

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 27th September 2012 at 10.00 a.m.

- Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Peter Convery, Kirsty Darwent, Hywel Davies, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Brian McGinley, Nan McFarlane, Bill McIntosh, Rita Miller, Alec Oattes, Philip Saxton, Margaret Toner and Corri Wilson.
- Apologies: Councillors Douglas Campbell and Robin Reid.
- Attending: D. Anderson, Chief Executive; H. Garland, Executive Director – Children and Community; E. Howat, Executive Director – Corporate Services; L. Bloomer, Executive Director – Development and Environment; V. Andrews, Head of Legal and Administration; C. Monaghan, Head of Policy, Performance and Communication; H. Carswell, Head of Children's Services; C. Downie, Public Communications Officer; and D. Knight, Democratic Services Administrator.

1. Provost.

The Provost

- (1) welcomed all Members and Officers to the meeting of the Council;
- (2) advised
 - (a) that the Minutes of the Scrutiny and Governance Management Panel of 18th September 2012 had been tabled for consideration;
 - (b) that the additional item A – “Consultation on the proposed Children and Young People’s Bill 2012” would be taken after Item 9 on the Agenda; and
 - (c) that Councillor Douglas Campbell had submitted to the Chief Executive a number of formal questions and that this matter would be taken after item 10 on the agenda; and
- (3) intimated that apologies had been received from Councillors Douglas Campbell and Robin Reid.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Minutes of previous Council meetings.

The Minutes of 28th June and 3rd September (Special) 2012 (issued) were submitted and authorised to be signed as a correct record 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) Local Review Body of 28th June 2012.
- (2) Leadership Panel of 4th September 2012.
- (3) Regulatory Panel of 6th September 2012.
- (4) Rural Panel of 6th September 2012.
- (5) Development and Environment Standing Scrutiny Panel of 11th September 2012.
- (6) Community Services Standing Scrutiny Panel of 12th September 2012.
- (7) Corporate and Community Planning Standing Scrutiny Panel of 13th September 2012.
- (8) Scrutiny and Government Management Panel of 18th September 2012.

5. Member Appointment to Rural Panel.

There was submitted a report (issued) of 14th September 2012 by the Executive Director – Corporate Services advising the Council of Councillor Ann Galbraith's resignation from the Rural Panel and inviting the Council to appoint a replacement member.

Decided: to appoint Councillor Bill Grant as the replacement member to the Rural Panel.

6. Suspension of Standing Orders.

The Head of Legal and Administration advised that in relation to paragraphs 3.1, 3.2 and 3.3 contained within the following report dealing with outside bodies, in order to consider 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).

Councillor McFarlane, seconded by Councillor William J. Grant, moved that the Council should agree that Standing Order No. 15 for Meetings be suspended to enable matters referred to in paragraphs 3.1, 3.2, 3.3 and 3.4 of the report to be considered at this meeting.

By way of an Amendment, Councillor McIntosh, seconded by Councillor McDowall, moved that the Council should agree to suspend Standing Order No. 15 for Meetings to enable matters referred to in paragraphs 3.1, 3.2 and 3.3 of the report only to be considered at this meeting.

On a vote being taken by a show of hands, twenty Members voted for the Amendment and eight Members voted for the Motion. Accordingly, the Amendment was supported and further consideration of this matter then proceeded to take place.

7. Representation on Outside Bodies.

There was submitted a report (issued) of 3rd September 2012 by the Executive Director – Corporate Services seeking the Council's approval to make alterations to the list of Outside Bodies that was approved by the Council at its meeting on 17th May 2012 and subsequent alterations that were approved by the Council on 28th June 2012.

Councillor McIntosh, seconded by Councillor McDowall, moved that the Council should approve the recommendations outlined in the report.

By way of an Amendment, Councillor McFarlane, seconded by Councillor William J. Grant, moved that Councillor Oattes be appointed to the Galloway and Southern Ayrshire Biosphere with Councillor William Grant as his substitute.

A full discussion then proceeded to take place regarding the appointment to the Galloway and Southern Ayrshire Biosphere.

