

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 8th March 2012 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, Robin Reid, Philip Saxton, Tom Slider and Margaret Toner.
- Apology: Councillor Mike Peddie.
- Attending: D. Anderson, Chief Executive; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; L. Bloomer; Executive Director – Development and Environment; V. Andrews, Head of Legal and Administration; K. Leinster, Head of Community Care and Housing; J. Cronin, Acting Head of Community Development; C. Monaghan, Head of Policy, Performance and Communications; D. Alexander, Head of Corporate Resources; J. McQuillan, Head of Property and Neighbourhood Services; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; D. Robertson, Communications Manager; C. Bradshaw, Assistant Communications Assistant; and D. Knight, Democratic Services Administrator.

1. Provost.

The Provost

- (1) welcomed to the meeting
 - Elected Members; and
 - Kate O'Hagan who had recently been appointed as Head of HR and Organisational Development; and
- (2) intimated that Councillors McDowall and Moonie had submitted to the Chief Executive a number of Formal Questions and that this matter would be taken after item 9 on the agenda.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Minutes of previous Council meetings.

The Minutes of 15th December 2011 and 27th February 2012 (Special) (issued) were submitted and authorised to be signed as correct records of these meetings.

4. 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 8th December 2011.
- (2) Local Review Body of 13th December 2011 and 24th January and 21st February 2012.
- (3) Regulatory Panel of 22nd December 2011 (Special) and 19th January and 16th February and 27th February 2012 (Special).
- (4) Chief Officers' Appointments / Appraisal Panel of 16th January and 20th February 2012.
- (5) Leadership Panel of 17th January and 14th February 2012.
- (6) Development and Environment Standing Scrutiny Panel of 24th January 2012.
- (7) Corporate and Community Planning Standing Scrutiny Panel of 26th January and 23rd February 2012.
- (8) General Purposes Panel of 1st February 2012.
- (9) Community Services Standing Scrutiny Panel of 22nd February 2012.

4. Review of the Options for the Future Delivery of Repairs and Maintenance Services to Council Owned Buildings.

Reference was made to the Minutes of the Leadership Panel of 13th September 2011 (Page 544, paragraph 16) when that Panel, having considered a report of 1st September 2011 by the Executive Director – Development and Environment, had been agreed

- (1) to note the need to undertake a significant review of the Internal Trading Organisation in view of the loss of contracts as described in Section 3.2 of that report and to assess the financial position for 2012/13 as stated in 4.7 of the report;
- (2) to agree that a single Trading Account should be retained and that consideration should be given as to whether there should be a requirement for a Property and Design Trading Account for 2012/13; and

- (3) to recognise that the replacement of the Trading Account would be on the basis of recharging on a cost basis only and that a review of options would be required to provide property maintenance and asset management to allow the Housing Service to meet the Scottish Housing Quality Standard by 2015 with a similar service to be provided for General Services, and

there was submitted a report (issued) of 29th February 2012 by the Chief Executive

(a) advising

- (i) that the Local Government in Scotland Act 2003 required local authorities to maintain statutory trading accounts for 'significant trading operations' and that they should break even over a three year rolling period and that a report to Leadership Panel in July 2008 had concluded that Property and Design Trading Service should continue to operate as a statutory trading account;
- (ii) that the Executive Officers' Group had undertaken an options appraisal study into potential models for the future delivery of repairs and maintenance services with the aim of:-
- establishing the nature of the service to be provided and the outcomes to be achieved;
 - defining a clear process for appraising the options for achieving the desired outcomes;
 - carrying out the appraisal process; and
 - reporting back to the Council on the outcome of that process; and
- (iii) that on completion of the options appraisal study and identification of the preferred option, Officers had considered the requirements of the Local Government in Scotland Act 2003 as it related to statutory trading accounts;

(b) intimating

- (i) that the review of the options for the future delivery of repairs and maintenance services for Council owned buildings was attached as Appendix 1 of the report;
- (ii) that the review comprised background and performance information, an initial assessment of eight options and a more detailed appraisal of three options, namely:-
- Option 3: in-house team for planned maintenance and responsive repairs, with the ITO not bidding for major works;
 - Option 6 the entire service would be outsourced; and
 - Option 8: arms length organisation;

