

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 28th June 2012 at 10.00 a.m.

Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Douglas 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 Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Bill McIntosh, Rita Miller, Alec Oattes, Philip Saxton, Margaret Toner and Corri Wilson.

Apologies: Councillors Brian McGinley and Robin Reid.

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. O’Hagan, Head of HR and Organisational Development; C. Monaghan, Head of Policy, Performance and Communication; K. Leinster, Head of Community Care and Housing; J. McQuillan, Head of Property and Neighbourhood Services; M. Newall Head of Planning and Enterprise; D. Thomson, Trading Standards and Environmental Health Manager; B. Wyllie, Supervisory Engineer – Traffic; C. Bradshaw, Assistant Public Communications Officer; and J. McClure, Committee Services Officer.

Also Attending: F. Mitchell-Knight, Assistant Director of Audit Services; and D. Richardson, Audit Manager, Audit Scotland (for item 6 only).

1. Provost.

The Provost

- (1) welcomed all Members and Officers to the meeting of the Council;
- (2) welcomed Fiona Mitchell-Knight, the Assistant Director of Audit Services and Dave Richardson, the Audit Manager from Audit Scotland to the meeting and advised that they would be presenting the agenda item relating to Assurance and Improvement Plan – Update 2012-2015 which would be considered following approval of the Minutes; and
- (3) intimated that Councillor Douglas Campbell had submitted to the Chief Executive a number of Formal Questions and that this matter would be taken after item 16 on the agenda.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Minutes of previous Council meetings.

The Minutes of 17th May 2012 (issued) were submitted and authorised to be signed as a correct record of the meeting.

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) Leadership Panel of 21st May 2012 (Special) and 6th June 2012.
- (2) Regulatory Panel of 7th June 2012.
- (3) Development and Environment Standing Scrutiny Panel of 12th June 2012.
- (4) Local Review Body of 12th and 19th June 2012.
- (5) Community Services Standing Scrutiny Panel of 13th June 2012.
- (6) Corporate and Community Planning Standing Scrutiny Panel of 14th June 2012.
- (7) General Purposes Panel of 20th June 2012.

5. Variation in order of business.

In terms of Council Standing Order No. 10, the Council agreed to vary the order of business as hereinafter minuted.

6. Assurance and Improvement Plan : Update 2012 to 2015.

There was submitted a report (issued) of 21st June 2012 by the Head of Policy, Performance and Communication

- (1) advising
 - (a) on the publication by Audit Scotland of the Assurance and Improvement Plan for South Ayrshire Council for 2012 to 2015 and the proposed scrutiny activity for the next three years; and

- (b) that, as part of implementing the Crerar Review, in 2010 the various scrutiny bodies had changed their approach to assessing what inspection activity should be undertaken in Councils with a local area network (LAN) formed for each Council comprising representatives from Audit Scotland, HMIE, SCSWIS, the Care Commission and Housing Regulator who met to consider scrutiny activity based on risk assessment thereby providing a more proportionate approach to inspection with the output published via the annual Assurance and Improvement Plan (AIP);
- (2) outlining the headline findings of South Ayrshire's AIP published in May 2012 and attached as Appendix 1 to the report; and
- (3) reporting
 - (a) that the AIP had set out the following strategic scrutiny activity for South Ayrshire Council in 2012/13:
 - Care Inspectorate Initial Scrutiny Level Assessment;
 - Included within the Audit Scotland follow-up on Maintaining Scotland's Roads; and
 - Housing Benefit Audit;
 - (b) that there was currently no planned scrutiny activity for 2013/14 and 2014/15; and
 - (c) that Officers would factor in the findings of the AIP into the next improvement work programme which was expected to be presented to the Council in the autumn.