On a vote being taken by a show of hands, eight Members voted for the Amendment and twenty Members voted for the Motion which was accordingly declared to be carried.

Decided: to approve the undernoted list of appointments to Outside Bodies as follows:-

<i>Outside Bodies, etc</i>	<i>Representatives</i>
David Elder Edward's Trust	Helen Moonie as Provost and Bill Grant as Portfolio Holder for Economic Development, Tourism and Leisure Officer: Head of Service with responsibility for Museums and Libraries
Energy Agency – South Ayrshire	3 Directors, Chair: John McDowall as Portfolio Carrier for Sustainability and Environment, Vice-Chair: Peter Convery as Chair of Regulatory Panel, and Ian Douglas
Ayrshire Housing Board	Ian Cavana, John Hampton and Corri Wilson as Directors
Galloway and Southern Ayrshire Biosphere	John McDowall
West of Scotland European Forum	Bill Grant Substitute: Ann Galbraith
Industrial Communities Alliance	Bill Grant and Ann Galbraith

8. Representation on COSLA's Executive Groups.

There was submitted a report (issued) of 3rd September 2012 by the Executive Director – Corporate Services advising

- (1) that COSLA had recently requested that Councils provide representatives to the Executive Groups by 17th August 2012; and
- (2) that following consultation with the Leader of the Council, the following nominations had been submitted to COSLA by that deadline.

Having heard Councillor Ian Douglas advise the Council that he had recently resigned as a substitute member on the COSLA Convention, the Head of Legal and Administration informed the meeting that consideration of a replacement substitute could not be dealt with at this meeting but could be submitted to the next meeting of the Council on 29th November 2012.

Decided: to homologate appointments to COSLA'S Executive Groups as follows:-

Health and Well-being	Rita Miller
Education, Children and Young People	Margaret Toner
Community Well-being and Safety	Ian Cavana
Regeneration and Sustainable Development	Alec Clark
Resources and Capacity	Brian Connolly
Strategic Human Resource Management	John Hampton

9. Comprehensive Review of Polling Arrangements for Parliamentary Elections.

Reference was made to the Minutes of 6th October 2011 (Page 607, paragraph 14) when it had been agreed, among other matters, to request Officers to undertake a further comprehensive review of polling arrangements following the local government election in 2012 with a view to identifying premises as polling places that were not used for educational purposes and including a consideration of improvements to disabled accommodation as part of that review and to submit a report to a future meeting, there was submitted a report (issued) of 13th September 2012 by the Executive Director – Corporate Services proposing to undertake this review within the following timescale:-

Action	Date
Report to South Ayrshire Council	27th September 2012
Initial survey of potential premises that could be utilised as polling places	October to December 2012
Initial consultation with local members	October to November 2012
Selection of possible polling place premises	December 2012 to January 2013
Consultation with all interested parties and public	February to May 2013
Final recommendations to Council	September 2013
Implementation of revised polling arrangements	1st December 2013

Decided: to agree that a Comprehensive Review of Polling Arrangements for Parliamentary Elections be carried out in terms of the relevant legislation, guidance issued by the Electoral Commission and in accordance with the decision of South Ayrshire Council on 6th October 2011.

10. Treasury Management Annual Report 2011/12.

There was submitted a report (issued) of 13th September 2012 by the Executive Director – Corporate Services

(1) advising

- (a) that the Council was required through Regulations issued under the Local Government in Scotland Act 2003 to produce an Annual Treasury Report reviewing treasury management activities and prudential and treasury indicators and that this report met the requirements of both the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code);

