liabilities associated with services funded through the provision of the Fairer Scotland Fund; and
- (3) seeking endorsement of the Community Planning Board's decision to fund a proposal to develop services at the Lochside Learning Centre and for the filling of two community planning posts on a fixed term basis.

Questions were raised by Members of the Council in relation to redundancy costs and the issue of redundancy notices, when would a decision be taken about the FSF for the next financial year and future projects and the Head of Policy, Performance and Communication responded accordingly and advised that she would circulate a note of the redundancy costs to Elected Members.

Decided:

- (i) to note the information contained in this report in relation to the potential liabilities and the intention to report the liability position to the Community Planning Board on a six monthly basis in the event that funding is provided for 2011/12; and
- (ii) to endorse the Board's decision to fund the Lochside Learning Centre project and to agree the filling of the two community planning posts on a fixed term basis.

7. **Shared Services : Regulatory Services.**

Reference was made to the Minutes of the Leadership Panel of 18th August 2009 (Page 452, paragraph 33) when it had been decided, having considered a report of 7th August 2009 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to take forward the recommendations for progressing Shared Services across various Regulatory Services, namely Building Standards, Environmental Health and Trading Standards,

- (1) that a Joint Ayrshire Regulatory Service, with all three all three Ayrshire Authorities, being managed by one lead Council be approved, in principle;
- (2) that further work be undertaken to progress the development of the joint service, including the determination of a lead authority; and

- (3) that a further report be considered at a future meeting detailing the proposed operational arrangements for the joint service including the potential financial implications, and

there was submitted a report (issued) of 31st August 2010 by the Depute Chief Executive and Executive Director – Development and Environment updating the Council on progress for the establishment of a new all-Ayrshire Regulatory Service and seeking authorisation to proceed to establish a Joint Committee leading to a Joint Board for Ayrshire Regulatory Services in terms of Section 62A of the Local Government (Scotland) Act 1973.

Questions were raised by Members of the Council in relation to establishing the Joint Committee, could other Services be included at a later date, the administration and timetable arrangements for the Joint Committee, the anticipated savings, arrangements for the conduct of meetings and the use of new technology at these meetings and the Depute Chief Executive and Executive Director – Development and Environment responded accordingly.

Councillor McIntosh, seconded by Councillor McFarlane, moved that the recommendations outlined in the report be approved and that Councillors McIntosh, Reid and McFarlane be appointed to represent South Ayrshire Council on the Joint Committee

By way of Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that Councillor McDowall be appointed to represent the Council on the Joint Committee.

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

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

Winifred Sloan (Provost)	Motion
John Allan	Motion
Eddie Bulik	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
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	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six members voted for the Amendment and twenty four members voted for the Motion. The Motion was therefore declared carried.

Decided:

- (a) to note the progress being made on the creation of a shared Regulatory Service for Ayrshire;
- (b) to agree with East and North Ayrshire Councils to establish a Joint Committee in the short-term and thereafter to apply to the Scottish Ministers for the establishment of a Joint Board to undertake regulatory functions throughout Ayrshire in terms of Section 62A of the Local Government (Scotland) Act 1973;
- (c) to note that a further report would be presented to the Council meeting on 7th October 2010 seeking approval for the proposed detailed operational arrangements, including in particular:-
 - the apportionment of the expenses of the Joint Committee;
 - the terms of reference and meetings procedures for the Joint Committee;
 - the specific functions of the three Councils to be transferred to the Joint Committee; and
 - the decision-making powers of the Joint Committee in respect of such matters as staffing, structures/appointments and budgets;
- (d) to nominate Councillors McIntosh, Reid and McFarlane to represent South Ayrshire Council on the Joint Committee; and
- (e) to note that East Ayrshire Council had agreed to undertake the administration of the Joint Committee in the initial period.

8. Notice of Motion.

Councillor Douglas Campbell, seconded by Councillor Little, moved

“That this Council welcomes the initial consultation and regeneration project for Belleisle Estate and believes that the Council requires to take a more ambitious stance in relation to tourist and leisure development of our parkland both at Belleisle and Rozelle.