Fiona Mitchell-Knight, Assistant Director of Audit Services from Audit Scotland outlined her role with regard to South Ayrshire Council's annual audit and Dave Richardson Audit Manager then gave a short presentation on the background to the progress that this Council had made and advised that the Council continued to improve its financial position and should be congratulated on this

The Provost, on behalf of the Council, thanked Ms. Mitchell-Knight and Mr. Richardson for the update and interesting and informative presentation.

Decided: to note

- (i) the publication of the Assurance and Improvement Plan and the planned scrutiny activity for 2012/13; and
- (ii) that no scrutiny activity was currently planned for 2013/14 and 2014/15.

7. Schedule of Meetings.

There was submitted a report (issued) of 21st June 2012 by the Executive Director – Corporate Services seeking approval to set the timetable of Panel meetings from August 2012 to June 2013.

A Member raised a question regarding why the times of the recess had changed and the Executive Director – Corporate Services responded accordingly.

Councillor McIntosh, seconded by Councillor McDowall, moved the schedule of meetings as outlined in the report.

By way of Amendment, Councillor McFarlane, seconded by Councillor Douglas Campbell, moved that the report be amended to the recess being from 2nd July 2012 to 6th August 2012 and that reports be compiled during week commencing 13th August 2012 and that the schedule of meetings thereafter be adjusted.

On a vote being taken by a show of hands, nine Members voted for the Amendment and nineteen Members for the Motion which was accordingly declared carried.

Decided: to approve the schedule of meetings, including recess periods, from August 2012 to June 2013, as detailed below:-

The Council will be in Recess from Monday, 2nd July until Friday, 17th August 2012. Weeks beginning Monday, 20th and 27th August 2012 have been set aside for report preparation and members' briefing, therefore, Week 5 will commence on week beginning Monday, 3rd September 2012.

Week 5

Tuesday, 4th September 2012 at 10.00 a.m.	Leadership Panel (as Education Authority)	County Hall
Thursday, 6th September 2012 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 6th September 2012 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall
Thursday, 6th September 2012 at 7.00 p.m.	Rural Panel	to be decided

Week 6

Tuesday, 11th September 2012 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 11th September 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 12th September 2012 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 13th September 2012 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 7

Tuesday, 18th September 2012 at 10.00 a.m.	Scrutiny and Governance Management Panel	Committee Room
Thursday, 20th September 2012 at 10.00 a.m.	Licensing Board	County Hall

Week 8

Tuesday, 25th September 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 26th September 2012 at 10.00 a.m.	Appeals Panel	Committee Room
Thursday, 27th September 2012 at 10.00 a.m.	South Ayrshire Council	County Hall

Week 1

Tuesday, 2nd October 2012 at 10.00 a.m.	Leadership Panel	County Hall
Thursday, 4th October 2012 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 4th October 2012 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 2

Tuesday, 9th October 2012 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 9th October 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 10th October 2012 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 11th October 2012 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

The Council will be in Recess from Monday, 15th October to Friday 19th October 2012.

Week 3

Wednesday, 24th October 2012 at 10.00 a.m.	General Purposes Panel	Committee Room
Thursday, 25th October 2012 at 10.00 a.m.	Licensing Board	County Hall

Week 4

Tuesday, 30th October 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 31st October 2012 at 10.00 a.m.	Appeals Panel	Committee Room

Week 5

Tuesday, 6th November 2012 at 10.00 a.m.	Leadership Panel (as Education Authority)	County Hall
Thursday, 8th November 2012 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 8th November 2012 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 6

Tuesday, 13th November 2012 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 13th November 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 14th November 2012 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 15th November 2012 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 7

Tuesday, 20th November 2012 at 10.00 a.m.	Scrutiny and Governance Management Panel	Committee Room
Thursday, 22nd November 2012 at 10.00 a.m.	Licensing Board	County Hall

Week 8

Tuesday, 27th November 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 28th November 2012 at 10.00 a.m.	Appeals Panel	Committee Room
Thursday, 29th November 2012 at 10.00 a.m.	South Ayrshire Council	County Hall