- (iii) that the options had been assessed against the key objective 'Customers receive a high quality, flexible and responsive repairs and maintenance services that meet their needs' and that the three key outcomes were as follows:-
- the repairs and maintenance service was high quality, targeted and responsive;
 - the repairs and maintenance service achieved best value; and
 - the repairs and maintenance service was accountable and performance driven;
- (iii) that the review had concluded that based on the available information, the assessment against outcomes and risk, the most appropriate option for delivering outcome driven, flexible and value for money repairs and maintenance services would be Option 3;
- (iv) that this option retained an in-house service with a core business of responsive repairs and planned maintenance and that implicit within the option was the need to implement an action plan of improvements to the current service model to include changes to working practices and the implementation of new systems for governing service delivery and performance; and
- (v) that implementation of such an action plan would be a pre-requisite for taking forward the other two options considered in detail – outsourcing and an arms length organisation, however, the Council might wish to revisit these options in two to three years time, following the implementation and bedding down of improvements as part of Option 3;
- (c) proposing that Officers make arrangements during 2012/13 to ensure that all work undertaken by Property Maintenance and Construction was charged on the basis of cost and therefore, that no trading service would be operated from 1st April 2013 (it would not be practical to remove the statutory trading account from 1st April 2012);
- (d) indicating that this proposal would clearly have an impact on the workload of a number of staff across the organisation and regular reports updating Members on the implications would be presented during the year and that issues to be addressed included:-
- financial implications of straightforward recharge of cost e.g. Trading Account was currently assumed to generate a surplus of £250,000;
 - resources were employed in the operation of the recharging of work e.g. staff, ICT systems;
 - development of a system which allowed customers to budget for work being undertaken and agreement to any additional costs being incurred;
 - development of a system which recorded the costs of individual jobs and charged these directly to customers; and
 - development of a means of benchmarking actual costs against other local authorities/private sector to ensure that best value was being achieved; and

(e) reporting

- (i) that a surplus of £250,000 from Property Maintenance and Construction had been included within the 2012/13 Revenue Budget and that it would be appropriate to reconsider this requirement following the options appraisal study;
- (ii) that the loss of major contract work was unlikely to impact on the profitability of the service but might result in severance costs as the workforce was downsized; and
- (iii) that the financial implications of not operating as a trading account in 2013/14 would be established and reported to Members for inclusion in the 2013/14 Revenue Budget.

Councillor Reid, seconded by Councillor Grant, moved that the Council should agree

- (A) to the adoption of Option 3 “in-house team planned maintenance and responsive repairs, no bidding for major contracts” as the service delivery model for the delivery of repairs and maintenance services to Council-owned buildings;
- (B) that there was no longer a requirement to have a surplus generated by Property, Maintenance and Construction during 2012/13 but that it must break-even over a three year rolling programme; and
- (C) that there was no longer a requirement to operate a Property, Maintenance and Construction Trading Account for 2013/14.

By way of an Amendment, Councillor Douglas Campbell, seconded by Councillor McFarlane, moved that the surplus to be generated by Property, Maintenance and Construction during 2012/13 should remain at £250,000.

By way of a Counter-Amendment, Councillor McDowall, seconded by Councillor Moonie, moved that the Council should agree

- (I) to the adoption of a variation of Option 3 “in-house team for planned maintenance and responsive repairs, no bidding for major contracts” as the interim service delivery model for the delivery of repairs and maintenance services to Council owned properties;
- (II) that the improvement plan should seek to ensure that Property, Maintenance and Construction were of such sufficient capacity and organisational capability to undertake competitive bidding for major contracts following the period 2013/14 and that regular progress reports should be submitted to the Leadership Panel;
- (III) to consider the level of surplus to be generated by Property, Maintenance and Construction during 2012/13; and
- (IV) that there was no longer a requirement to operate a Property, Maintenance and Construction Trading Account for 2013/14.

