

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 22nd March 2012 at 9.30 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Eddie Bulik, Douglas Campbell, 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.

Apologies: Councillors Andy Campbell and Ian Cavana.

Attending: D. Anderson, Chief Executive; H. Garland, Executive Director – Children and Community; V. Andrews, Head of Legal and Administration; C. Monaghan, Head of Policy, Performance and Communication; K. Leinster, Head of Community Care and Housing; J. Cronin, Acting Head of Community Development; T. Baulk, Chief Accounting Officer; C. Downie, Public Communications Officer; and D. Knight, Democratic Services Administrator.

1. Provost.

The Provost

- (1) welcomed Members to the special meeting; and
- (2) on behalf of the Council wished
 - (a) Councillor Andy Campbell a speedy recovery following his recent operation; and
 - (b) Councillors Davies and Little a speedy recovery following their recent illnesses.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Ayr Gaiety Theatre.

Reference was made to Minutes of 7th October 2009 (Page 551, paragraph 8), 7th October 2010 (Page 517, paragraph 8), and 30th June 2011 (Page 456, paragraph 13) and there was submitted a report (issued) of 14th March 2012 by the Executive Director – Children and Community seeking approval as part of a funding agreement with the Scottish Government to bring forward the re-opening of Ayr Gaiety Theatre and

- (1) intimating
 - (a) that on 24th January 2012, the Cabinet Secretary had called a meeting of this Council, Ayr Gaiety Partnership, Historic Scotland, Ayr Renaissance and Creative Scotland; and

- (b) that the Executive Director - Children and Community had been asked to establish a Task Group comprising of the above organisations with Scottish Government representation to identify Local Authority support for the Gaiety Project along with identifying capital funding potential from other sources;
- (2) highlighting
- (a) that Ayr Gaiety Theatre was integral to the development of art and cultural experiences in South Ayrshire, bringing in tourism and economic regeneration to the area, with the aim being for the theatre to become a community resource and a centre of excellence for education and training; and
 - (b) that the Theatre provided significant prospects for learning opportunities linked to courses run through the University of the West of Scotland at Craigie Campus and also the re-enforcement of Ayr as a University town;
- (3) reporting that the Scottish Government
- (a) had requested that South Ayrshire Council commit to funding of £0.750m over a five year period to support this cultural development, subject to Council agreement of this report, the Scottish Government would make £0.221m immediately available this financial year (2011/12) to Ayr Gaiety Partnership to enable the main auditorium to be open to the public in autumn 2012 and in addition, there would be a further commitment of support to enable bids to be submitted to Historic Scotland, Creative Scotland and the Heritable Lottery Fund for an additional £1.700m; and
 - (b) had also committed to continuing support to the Gaiety Project through its on-going involvement with the Task Group until full delivery of the project and that the Cabinet Secretary had committed to host regular meetings with the key partners of the project which would also include the Leaders of the Council's political parties to ensure the remaining £1.700m was released; and
- (4) proposing that the sum of £750,000 be earmarked from the 2011/12 underspend.

Councillor Toner, seconded by Councillor Galbraith, moved that the Council should agree

- (i) to the provision of £0.750m over five years to strategically support cultural developments in relation to the partnership approach of the development which has been established between the Council, Ayr Gaiety Partnership and the University of West of Scotland, subject to grant support from the Scottish Government to Ayr Gaiety Partnership of £0.221m in 2011/12 and additional support to secure up to a further £1.700m; and
- (ii) that funding be earmarked from the 2011/12 projected surplus.

By way of Amendment, Councillor McDowall, seconded by Councillor Moonie, moved that this Council agree in principle the provision of £0.750m over five years to strategically support cultural developments in relation to the partnership approach of the development which has been established between the Council, Ayr Gaiety Partnership and the University of West of Scotland subject to grant support from the Scottish Government to Ayr Gaiety Partnership of £0.221m in 2011/12 and additional support to secure up to a further £1.700m and

- (A) the funding be earmarked from the 2011/12 projected surplus;
- (B) an updated business plan by Ayr Gaiety Partnership including details of projected spend be submitted for approval by the Council; and
- (C) a lease agreement for the Gaiety Theatre between the Council and Ayr Gaiety Partnership be concluded.

A full discussion then took place on the terms of the Motion and the Amendment and questions were raised by Members of the Council enquiring whether the Standing Orders would require to be suspended in order for the Council to deal with this matter, the progress being made with the work in the Theatre to meet the requirements of Health and Safety, how would the £750,000 be managed and spent, would the membership of the Ayr Gaiety Partnership be augmented, the lease of the coffee bar, why had the Independent Members not been consulted about the contents of this report, the progress being made with regard to the Business Plan and whether Elected Members could comment on it before submission to the Scottish Government, whether it was intended to prepare a Project Plan or appoint a Project Manager, how would arts and culture be supported and the relevant Officers responded accordingly and the Head of Legal and Administration advised that the Standing Orders did not require to be suspended as the funding in question was earmarked money which was surplus funding that had become available since the original budget paper had been considered and the Leader of the Council gave an unreserved apology regarding the lack of consultation with the Independent Members.

A Member of the Council requested a roll call vote.