- (b) that during 2011/12, the minimum reporting requirements were that the Council should receive the following reports:-
- an Annual Treasury Strategy in advance of the year (submitted to South Ayrshire Council on 16th March 2011 for financial year 2011/12);
 - an Annual Report following the year end describing the activity compared with strategy (this report); and
 - in addition, Treasury Management update reports were submitted to the Council's Leadership Panel on a quarterly basis;
- (2) indicating that recent changes in the regulatory environment placed a much greater onus on Members for the review and scrutiny of treasury management policy and activities and that this report was important in that respect, as it provided details of the out-turn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members;
- (3) intimating that the Council also confirmed that it had complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by submitting the Annual Treasury Report and Annual Strategy report to the Corporate and Community Planning Standing Scrutiny Panel before being reported to the full Council and in addition, to support Members' scrutiny roles, Members' awareness sessions on treasury management had been provided in November 2009 and November 2010;
- (4) confirming that the Corporate and Community Planning Standing Scrutiny Panel at its meeting on 13th September 2012 had considered the Annual Treasury Management Report 2011/12 attached as Appendix 1 of the report, and had agreed that it be remitted to South Ayrshire Council for its approval; and
- (5) seeking approval of the Treasury Management Annual Report for 2011/12.

Decided: having recorded their appreciation of the work undertaken by the Executive Director – Corporate Services and her staff, to approve the Treasury Management Annual Report for 2011/12, as detailed in Appendix 1 of the report.

11. Annual Performance Report to 31st March 2012.

There was submitted a report (issued) of 10th September 2012 by the Head of Policy, Performance and Communication

- (1) advising that the Council had in the past been provided with a report detailing progress against the 14 Aims in the Council's Corporate Plan in June each year and that subsequently, in the autumn a further report had been provided setting out related progress against the Council's 146 Performance Indicators;
- (2) intimating that reports had inevitably been extremely lengthy and lacked a degree of clarity about what was being achieved in pursuit of the Council's stated Aims and that to improve reporting, a new form of reporting developed which succinctly combined task and performance information against each of the Council's Aims into one report;
- (3) indicating that this would also build on the self-evaluation framework "How Good is Our Council" and that the Council's 14 aims had been mapped onto 7 of the high-level questions within the HGIOC framework and that progress was reported around these questions as set out in the Annual Performance Report in Annexe 1 and that areas considered were:-
 - Key Performance Outcomes;
 - Impact on Service Users;
 - Impact on Staff;
 - Impact on the community;
 - Management and support of staff;
 - Resources; and
 - Leadership;
- (4) reporting that in addition to this annual performance report, the Council still had statutory obligations to report progress against a set of 146 performance measures that were designed to demonstrate how the Council was performing against its corporate and directorate plans and the requirements of the Accounts Commission and that Appendix 2 of the report set out the performance for 2011/12 which would be published in the format used over the last two years through libraries and on the Public Performance Reporting section of the Council's web site; and
- (5) highlighting that over the coming six months a new set of planning documents would be developed (Community Plan, Single Outcome Agreement and Council Business Plan) and that these would be accompanied by clear milestones and performance indicators that would assist in further developing performance management within the Council including scrutiny and that in the interim, each Standing Scrutiny Panel would be provided with an extract from the attached performance reports for their areas of responsibility for information.

Arising from discussion, the relevant Officers provided further information and clarification in response to matters raised by Members relative to the undernoted, namely:-

- increased usage of Council's sport and leisure facilities but indicating a decrease in the use of indoor facilities and whether these facilities were in competition with private facilities;
- whether free use of facilities could be made during the summer;
- the promotion of healthy lifestyles and what measures were being taken to reduce obesity in children and whether vans selling fast food could be prevented from doing so outside schools;
- why had the three figures for 2011/12 relating to vulnerable children not been included within the report;
- the increase in the number of children housed with their families in temporary accommodation; and
- the dangerous condition of an empty building within Maybole Town Centre.

The Head of Policy, Performance and Communication advised that she would submit a note to Elected Members providing the information relating to vulnerable children.

The Executive Director – Development and Environment advised that she would meet the local members to provide an update on the dangerous building within Maybole town centre.

Decided:

- (a) to approve the Annual Performance Report to 31st March 2012; and
- (b) to agree to the publication of the performance information prior to 30th September 2012 as required by the Statutory Performance Indicator legislation.