A full discussion then took place regarding the terms of the Motion, Amendment and Counter-Amendment and questions were raised by Members of the Council in relation to how many jobs would be lost and whether the job losses would be by way of compulsory redundancy, the impact on the future intake of apprentices, the criteria for operating the Trading Account, whether there was a need to generate a surplus, what would the surplus be used for and the use of the accrued surplus in future years and the relevant Officers responded accordingly.

Adjournment.

The time being 10.40 a.m., the Council adjourned for fifteen minutes.

Resumption of Meeting.

The meeting resumed at 10.55 a.m.

At this point, the proposer and seconder of the Amendment intimated the withdrawal of the Amendment and that accordingly the Counter-Amendment became the Amendment.

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
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
Robin Reid	Motion

Philip Saxton
Tom Slider
Margaret Toner

Amendment
Motion
Motion

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

Decided: to agree

- (A) to the adoption of Option 3 “in-house team planned maintenance and responsive repairs, no bidding for major contracts” as the service delivery model for the delivery of repairs and maintenance services to Council-owned buildings;
- (B) that there was no longer a requirement to have a surplus generated by Property, Maintenance and Construction during 2012/13 but that it must break-even over a three year rolling programme; and
- (C) that there was no longer a requirement to operate a Property Maintenance and Construction Trading Account for 2013/14.

5. Revenue and Capital Estimates 2012/13 to 2014/15.

Reference was made to the Minutes of 15th December 2011 (Pages 8 to 14, paragraph 9) and there was submitted a report (issued) of 1st March 2012 by the Executive Director – Corporate Services

- (1) updating the Council on the details of the 2012 Finance Order and confirming the final detail of the Revenue and Capital Budgets;
- (2) advising
 - (a) that the Leader of the Council had confirmed to the Cabinet Secretary for Finance, Employment and Sustainable Growth that the Council had agreed, in principle, to the terms set out in a letter dated 21st September 2011 and that a further letter had been sent confirming that the Budget had included provision to meet all of the specified commitments;
 - (b) that the Budget Bill had been approved on 8th February 2012 and that the 2012 Finance Order had been issued on 9th February 2012 which confirmed that South Ayrshire Council’s Aggregate External Finance funding would be as follows:-

	<i>Revenue £m</i>	<i>Capital £m</i>
2012/13	211.782	7.798
2013/14	212.177	7.255
2014/15	212.632	10.886

- (c) that hostel grant funding of £0.209m had now been confirmed and that an additional £0.014m had been included due to floor adjustments;
- (3) outlining the current position with regard to:-
- (a) the Revenue Budget as follows:-
- (i) the funding confirmed within the 2012 Finance Order was higher than the level contained within the Proposals of the Conservative, SNP and Independent Members and that the additional £0.014m had been allocated to general contingency;
 - (ii) the Revenue Budget had contained assumptions in respect of care home fees and the PPP inflationary uplift, and these items could now be confirmed:-
 - COSLA have agreed a 2.75 per cent increase in care home fees and a 2.7 per cent increase in free personal uplift compared with 1 per cent increases assumed in December (resulting in an additional cost of £0.117m to South Ayrshire Council for care home fees and £0.077m for free personal care uplift); and
 - the PPP unitary charge was increased annually based on the inflation rate in February and that a rate of 5.1 per cent was assumed in setting the budget, the actual rate being 3.4 per cent, a reduction of £0.109m;
 - (iii) requisitions had now been finalised, resulting in a saving of £0.012m in respect of Police;
 - (iv) employee cost budgets have been reduced by £0.044m to reflect changes to national insurance thresholds and staff transferring to the customer contact centres;
 - (v) the revised budgets as detailed in Appendices 1 and 2 of the report also reflected allocations of payroll management, utilities costs, leases and energy efficiency savings;
 - (vi) funds have been set aside to meet the cost of the 2012 local election and recommending that this practice should continue from 2012/13 onwards for the next local elections with an annual contribution of £0.050m; and
 - (vii) the net effect of all adjustments reduced the contribution to contingency by £0.065m as outlined in the report; and