The Head of Legal and Administration then took the vote by calling the roll as follows:-

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

Five Members voted for the Amendment and twenty three Members for the Motion which was accordingly declared to be carried.

Decided: to agree

- (i) the provision of £0.750m over five years to strategically support cultural developments in relation to the partnership approach of the development which has been established between the Council, Ayr Gaiety Partnership and the University of West of Scotland, subject to grant support from the Scottish Government to Ayr Gaiety Partnership of £0.221m in 2011/12 and additional support to secure up to a further £1.7000m; and
- (ii) that funding be earmarked from the 2011/12 projected surplus.

4. **Notice of Motion.**

- (1) Councillor Douglas Campbell, seconded by Councillor Slider, moved :-

“that this Council agrees to suspend Standing Orders, to reconsider item 7 (Lochside Maisonette Project) of the Council meeting held on 8th March 2012 and to approve the recommendations therein.”

The Head of Legal and Administration advised that, in order to reconsider a Motion contrary to a previous decision of the Council within six months from the date of that decision, the Council would require to suspend the provisions of Council Standing Order No. 15, in accordance with Standing Order No. 29 (two thirds majority).

On a vote being taken by a show of hands, twelve Members voted for the suspension of Standing Orders.

Accordingly, as the Motion to suspend Standing Orders was not supported by two-thirds of those Members present and voting at the meeting, the Motion moved by Councillor Douglas Campbell and seconded by Councillor Slider was incompetent and did not proceed.

Decided: that the Motion was incompetent and did not proceed.

5. **Formal Questions.**

In terms of Council Standing Order No. 16(b), there were submitted (tabled) Formal Questions from Councillor Saxton and Douglas Campbell, details of which, together with the Answer, are outlined below:-

Question 1 – Councillor Saxton.

As agreed at the full Council to move 96 tenants from the 9 blocks of Maisonettes, how many have been moved to date?

Answer 1.

No tenants have moved since the paper was approved on 8th March 2012.

Question 2 – Councillor Saxton.

How long will it take to move all 96 Tenants?

Answer 2.

It is unlikely that many tenants will move until the outcome of the Master Plan is considered by Elected Members. This is due to the absence of financial support through home loss payment, assistance with removal costs and not currently having the certainty of an offer of return to any resultant new build.

Councillor Saxton raised a supplementary question enquiring about the types of financial assistance available to tenants and the Head of Community Care and Housing advised that it had been ascertained what payments could be given to tenants.

Question 3 – Councillor Saxton.

12 Houses have owner occupiers, how many have agreed to sell to date?

Answer 3.

No formal negotiations have taken place with owners to date. A framework is being developed to provide consistency in negotiations.

Question 4 – Councillor Saxton.

12 owner occupiers - do the Council have a duty to house the people who cannot afford to buy other accommodation?

Answer 4.

No formal negotiations have taken place with owners to date. A framework is being developed to provide consistency in negotiations.

Question 5 – Councillor Saxton.

Is the Ayr Gaiety Theatre at present in a safe state of repair for holding events in the main building?

Answer 5.

No, there are works required to allow the building to be licensed for events.

Question 6 – Councillor Saxton.

If the above question is negative, how much is anticipated to be spent in bringing it up to a standard to re-open for future events?

Answer 6.

The works required have been scoped and costed by the Council and agreed by AGP. The works total £221,000 and include health and safety requirements, replacement of seating to meet fire regulations and removal of asbestos, as well as cleaning and some paintwork.

Question 7 - Councillor Douglas Campbell.

To ask whether any bids to the Capital Budget have been made to replace the standard sized all-weather football pitch at Whitletts Activity Centre over the last five years?

Answer 7.

There is a bid in the ongoing Capital Plan for 'Upgrading of Whitletts All Weather Sports Pitch to a 3G (Third Generation) playing surface; the bid is for £400,000.

(It has not been approved in the Capital Programme; it has not scored highly enough and is not supported by a current asset management plan.)

Question 8 - Councillor Douglas Campbell.

To ask the current estimated cost of replacing a standard sized all-weather pitch that is suitable for a wide range of sporting activities at Whitletts Activity Centre?

Answer 8.

A standard sized all-weather pitch – not a 3G surface – would be in the order of £200,000. (That would be subject to site survey and excludes groundworks, fencing, lighting, etc.)

Question 9 - Councillor Douglas Campbell.

To ask the Leader of the Council, in noting his comments that the report relating to the Lochside Maisonette Project was badly flawed and his comments in the Ayrshire Post dated Friday, 16th March 2012 that there are 'countless questions to be answered'. Will he provide a list of those questions to ensure that the Officers can provide a flawless report to accompany the Master Plan when it is submitted for consideration by the Council?

Answer 9.

It is not appropriate for the Leader of the Council to pose questions to Officers so that they can construct a paper to address those questions. Rather, as explained in the Leader of the Council's response to a Supplementary Question submitted to him at Leadership Panel by Councillor Campbell as recently as 13th March 2012, it is for Officers to submit proposals, and such proposals would then be considered.

Councillor Douglas Campbell raised a supplementary question enquiring why the Council could not agree that tenants should have the right to sound and durable homes and the Leader of the Council advised that he would respond in writing to Councillor Campbell.

The meeting ended at 10.35 a.m.