12. Consultation on the proposed Children and Young Peoples Bill 2012.

There was submitted a report (issued) of 17th September 2012 by the Executive Director – Children and Community

- (1) advising
 - (a) that the Scottish Government had launched its consultation on the new Children and Young People's Bill on the 17th July 2012 for a twelve week period with the consultation period closing on 25th September 2012 with the intention being to introduce the Bill to the Scottish Parliament in 2013; and

- (b) that the Governments proposals which have been issued prior to legislation being developed would have significant impact on the future organisation, delivery and management of services for Children and Young People in Scotland including proposals on, Children's Rights, Early Education and Childcare, Getting It Right For Every Child and Care;
- (2) intimating that the Council might wish to support many of the proposals in the Bill, and would wish to recognise the progress made in South Ayrshire in improving outcomes for children and young people locally and that the proposals as outlined in the Bill would have some resource implications for the Council budgets, if not funded from the Scottish Government;
- (3) indicating that a draft response to the questions asked by the Scottish Government through its Consultation Exercise was attached as Appendix 1 of the report for consideration and deliberation by Elected Members; and
- (4) outlining the potential financial implications arising from this consultation.

Arising from discussion, the relevant Officers provided further information and clarification in response to matters raised by Members relative to the undernoted, namely:-

- the financial implications arising from the Consultation;
- why help would be provided to young people leaving care up the age of 25; and
- providing a nationally set foster care rate.

Decided: to approve the draft response to the consultation as detailed in Appendix 1 of the report.

13. **South Ayrshire Council : Raising our Ambitions.**

There was submitted a report (issued) of 14th September 2012 by the Chief Executive

- (1) providing a strategic overview of the next phase of this Council's organisational transformation and setting out strategic priorities that would provide the focus for a comprehensive engagement programme;
- (2) advising that this report was wide ranging and encompassed consideration of the following key elements:-
- (a) the Council's strategic journey thus far (as outlined in paragraphs 4.1 to 4.6 of the report) synthesised the key headlines from the improvement work since the Audit Scotland Best Value report in April 2009;
- (b) the Financial Outlook (as outlined in paragraphs 5.1 to 5.15 of the report) set out the understanding of the financial position for the coming few years in relation to the UK, Scotland and South Ayrshire Council with initial projections for 2013/14 to 2016/17 suggesting an estimated budget gap of £25m in revenue terms prior to any consideration of the impact of prudential borrowing;

- (c) consideration of the significant blocks of public sector reform (as outlined in paragraphs 6.1 to 6.13 of the report) which would impact on the strategic context and would have a bearing on service delivery including:-
- the implications of the Christie Commission Report;
 - Welfare Reform;
 - Health and Social Care Integration;
 - the Community Planning Review;
 - Police and Fire Reform; and
 - Community Empowerment and Renewal proposals;
- (3) a programme of transformational work (as outlined in paragraphs 7.1 to 7.21 of the report) focused on “Raising our Ambitions” including consideration of the characteristics that a modern organisation should have, the organisational drivers that would need to be vigorously pursued, changes in Chief Officers’ remits to support organisation transformation and improved service delivery, the implications of this work for leadership throughout the organisation and the intention to report progress regularly to the Leadership Panel reinforced by scrutiny;
- (4) strategic priorities (as outlined in paragraphs 8.1 and 8.2 of the report) which have been identified by Portfolio-Holders namely:
- maximising the local economy;
 - supporting children and families;
 - caring for older people;
 - strengthening communities; and
 - connecting strategic priorities in a coherent way;
- (5) consideration of how these related to outline priorities from the Community Planning Partnership (as outlined in paragraphs 8.3 to 8.6 of the report); and
- (6) proposals for public and partnership engagement (as outlined in paragraphs 9.1 to 9.4 of the report) to refine and further develop the Council’s strategic priorities.

Councillor McIntosh, seconded by Councillor McDowall, moved that the Council should approve recommendations outlined in the report subject to amending the third recommendation to read as follows:-

“agrees the proposed revised Chief Officer framework as set out at Annex A and delegates authority to the Chief Executive to agree final revisions to the framework and Chief Officer remits with the Leader and Depute Leader, within existing resources”.