- (b) the Capital Budget as follows:-
- (i) the funding confirmed within the 2012 Finance Order was in line with the level contained within the Proposals of the Conservative, SNP and Independent Members;
 - (ii) the level of capital support required for Strathclyde Police had reduced from £0.429m to £0.348m, resulting in an additional £0.081m being available for other projects;
 - (iii) the level of over-programming in 2011/12 at 31st January 2012 had reduced by £0.981m to £0.276m;
 - (iv) recommending that the additional funds released through (ii) and (iii) above were used to bridge the gap in 2013/14 and 2014/15; and
 - (v) the Capital Programme assumed a requirement to borrow £7.465m in respect of the new Ayr Academy over the next three years and that the Government support for this project would now be in the form of revenue grant, and the Council would not require to make any payment for the school building until it was completed that the borrowing would not, therefore, be required until that date resulting in reduced financing costs in the next three years but that a decision to borrow could be taken if an opportune rate was available; and
 - (vi) a revised Capital Programme as detailed in Appendix 3 of the report.

Councillor Reid, seconded by Councillor Grant, moved that the Council should approve the recommendations as outlined in the report and that the contribution to the General Contingency Fund of £0.895m be reduced by £0.250m to £0.645m (as agreed in the preceding item that there was no longer a requirement to have a surplus generated by Property, Maintenance and Construction during 2012/13).

By way of an Amendment, Councillor Douglas Campbell, seconded by Councillor McFarlane, moved that the Council should agree to utilise £1.25m from the unallocated reserve as follows:-

- (A) to allocate £250,000 for additional road maintenance programmes;
- (B) to allocate £250,000 for measures to tackle dog fouling that included:-
 - (I) securing school grounds and play parks from access by dogs and that a report be submitted to the Council that will formalise the exclusion of dogs from these areas of land owned by the Council;
 - (II) to request that Officers investigate a by-law that requires a person exercising dog(s) in a public place be required to demonstrate to a police officer that they have a suitable container to remove dog fouling and that on failure to provide such evidence, the person would be in breach of the by-law; and

- (III) that a person being in breach of an approved by-law as described above will require to pay a suitable penalty;
- (C) to allocate £250,000 to support arts and culture and that a programme of activities be submitted to the Council for approval;
- (D) to allocate £250,000 to repair and refurbish leisure facilities and parks and that a programme of improvements be submitted to the Council for approval;
- (E) to allocate £250,000 to improve Ayr Town Centre and to request that Officers consult the Board of Ayr Renaissance and that a programme of improvements be submitted to the Council for approval;
- (F) to note that the Trading Account as at Period 9 for the year 2011/12 is projected to be an adverse variance of £656,000, that the Budget for 2012/13 assumes a surplus of £250,000 and that the Council requests that Officers report during 2012 on measures to improve efficiency and effectiveness of the repair service and that the level of contribution towards contingency in 2012/13 be reduced by £250,000 and that no surplus be assumed during the financial year; and
- (G) that, if Item No. 7 in the agenda be approved, the Capital Budget be approved with an additional preliminary allocation of £200,000 towards improved leisure provision in Lochside / Whitletts.

A full discussion then took place on the terms of the Motion and the Amendment.

Councillor Davies asked for clarification as to whether the Standing Orders would require to be suspended in order that the terms of the Amendment by Councillor Douglas Campbell could be considered by the Council.

Adjournment.

The time being 11.25 a.m., the Council adjourned for twenty minutes.

Resumption of Meeting.

The meeting resumed at 11.45 a.m.

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, nine 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 Amendment moved by Councillor Douglas Campbell and seconded by Councillor McFarlane was incompetent and did not proceed.