Week 1

Tuesday, 4th December 2012 at 10.00 a.m.	Leadership Panel	County Hall
Thursday, 6th December 2012 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 6th December 2012 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 2

Tuesday, 11th December 2012 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 11th December 2012 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 12th December 2012 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 13th December 2012 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 3

Wednesday, 19th December 2012 at 10.00 a.m.	General Purposes Panel	Committee Room
Thursday, 20th December 2012 at 10.00 a.m.	Licensing Board	County Hall

The Council will be in Recess from Monday, 24th December 2012 until Friday, 4th January 2013. Week beginning Monday, 7th January 2013 has been set aside for report preparation and members' briefing, therefore, Week 4 will commence 14th January 2013.

Week 4

Tuesday, 15th January 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 16th January 2013 at 10.00 a.m.	Appeals Panel	Committee Room

Week 5

Tuesday, 22nd January 2013 at 10.00 a.m.	Leadership Panel (as Education Authority)	County Hall
Thursday, 24th January 2013 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 24th January 2013 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall
Thursday, 24th January 2013 at 7.00 p.m.	Rural Panel	To be decided

Week 6

Tuesday, 29th January 2013 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 29th January 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 30th January 2013 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 31st January 2013 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 7

Tuesday, 5th February 2013 at 10.00 a.m.	Scrutiny and Governance Management Panel	Committee Room
Thursday, 7th February 2013 at 10.00 a.m.	Licensing Board	County Hall

Week 8

Tuesday, 12th February 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 13th February 2013 at 10.00 a.m.	Appeals Panel	Committee Room
Thursday, 14th February 2013 at 10.00 a.m.	South Ayrshire Council	County Hall

Week 1

Tuesday, 19th February 2013 at 10.00 a.m.	Leadership Panel	County Hall
Thursday, 21st February 2013 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 21st February 2013 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 2

Tuesday, 26th February 2013 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 26th February 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 27th February 28 February at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 28th February 2013 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 3

Wednesday, 6th March 2013 at 10.00 a.m.	General Purposes Panel	Committee Room
Thursday, 7th March 2013 at 10.00 a.m.	Licensing Board	County Hall

Week 4

Tuesday, 12th March 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 13th March 2013 at 10.00 a.m.	Appeals Panel	Committee Room

Week 5

Tuesday, 19th March 2013 at 10.00 a.m.	Leadership Panel (as Education Authority)	County Hall
Thursday, 21st March 2013 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 21st March 2013 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 6

Tuesday, 26th March 2013 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 26th March 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 27th March 2013 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 28th March 2013 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

The Council will be in Recess from Tuesday, 2nd April until Friday, 12th April 2013.

Week 7

Tuesday, 16th April 2013 at 10.00 a.m.	Scrutiny and Governance Management Panel	Committee Room
Thursday, 18th April 2013 at 10.00 a.m.	Licensing Board	County Hall

Week 8

Tuesday, 23rd April 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 24th April 2013 at 10.00 a.m.	Appeals Panel	Committee Room
Thursday, 25th April 2013 at 10.00 a.m.	South Ayrshire Council	County Hall

Week 1

Tuesday, 30th April 2013 at 10.00 a.m.	Leadership Panel	County Hall
Thursday, 2nd May 2013 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 2nd May 2013 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall

Week 2

Tuesday, 7th May 2013 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 7th May 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 8th May 2013 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 9th May 2013 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 3

Wednesday, 15th May 2013 at 10.00 a.m.	General Purposes Panel	Committee Room
Thursday, 16th May 2013 at 10.00 a.m.	Licensing Board	County Hall

Week 4

Tuesday, 21st May 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 22nd May 2013 at 10.00 a.m.	Appeals Panel	Committee Room