Arising from discussion, the relevant Officers provided further information and clarification in response to matters raised by Members relative to the undernoted, namely:-

- how the procedures would work for the single Police Service and the single Fire and Rescue Service to be complemented by local plans and local scrutiny taken forward between the Council and a local Commander;
- the challenges of the flatter 21st Century South Ayrshire Council structure;
- the implications of the possible legislation focusing on community empowerment and renewal and engaging with local groups and forums; and
- that Elected Members be kept apprised of the final revisions to the framework through future Bulletins, briefings and reports to Leadership Panel as appropriate.

By way of an Amendment, Councillor McFarlane, seconded by Councillor Dorans, moved the Direct Negative of the Motion, that is, to not approve the recommendations in the report.

On a vote being taken by a show of hands, eight members voted for the Direct Negative and twenty members voted for the Motion which was accordingly declared to be carried.

Decided:

- (i) to note the significant journey that that this Council has made as an organisation, the financial outlook being faced and the major public sector reform changes which would have a bearing on this Council;
- (ii) to agree to embark on the next phase of organisational transformation in order to “Raise our Ambitions”;
- (iii) to agree the proposed revised Chief Officer framework as set out at Annex A of the report and to delegate authority to the Chief Executive to agree final revisions to the framework and Chief Officer remits with the Leader and Depute Leader, within existing resources;
- (iv) to agree that a recruitment process for the Head of Enterprise, Leisure and Events be initiated using the Chief Officers recruitment process; and
- (v) to agree that comprehensive engagement be undertaken on outline strategic priorities the outcome of which would be reported to the meeting of the Council on 14th February 2013.

14. **Formal Questions.**

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

Question 1

To ask the Leader of the Council whether it is the intention of the Administration to pay the Living Wage supplement and any subsequent annual increase during the full remaining term of this Council?

Answer 1

The Council has already agreed to pay a Living Wage supplement. This will be subject to review.

Question 2

To ask the Executive Director - Children and Community:-

- (a) to advise the rent loss due to voids from the charging period including 14th February 2012 to charging period including 27th September 2012?
- (b) the cost for the same period for security for empty properties?
- (c) the cost for the same period of any associated communal repairs due to vandalism or other matters related to empty properties?
- (d) the cost for the financial year 2011/2012 for Council Tax payments made by the Housing Revenue Account in respect of empty properties?
- (e) the cost for the financial year to 27th September 2012 for Council Tax payments made by the Housing Revenue Account in respect of empty properties?

Answer 2

- (a) For the charging period commencing 9th February 2012 to the most recently reconciled period ending 22nd August 2012, the total void rent loss on all Council houses is £225,046.
- (b) The total cost for securing empty properties across South Ayrshire for the period from 9th February 2012 to 25th September 2012 is £11,153.68.
- (c) The total cost for any associated communal repairs due to vandalism or other matters related to empty properties for the period from 9th February 2012 to 25th September 2012 is £45,354.
- (d) £46,678.
- (e) £18,450.

Question 3

To ask the Chief Executive

- (a) to make available to Council Members, a copy of the agenda and subsequent minutes of the meetings of COSLA Executive Groups held since the Election in May 2012?
- (b) to make available to Council Members a copy of future agendas and minutes when submitted to the Council?
- (c) at today's Council meeting, Members of the Council have been appointed to COSLA Executive Groups, to ask the Chief Executive whether any Members have attended any COSLA Executive Groups between the first Council meeting on 27th May 2012 and this Council meeting?
- (d) if any Members have attended COSLA during this time, on what authority did they attend?
- (e) in the Elected Members' Allowances booklet (updated May 2012) it defines approved duties as "The carrying out of any duty approved by the local authority" - does it require the appointment by the Council of Members (or designated substitutes) to attend these meetings in order to qualify for refund of expenses?
- (f) have Members of the Council applied for expenses to attend these Groups?

Answer 3

- (a) Copies will be passed to each Group office.
- (b) Copies will be passed to each Group office.
- (c) Yes.
- (d) Appointments made during recess under delegated authority (G21 Scheme of Delegation).
- (e) Approved duties are as outlined in Appendix 2 of Elected Members' Allowances booklet and the necessary approval for attendance is in place as outlined in (d) above.
- (f) No.

The meeting ended at 11.55 a.m.