Decided:

- (aa) to approve the revisions to the 2012/13 Revenue Budget as outlined in section 4 and summarised in Appendices 1 and 2 of the report;
- (bb) to approve the revised Capital Programme for the period 2012/13 to 2014/15 as outlined in Appendix 3 of the report;
- (cc) to agree that the contribution to the General Contingency Fund of £0.895m be reduced by £0.250m to £0.645m (as agreed in the preceding item that there was no longer a requirement to have a surplus generated by Property, Maintenance and Construction during 2012/13); and
- (dd) to note that a letter had been issued to the Cabinet Secretary for Finance, Employment and Sustainable Growth confirming that the Budget allowed the specified commitments to be met.

6. Treasury and Investment Strategy Report 2012/13.

There was submitted a report (issued) of 29th February 2012 by the Executive Director – Corporate Services

- (1) seeking approval for the proposed strategy for treasury management activities within the Council for the financial year 2012/13, as detailed within Appendix 1 of the report;
- (2) advising that the treasury strategy for 2012/13 would reflect decisions to be taken in light of interest rate forecasts and the Council's borrowing requirements and investment opportunities; and
- (3) indicating that the overall objectives for the Council's Treasury Management Strategy were as follows:-
 - (a) for borrowings:-
 - to minimise the revenue cost of borrowings;
 - to manage the Council's cash flow;
 - to manage the borrowing repayment profile;
 - to assess interest rates' movements and borrow / invest accordingly;
 - to monitor and review the level of variable rate loans held in order to take advantage of interest rate movements; and
 - to identify and evaluate opportunities for debt rescheduling; and

(b) for temporary investments:-

- to protect capital security of the invested funds; and
- to obtain the best market return available commensurate with protection of security and liquidity.

Decided: to approve the Annual Treasury Management Strategy for 2012/13 to the next meeting of the Council based on the specific approvals contained within Appendix 1 of the report as follows:-

- (i) the capital expenditure forecasts as outlined within paragraph 1.1;
- (ii) the capital financing requirement as outlined within paragraph 1.2;
- (iii) the financing cost / net revenue stream ratio as outlined within paragraph 1.3;
- (iv) net debt compared to capital financing requirement as outlined within paragraph 2.1;
- (v) operational boundary limit as outlined within paragraph 2.2(1);
- (vi) authorised limit as outlined within paragraph 2.2(2);
- (vii) interest rate exposure as outlined within paragraph 2.4;
- (viii) maturity structure of fixed interest rate borrowing as outlined within paragraph 2.4;
and
- (ix) principle sums invested for greater than 364 days as outlined within paragraph 3.5.

7. **Lochside Maisonette Project.**

Reference was made to the Minutes of the Leadership Panel of 14th February 2012 (Page 65, paragraph 1) and there was submitted a joint report (issued) of 1st March 2012 by the Executive Director – Children and Community and Executive Director – Development and Environment

- (1) advising the Council of the findings from consultation on the Lochside Maisonettes;
- (2) seeking agreement to demolish the maisonettes in Ferguson Street and Sloan Street and to prepare a Master Plan to build up to 130 new homes in the Lochside area;
- (3) recommending that the £10.965m required for this project be funded from a range of sources as outlined in 4.20 of the report; and

- (4) reporting
- (a) that transfer of the land to the Housing Revenue Account would generate a capital receipt of £200,000 for the General Services Account;
 - (b) that existing households would each be eligible for a home loss payment of £1,500 plus a reasonable disturbance allowance, with total costs not expected to exceed £288,000 (which assumed £1,500 home loss and £1,500 disturbance per household) and that this was built in to the cost of the project and would be reflected in the next business plan update;
 - (c) that 22 net additional homes in this area would generate an additional Council Tax revenue income to the Council;
 - (d) that any resultant vacancy as a result of temporary secondment of a dedicated Officer would be met from an underspend in HRA Employee Revenue Costs;
 - (e) that the rent levels of the new builds would include a 25% rent premium; and
 - (f) that this proposal was affordable within the Housing Revenue Account Business Plan and remained within the affordability limit of 35%.

Councillor Douglas Campbell, seconded by Councillor Slider, moved the recommendations as contained within the report.