Week 5

Tuesday, 28th May 2013 at 10.00 a.m.	Leadership Panel (as Education Authority)	County Hall
Thursday, 30th May 2013 at 10.00 a.m.	Regulatory Panel (Planning)	County Hall
Thursday, 30th May 2013 at 2.00 p.m.	Regulatory Panel (Licensing)	County Hall
Thursday, 30th May 2013 at 7.00 p.m.	Rural Panel	To be decided

Week 6

Tuesday, 4th June 2013 at 10.00 a.m.	Development and Environment Standing Scrutiny Panel	Committee Room
Tuesday, 4th June 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 5th June 2013 at 10.00 a.m.	Community Services Standing Scrutiny Panel	Committee Room
Thursday, 6th June 2013 at 10.00 a.m.	Corporate and Community Planning Standing Scrutiny Panel	Committee Room

Week 7

Tuesday, 11th June 2013 at 10.00 a.m.	Scrutiny and Governance Management Panel	Committee Room
Thursday, 13th June 2013 at 10.00 a.m.	Licensing Board	County Hall

Week 8

Tuesday, 18th June 2013 at 2.00 p.m.	Local Review Body	Committee Room
Wednesday, 19th June 2013 at 10.00 a.m.	Appeals Panel	Committee Room
Thursday, 27th June 2013 at 10.00 a.m.	South Ayrshire Council	County Hall

The Council will be in Recess from Monday, 1st July until Friday, 16th August 2013. Weeks beginning Monday, 19th and 26th August 2013 have been set aside for report preparation and members' briefing, therefore, Week 1 will commence Monday, 2nd September 2013.

8. Representation on Outside Bodies.

Reference was made to the Minutes of 17th May 2012 (Page 289, paragraph 13) when the list of appointments to Outside Bodies had been agreed and there was submitted a report (issued) of 21st June 2012 by the Executive Director – Corporate Services seeking approval to make alterations to the list of Outside Bodies which had been approved.

Councillor McIntosh, seconded by Councillor Kilpatrick, moved the recommendations as outlined in the report.

By way of Amendment, Councillor McFarlane, seconded by Councillor Douglas Campbell, moved that Councillor Douglas be appointed as substitute on the Strathclyde Concessionary Fares Travel Scheme.

On a vote being taken by a show of hands, nine Members voted for the Amendment and nineteen for the Motion which was accordingly declared carried.

Decided:

- (1) that the Council should take advantage of the opportunity for full representation on associated forums of Strathclyde Fire and Rescue Board and agree the appointments as follows:-

<i>Outside Bodies, etc</i>	<i>Representative</i>	<i>Substitute Representative</i>
Employee and Equality Forum	John Allan	Bill Grant
Performance and Audit Forum	Bill Grant	John Allan

- (2) that the Council should take the opportunity to appoint substitutes on Strathclyde Concessionary Fares Travel Scheme and West of Scotland Archaeological Service Joint Committee as follows:-

<i>Outside Bodies, etc</i>	<i>Representative</i>	<i>Substitute Representative</i>
Strathclyde Concessionary Fares Travel Scheme	Nan McFarlane	Brian McGinley
West of Scotland Archaeological Service Joint Committee	Mary Kilpatrick	Kirsty Darwent

- (3) to note the appointment of Ms. Hornby, Head Teacher of Troon Primary School to CK Marr Educational Trust as Governor.

9. Local Licensing Forum Membership.

There was submitted a report (issued) of 12th June 2012 by the Executive Director – Corporate Services advising

- (1) that the Local Licensing Forum Constitution stated that “any Forum member who misses three consecutive meetings of the Forum may be voted off and replaced with a member of the Council’s choice that represents a similar interest” and, as the two young people who were currently members of the Forum had not been able to attend the last three meetings and had now indicated that they no longer wished to be members of the Forum, it was therefore proposed that these two members be removed from the Forum and that two new members be appointed to represent the interests of young people; and
- (2) that, following a recent meeting of the South Ayrshire Youth Forum, attended by the Licensing Standards Officer, two new young people had been identified who were members of the Youth Forum and had expressed a keen interest in participating in the work of the Licensing Forum and it was therefore proposed that the membership should be augmented by the appointment of Maria McGough and Sophie Sandor.