In determining expressions of interest the Council will give preference to projects that

- (i) retain and improve the two golf courses with associated facilities within Belleisle Park;
- (ii) provide parkland and arboreal maintenance and increase the tree coverage within Belleisle and Rozelle;

- (iii) provide play parks and adventure activities with associated catering facilities for family entertainment;
- (iv) provide an outdoor facility for football, rugby etc. in association with interested sports groups such as Ayr United Youth Academy, Ayr Rugby Club, and others within Rozelle;
- (v) provide Arts and Culture support for Rozelle House and Maclaurin Gallery;
- (vi) provide support to maintain and improve key iconic buildings and facilities within the parks including Rozelle House, Belleisle House, Belleisle Gatehouse, the Conservatory and Walled Garden and the Duck Pond at Rozelle; and
- (vii) provide an improved road and visual access to Alloway Village.

To assist in the development options and provide funding and information to developers, the Council approves the following instructions:-

- (a) the Council will review the number and type of sports pitches that are required to meet reasonable demand; and
- (b) the Council agrees to the principle of a limited sale of ground for housing with planning permission around Belleisle Estate and agrees that this proposal be considered in further detail during the current preparation of the new Local Development Plan for South Ayrshire.”

By way of Amendment, Councillor McDowall, seconded by Councillor Moonie, moved that

“This Council welcomes the consultation exercise and possible future regeneration options for Belleisle Estate. However, the Labour Group believes that as this consultation exercise is currently progressing and expressions of interest have been invited, it would be inappropriate at this time to give preference to particular projects in advance of Officers’ evaluations of expressions of interest and that as there is an ongoing review of Ayr Common Good Fund, it would be premature to allocate Ayr Common Good funding to Rozelle Estate in isolation of other Common Good properties.

The Labour Group further believes that any review of the number and type of sports pitches should be undertaken as part of a wider review of sports facilities in South Ayrshire and that the Council recognises the lack of probity with regard to agreeing planning consent in principle prior to the submission of any planning application and its consideration by Planning Officers or the Regulatory Panel.

Therefore, the Council notes the current position in relation to parkland at Belleisle and Rozelle Estates.”

A full discussion then took place and a number of comments were raised by Elected Members in relation to a railway station for Alloway, sports pitches and planning permission and the Depute Chief Executive and Executive Director – Development and Environment responded accordingly.

There was a request that the vote be taken by ballot. A majority of members agreed that the vote be taken by ballot.

On a vote being taken by ballot, seven members voted for the Amendment and twenty three for the Motion which was accordingly declared to be carried.

Decided: to approve the terms of the Motion.

9. Exclusion of Press and Public.

The Council resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during discussion of the following items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1 and 12 of Part 1 of Schedule 7(A) of the Act.

10. Education 4 Ayrshire Ltd – v – South Ayrshire Council - Commercial Action in the Court of Session.

There was submitted a report (issued to members only) of 31st August 2010 by the Executive Director – Corporate Services advising of the current position in relation to the Court of Session action raised by Education 4 Ayrshire Limited against the Council and seeking approval for the next steps.

Questions were raised by Members of the Council in relation to the resource implications and the mediation process and the relevant Officers and Mr. Mackay, Burness, responded accordingly.

Decided:

- (1) to agree to enter a formal mediation process between the Council and Education 4 Ayrshire Limited (E4A) with a view to reaching an 'out of court' settlement with E4A; and
- (2) to delegate authority to the Chief Executive and the Executive Director – Corporate Services to settle the outstanding claim by E4A, either by means of formal mediation as aforesaid, or by other informal settlement discussions, but subject as aforesaid at a level and on such other terms and conditions as the Chief Executive and Executive Director – Corporate Services should deem appropriate in accordance with advice from the Council's legal, financial and technical advisers, including in relation to the issues set out in Appendix 1 of the report.

11. **Organisational Change – Proposals for Development and Environment Directorate Structures.**

There was submitted a report (issued to members only) of 31st August 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) outlining a further phase of the modernisation proposals for the Directorate of Development and Environment; and
- (2) reporting that the Directorate had been allocated an efficiency target of £0.286m towards downsizing the organisation and that these particular organisational structure changes would generate savings of £0.207m leaving a shortfall of £0.079m and that Management would identify alternative options in order to achieve these targets in the current year.

A question was raised by a Member of the Council in relation to the efficiency target and the Depute Chief Executive and Executive Director – Development and Environment responded accordingly.

Decided: to approve the proposed structures as outlined in the report.

12. **Valedictory.**

The Provost referred to Mr. Graham Peterkin's forthcoming retirement from the Council and, on behalf of the Council, thanked him for his valuable contribution to the work of the Council and wished him a long and very happy retirement.

Councillors McIntosh, Douglas Campbell, McFarlane and McDowall similarly wished him a long and happy retirement.

Mr. Peterkin replied in suitable terms.

The meeting ended at 1.15 p.m.