By way of an Amendment, Councillor McIntosh, seconded by Councillor Reid, moved that the Council should

- (i) agree, in the interim, that the maisonettes in Ferguson Street and Sloan Street and lock ups at Cowan Crescent, Ayr as highlighted in red within Appendix 1 of the report not be demolished;
- (ii) grant priority status to tenants within the Ferguson Street and Sloan Street maisonettes for a move to alternative Council house accommodation;
- (iii) agree to further consideration of means of supporting relocation of owner occupiers outwith the maisonette blocks and to seek the Leadership Panel's approval as appropriate;
- (iv) agree to the preparation of a Master Plan for the area in Lochside as outlined in Appendix 2 of the report to include not more than 130 homes and, thereafter, to present findings thereof to a future meeting of the Leadership Panel and that for the avoidance of doubt this should occur prior to a design and build stage and further, that the authors of the subject Master Plan should ensure that they establish (with cogent evidence) the availability of willing developers towards its implementation and also that the leisure use proposals should be enshrined within the Master Plan and further should be supported by a considered view from this Council's Planners;

- (v) not agree, in the interim, to Council tenants being moved from the maisonettes to be given first offer on the resultant new build homes and that similarly owners from the maisonette blocks should not, in the interim, be given right of first refusal on the homes for sale;
- (vi) agree to the submission of an application for Council New Build Housing subsidy to the Scottish Government for up to 96 homes, with the remaining 34 homes being affordable housing for sale;
- (vii) agree, in the interim, that the Greyhound Stadium at the rear of Ferguson Street not be transferred to the Housing Revenue Account for £200,000; and
- (viii) agree, in the interim, not to fill any resultant vacancy arising from the appointment of a dedicated Officer to oversee this project.

A full discussion then took place on the terms of the Motion and the Amendment and questions were raised by Members of the Council in relation to the anticipated timescales for the relocation of tenants, funding for future years of this project, the requirements for this Council to meet the Scottish Housing Quality Standards by 2015, whether the proposals would have any impact on other tenants' rents and the financial implications of delaying this project and the relevant Officers responded accordingly.

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)	Amendment
John Allan	Motion
Eddie Bulik	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Amendment
Peter Convery	Amendment
Hywel Davies	Amendment
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Amendment
Ann Galbraith	Amendment
Sandra Goldie	Amendment
Bill Grant	Amendment
John Hampton	Amendment
Hugh Hunter	Amendment
Mary Kilpatrick	Amendment
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Amendment

Helen Moonie	Amendment
Alec Oattes	Motion
Robin Reid	Amendment
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Amendment

Nineteen members voted for the Amendment and ten members for the Motion. The Amendment was accordingly declared to be carried.

Decided:

- (A) to agree, in the interim, that the maisonettes in Ferguson Street and Sloan Street and lock ups at Cowan Crescent, Ayr as highlighted in red within Appendix 1 of the report not be demolished;
- (B) to grant priority status to tenants within the Ferguson Street and Sloan Street maisonettes for a move to alternative Council house accommodation;
- (C) to agree to further consideration of means of supporting relocation of owner occupiers outwith the maisonette blocks and to seek the Leadership Panel's approval as appropriate;
- (D) to agree to the preparation of a Master Plan for the area in Lochside as outlined in Appendix 2 of the report to include not more than 130 homes and, thereafter, to present findings thereof to a future meeting of the Leadership Panel and that for the avoidance of doubt this should occur prior to a design and build stage and further, that the authors of the subject Master Plan should ensure that they establish (with cogent evidence) the availability of willing developers towards its implementation and also that the leisure use proposals should be enshrined within the Master Plan and further should be supported by a considered view from this Council's Planners;
- (E) not to agree, in the interim, to Council tenants being moved from the maisonettes to be given first offer on the resultant new build homes and that similarly owners from the maisonette blocks should not, in the interim, be given right of first refusal on the homes for sale;
- (F) to agree to the submission of an application for Council New Build Housing subsidy to the Scottish Government for up to 96 homes, with the remaining 34 homes being affordable housing for sale;
- (G) to agree, in the interim, that the Greyhound Stadium at the rear of Ferguson Street not be transferred to the Housing Revenue Account for £200,000; and
- (H) to agree, in the interim, not to fill any resultant vacancy arising from the appointment of a dedicated Officer to oversee this project.