Decided: that the membership of the Local Licensing Forum be augmented by the appointment of Maria McGough and Sophie Sandor.

10. Annual Accounts 2011/12.

There was submitted a report (issued) of 21st June 2012 by the Executive Director – Corporate Services

- (1) providing an overview of the figures contained in the Abstract of Accounts for the year ended 31st March 2012;
- (2) explaining significant variations from budget;
- (3) outlining how the 2011/12 out-turn impacted on the Council’s overall financial position; and
- (4) reporting
 - (a) that the Annual Accounts to 31st March 2012 showed an accumulated surplus of £18.026m and that after adjustment for the factors outlined in the report, the Council had uncommitted funds of £12.019m at 31st March 2012;
 - (b) that after adjusting for the issues outlined in the table at paragraph 4.2.4 of the report, uncommitted reserves of £8.794m (3.3%) were currently projected at 31st March 2013; and

- (c) that best practice recommended that Councils should hold reserves of between 2 and 4 per cent of annual running costs, equivalent to approximately £5.341m to £10.682m for South Ayrshire Council and that the Council had committed to achieving an uncommitted balance of £8.000m by 31st March 2013.

Questions were raised by Members regarding how the Council determined the amount of funding required in the Repair and Renewal fund; whether the variation of £26,000 in the Registration budget had a bearing on the cut in hours at the Girvan Registration Office; and whether the remaining monies to be recovered from the Icelandic Bank would be received in Danish Kroner and the Executive Director – Corporate Services responded accordingly; and various Members thanked the staff involved for all their hard work.

Decided:

- (a) to note the contents of the report and that all figures remained subject to audit; and
- (b) to agree that the balance of uncommitted funds of £8.794m at 31st March 2012 be held in reserve at this stage as best practice recommended that Councils hold reserves of between 2 and 4% of annual running costs, equivalent to approximately £5.341m to £10.682m for this Council with the Council previously committed to achieving an uncommitted balance of £8.000m by 31st March 2013.

11. Housing Capital Investment Programme 2011/12 : Monitoring Report as at Period 12, 31st March 2012.

There was submitted a joint report (issued) of 21st June 2012 by the Executive Director – Development and Environment and Executive Director – Corporate Services

- (1) advising of the actual capital expenditure and income together with progress made with the Housing Capital Investment Programme for 2011/12 at 31st March 2012;
- (2) intimating
 - (a) that the Housing Capital Investment Programme for 2011/12 had been presented to and approved by, South Ayrshire Council at a Special Meeting of 19th January 2011, with the total approved funding being £15,477,000; and
 - (b) that a number of adjustments to the Programme had been approved by Leadership Panels and South Ayrshire Council throughout the year, leading to a revised budget of £14,341,261 which was reflected in Appendix 1 to the report;

- (3) reporting
 - (a) that, as outlined in Appendix 1 of the report, the total expenditure at Period 12 was £11,922,215 which, based on a budget of £14,341,261 represented expenditure in percentage terms of 83.13% with the balance budget being requested to be carried forward to 2012/13 to fund committed works and that actual income stood at £11,922,215, as provided and agreed with Corporate Services; and
 - (b) that in 2011/12, Capital Financing from Current Reserves (CFCR) of £4,732,591 was required to fund the Programme;
- (4) outlining that, as highlighted in Appendix 1, £2,373,125 was required to be carried into 2012/13 to complete projects not completed in 2011/12 which would be funded through a draw on the HRA Surplus of £2,222,393 and borrowing of £150,732; and
- (5) highlighting the following information:-
 - (a) the 2011/12 budget for each section of the Programme;
 - (b) the actual out-turn within each of these Programme areas for 2011/12;
 - (c) the variance between the budgeted and actual out-turn expenditure; and
 - (d) the required draw on the 2012/13 accumulated surplus required to complete projects carrying from 2011/12 into 2012/13.

A question was raised by a Member regarding the progress with projects identified for this year and the Head of Property and Neighbourhood Services responded accordingly.

Decided:

- (i) to note the progress made on the delivery of the Housing Capital Investment Programme at Period 12; and
- (ii) to agree that resources of £2,373,125 be carried forward to fund projects outstanding from 2011/12.

12. General Services Capital Programme 2011/12: Monitoring Report as at Period 12 : 31st March 2012.

There was submitted a joint report (issued) of 21st June 2012 by the Executive Director – Development and Environment and Executive Director – Corporate Services

- (1) providing information on the actual capital expenditure and income together with progress made on General Services Capital Programme projects for the year ended 31st March 2012;

(2) outlining

- (a) that the 2011/12 General Services Capital Programme had been approved at a Special Meeting of South Ayrshire Council held on 10th February 2011 with the total approved funding being £14,171,236; and
- (b) that a number of adjustments to the Programme had been approved by Leadership Panels and South Ayrshire Council throughout the year, leading to a revised budget of £12,019,006 which was reflected in Appendix 1 to this report; and

(3) advising

- (a) that as detailed in Appendix 1 of the report, at the end of Period 12, actual expenditure stood at £11,187,789 which, based on an approved budget of £12,019,006, equated to an overall spend of 93.08%;
- (b) that income for this period stood at £12,089,515 with this information being provided by and agreed with Corporate Resources; and
- (c) that during the course of the year, the Leadership Panel had been notified of a number of projects where budget was required to be carried to 2012/13 and appropriate funding was transferred to 2012/13 to reflect the newly profiled expenditure in relation to these projects, however, on a number of these projects expenditure in 2011/12 had exceeded the anticipated in-year profiled budget but was still within the overall project budget which had resulted in expenditure being funded by in-year borrowing and would be offset by a corresponding reduction in the 2012/13 Programme budget;
- (d) that a summary of the total projects requiring budget to be carried forward to 2012/13, as outlined in Appendix 2 to the report, included those projects where approval had previously been given for budget to be carried to 2012/13 with the total in respect of these projects being £1,817,400;
- (e) that to complete the 2011/12 Programme, as identified in Appendix 1 to the report, income of £1,051,153 required to be carried forward to 2012/13 and that, in addition to this, a further £766,247 was required to fund this work;
- (f) that South Ayrshire Council at its meeting on 8th March 2012 had agreed that the anticipated over-programming on the 2011/12 Programme would be £275,866 and that this would be the first call on 2012/13 funding; and
- (g) that it was, therefore, requested that the balance of £490,381 be funded through an increase in over-programming in 2012/13 with a summary of the main reasons for this outlined in Appendix 3 to the report.

Questions were raised by Members regarding whether an electric sub-station was being installed for the benefit of County Buildings and the generator in the Courtyard removed; and the refurbishment at Marr College and related land purchase and the Head of Property and Neighbourhood Services responded accordingly.

Decided:

- (i) to note the progress made on the delivery of the General Services Capital Programme at Period 12, to 31st March 2012 at Period 12; and
- (ii) to agree to carry forward £1,817,400 to 2012/13 to complete projects not completed during 2011/12.

13. Single Status – Final Report.

There was submitted a report (issued) of 21st June 2012 by the Head of HR and Organisational Development

- (1) advising
 - (a) of the position at the end of the three year implementation period following the introduction of the Single Status Package;
 - (b) that only one work group now remained outwith the Council's pay and grading model and conditions of service and that negotiations had taken place with trade unions to extend the new arrangement to this work group to ensure equity across the workforce and to remove the potentially discriminatory bonus payment, with it now being necessary to reconvene negotiations to implement the necessary contractual changes, preferably by collective agreement but, if necessary, by amending contracts of employment; and
 - (c) that, since the progress report to the meeting of South Ayrshire Council on 30th June 2011, policies had been developed, amended and refined to complement and supplement the Conditions of Service Package and to support the developing needs of operational services; and
- (2) outlining the position in relation to job evaluation appeals, salary preservation and equal pay.