8. Ayrshire Shared Services – Governance Arrangements.

Reference was made to the Minutes of 9th September 2010 (Special) (Page 456, paragraph 7) and there was submitted a report (issued) of 28th February 2012 by the Executive Director – Development and Environment

(1) advising

- (a) that in the autumn of 2010, the management overview of the Shared Service joint working groups had been re-shaped to include the establishment of the Shared Services Executive and a new Project Board to include the three Ayrshire Councils and NHS Ayrshire and Arran and that the Project Board had undertaken to review business plans and re-examine governance models; and
- (b) that part of the review of governance involved securing opinion from Queen's Counsel, the outcome of which was firm advice that governance could be undertaken through a Joint Committee with day-to-day operational management under the control of a Lead Authority and that it was considered that such arrangements would provide the simplicity, robustness and transparency that were needed for the establishment of a comprehensive framework; and

(2) proposing

- (a) that in establishing a Joint Committee, the overarching mechanism for agreeing the terms and conditions of the partnership, and for providing a framework for the managing the relationships within the agreement, was the Minute of Agreement and if the Council agreed to the establishment of a Joint Committee, this would be produced by the Solicitor to the Council / Head of Legal Services for each of the Councils;
- (b) that individual service specific 'Service Agreements' would subsequently be put in place for each shared service and submitted for approval by each Council at the appropriate time;
- (c) that the Minute of Agreement would include:-
 - Remit of the Joint Committee;
 - Membership;
 - Standing Orders;
 - Meetings;
 - Chair;
 - Administration;
 - Finance;
 - Scrutiny;
 - Variation of Agreement;
 - Revocation of Agreement; and
 - Difference or Dispute; and

- (d) that the Joint Committee should be the vehicle through which all local authority Shared Service Projects, as agreed by the partners, were managed.

Decided:

- (i) to approve the proposal to establish an Ayrshire Shared Services Joint Committee; and
- (ii) to request the Chief Executive to submit a detailed Minute of Agreement for the establishment of the Joint Committee to a future meeting of the Council.

9. Notice of Motion.

- (1) Councillor McFarlane, seconded by Councillor Low, moved

“that this Council agrees that Civic Receptions and Council events should be alcohol free with tasty, healthy, alternative drinks offered and that except for private lets, alcohol should not be served in council premises. Neither will any Council employee who holds a personal licence apply for an occasional license for a Council function that would be held in any premises”.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Slider, moved that Officers should be requested to come back to a future meeting with a statement of intent regarding the serving of alcohol at civic functions or in Council Buildings.

By way of Counter-Amendment, Councillor Davies, seconded by Councillor Moonie, moved the Direct Negative of the Motion.

A full discussion then took place regarding the terms of the Motion, the Amendment and the Counter-Amendment.

In accordance with paragraph 32 of the Standing Orders for Meetings, the Counter-Amendment being the Direct Negative of the Motion, shall be first put to the vote against the Motion. If this is carried, the Motion and any Amendment(s) shall not be put to the meeting; if it is not carried, the Motion and Amendment(s) shall be put to the vote in accordance with Standing Order No. 32.

Twenty two Members voted for the Direct Negative of the Motion. The Direct Negative was accordingly declared to be carried by a majority and the Amendment fell.

Decided: to approve the Direct Negative of the Motion and that the terms of the Motion be not agreed.

10. Formal Questions.

In terms of Council Standing Order No. 16(b), there were submitted (tabled) Formal Questions from Councillors McDowall and Moonie, details of which, together with the Answers, are outlined below:-

Question 1 – Councillor McDowall.

How many meetings have been held with Trade Unions regarding the Living Wage since the Council agreed the principle of adoption of the Living Wage?

Answer 1

There have been four formal meetings with the TUs at which the Living wage has been discussed on 25th October and 2nd November 2011 and 24th January and 28th February 2012.

Question 2 – Councillor McDowall.

When is it envisaged that the Living Wage will be introduced into the Council's pay structure?