Questions were raised by Members regarding the outstanding residual claims and whether these would be considered at the Supreme Court; and whether an agreement would be imposed on the one work group remaining outwith the Council's pay and grading model and conditions of service, should agreement not be reached; and the Head of HR and Organisational Development responded accordingly.

Decided: to note and agree the position in relation to Single Status as set out in the report.

14. Shared Services – Pan Ayrshire Regulatory Service.

Reference was made to the Minutes of 8th March 2012 (Page 137, paragraph 8) and there was submitted a report (issued) of 20th June 2012 by the Executive Director – Development and Environment

- (1) requesting that the Council consider the costs and benefits of a Pan Ayrshire Regulatory Service (PARS) as East and North Ayrshire Councils had considered the Business Case for PARS at Cabinet/Executive meetings of 13th June and 19th June 2012 respectively; and
- (2) advising
 - (a) that there appeared to be no overwhelming financial incentive for the project to proceed as the savings when split across the three Councils were modest and had to be set against the upheaval involved in disaggregating the services from each Council and then building the single shared service under the auspices of a lead authority;
 - (b) that additional one-off costs totalling across the three Councils up to £0.789m arising from redundancy and IT issues had also been estimated;
 - (c) that while the service benefits were attractive, it was the case that these were currently successful and improving services in all three Councils and it was conceivable that some of the benefits might be achievable without establishing a formal shared service;
 - (d) that it was proposed, therefore, that no further work be carried out on PARS;
 - (e) that much work had gone into this project over the last three years and many lessons had been learned for the future, particularly in relation to project management, governance arrangements, cost analysis, business case construction and employee communication; all of which would be useful in moving ahead with other shared services projects;
 - (f) that, should the Council wish to proceed with the creation of a Pan Ayrshire Regulatory Service it should be noted that further work would require to be undertaken to carry out reviews in relation to processes and procedures, organisational structure below management level and accommodation; and
 - (g) that a transitional plan was proposed in this regard and details were included within the Business and Implementation Plan.

The Executive Director – Development and Environment updated the Council by advising that both East and North Ayrshire Councils had now agreed that the case for proceeding with a Pan Ayrshire Regulatory Service was not conclusive; and that the call-in procedures in terms of this had now elapsed.

A question was raised by a Member regarding the position of the Shared Services Project Manager who had been appointed jointly by the three Ayrshire Councils in May 2011 for two years and the Executive Director – Development and Environment responded accordingly.

Decided: to agree that the case for proceeding with Pan Ayrshire Regulatory Service was not conclusive and that no further work should be undertaken on this meantime.

15. Addressing Dog Fouling and the Nuisance from Seagulls.

Reference was made to the Minutes of 8th June 2010 (Page 310, paragraph 8) and there was submitted a report (issued) of 20th June 2012 by the Executive Director – Development and Environment advising of the results of the public consultation on the exclusion of dogs from specified areas within the Council's control and to recommend additional measures to tackle dog fouling; and proposing measures to reduce the nuisance from seagulls.

There then followed a full discussion in relation to this matter and questions were raised by Members regarding whether the two Enforcement Officers being employed would cover the whole of South Ayrshire or just coastal towns; whether all gulls were protected; whether the Enforcement Officers would work shifts as this was not a 9-5 problem; which of the items listed in 2.1 of the report were subject to fixed penalty notices; whether the owners of dogs on a golf course not on a lead would be subject to a fixed penalty notice; and the measures available to deal with those who contravened the Act; and the Head of Planning and Enterprise and the Trading Standards and Environmental Health Manager responded accordingly.