Answer 2

There is no agreement on a date of implementation.

Councillor McDowall raised a supplementary question enquiring whether this would be implemented in the next financial year and the Executive Director – Corporate Services advised that as previously decided that the Living Wage would be implemented within the existing pay bill and that a further report on this matter would be submitted to a future meeting of the Council.

Question 3 – Councillor Moonie.

What was the backlog of roads repairs in 2007?

Answer 3

There is no published figure for the backlog of roads repairs in 2007, but based on the road condition indicator of 45.1% for 2007, which defines the percentage of the road network that requires maintenance, an assessment of £42,000,000 or thereby would be a considered backlog figure at that time.

Question 4 – Councillor Moonie.

What is the current backlog of roads repairs?

Answer 4

The current backlog of roads repairs is expected to be published in May 2012. The backlog figure for 2010 was published as £51,730,000. The backlog figure for 2011 is therefore expected to exceed £51,730,000.

Councillor Moonie raised a supplementary question enquiring if the figure was likely to be around £90,000,000 and the Executive Director- Development and Environment advised that the figures were not available but were expected to exceed £51,730,000.

11. 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 remaining items on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6, 8 and 9 of Part 1 of Schedule 7(A) of the Act.

Councillor Bulik left the meeting at this point.

12. Corporate Insurance – Tender Outcome.

There was submitted a report (issued) of 29th February 2012 by the Executive Director – Corporate Services detailing the outcome of the recent insurance tender exercise and seeking approval to renew the corporate insurance cover.

Questions were raised by Members of the Council in relation to whether any discount would be applied should the Council pay premiums for five years in advance, the motor fleet premium and combined liability premiums and the numbers of claims made and the Executive Director – Corporate Services responded accordingly.

Decided: to accept the proposals outlined at 4.1 in the report and to place cover for five year duration of contract on all major classes of insurance with RMP/Chartis at a cost of £1,091,922.07.

Councillor Hunter left the meeting at this point.

13. South Ayrshire Proposed Local Development Plan.

Reference was made to the Minutes of 27th February 2012 (Special) (Page 120, paragraph 5) when it had been agreed, having considered the terms of a report (issued to Members only) of 15th February 2012 by the Executive Director – Development and Environment seeking the Council’s approval to publish the South Ayrshire Proposed Local Development Plan (the Proposed Plan), and the Environmental Report of the Strategic Environmental Assessment which would accompany the Proposed Plan, for public consultation, to continue consideration of the proposed Local Development Plan to the next meeting of the Council on 8th March 2012 and that a Seminar for Elected Members be arranged to take place before that date at which the concerns and questions that had been raised by Elected Members would be clarified and addressed and there was submitted a report (issued to Members only) of 1st March 2012 by the Executive Director – Development and Environment

- (1) advising that a seminar for Elected Members on various aspects of the proposed Plan had been held in the Council Chambers, Town Hall, Ayr, on Wednesday, 29th February, 2012; and
- (2) inviting the Council to re-consider the recommendations made in the report on the Proposed Plan, previously issued to the meeting Council on 27th February 2012 (as set out in Section 2.1 of the report), on the basis of the information contained in that report and provided at the Elected Members’ seminar.

Decided:

- (a) to approve the South Ayrshire Proposed Local Development Plan and the Environmental Report of the associated SEA, for publication and public consultation;
- (b) to approve the updated South Ayrshire Development Plan Scheme (forming Appendix 4 to the previously issued report);
- (c) to grant delegated powers to the Executive Director - Development and Environment to submit the South Ayrshire Proposed Local Development Plan for the Plain English Campaign’s Crystal Mark seal of approval for document clarity and to make any non-substantive changes to the Plan required to attain that approval; and
- (d) to agree that, on publication, the provisions of the Proposed Plan would become a material consideration in determining planning applications, with the weight that was accorded to the Plan being dependent upon a number of considerations, including the extent of any objection received in relation to particular provisions, and generally increasing as the plan progressed through the statutory process.

The meeting ended at 1.45 p.m.