Councillor McDowall, seconded by Councillor Hampton, moved the recommendations as outlined in the report.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Allan moved that the Council should

- (1) request Officers to write to the Scottish Government asking them to consider a review of the Right to Roam Legislation which would allow Councils to set management rules for the control and / or prohibition of dogs in Children's Play Areas that were fenced and controlled by measures to exclude dogs;
- (2) welcome the action by the many responsible dog owners when exercising their pets in public areas by cleaning fouling from streets, pavements and grassed area, however, the Council continued to receive many complaints of dog fouling associated with irresponsible owners who failed to clear up;

- (3) therefore, request that an Officer write to the Scottish Government as part of the review of litter control legislation to ask that consideration be given to legislation that would require a person exercising a dog(s) in a public place being required to demonstrate to a Police Officer or appropriate Council 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 legislation; and that a person being in breach of the legislation as described above would be required to pay a suitable penalty;
- (4) approve the report in part with the addition of a Council subsidised service which would aim to reduce the number of nests in South Ayrshire by way of fitting deterrents to properties which were already targeted by seagulls annually during the nesting season; and
- (5) request that Officers bring forward a report to a future Leadership Panel on the proposed service and the financial implications.

On a vote being taken by a show of hands, nine Members voted for the Amendment and nineteen for the Motion which was accordingly declared carried.

Decided: to approve

- (a) by making it clear by signage and other methods of communication with the public, the terms of the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code in relation to the Right to Roam:-
 - (i) that dogs, other than those that assisted persons with disabilities were not permitted in school grounds other than with the permission of the Head Teacher of that school;
 - (ii) that dogs were not permitted in non-school sports grounds whilst they were in use other than those that assisted persons with disabilities who were participating in the use of the said sports ground;
 - (iii) that dogs were not permitted on golf course greens other than those that assisted persons with disabilities who were playing golf;
 - (iv) that dogs in children's play parks should be kept on a short lead;
 - (v) that dogs on beaches, golf courses (other than greens), cemeteries and all other open spaces including sports grounds not in use should be kept under proper control; and
 - (vi) that dog fouling (and not immediately picking up and then disposing of the wrapped waste in a suitable bin) was an offence;
- (b) that a guide for the public be produced detailing the rights and limits of access for dog walkers within South Ayrshire;

- (c) that measures including purchase of gull proof bins and gull proof closures to existing bins and an anti-litter campaign be carried out;
- (d) that one-off funding of £56,000 be allocated from contingency to cover costs of addressing dog fouling and gull nuisance, as outlined in paragraph 5.1 of the report; and
- (e) that the creation of two Dog-Fouling / Litter Enforcement Officer posts, for a fixed term of two years and at an approximate cost of £54,000 per annum be funded from contingency, with an expectation that half of these costs would be recoverable.

16. Prestwick International Enterprise Area – Generating a Lasting Benefit for South Ayrshire.

There was submitted a joint report (issued) of 21st June 2012 by the Executive Director – Development and Environment and the Executive Director – Corporate Services

- (1) advising
 - (a) that in the Autumn of 2011 the Scottish Government had announced that it intended to introduce Enterprise Areas (EAs) into Scotland as an additional measure in its economic recovery programme, although using an alternative model to that already deployed by the UK Government in England and Wales with the preferred approach being to have sector-focussed EAs but with multiple geographic locations for each sector;
 - (b) that this Council, through the Chief Executive, had then made extensive use of local MSPs, as well as contacts within Scottish Enterprise to lobby the case for Prestwick to be included within one of the EAs, ideally covering both the Airport and the Prestwick International Aerospace Park (PIAP);
 - (c) that on 17th January 2012, the Finance Secretary, John Swinney had announced the creation of four EAs, one of which would cover “manufacturing and growth opportunities” and that this would cover the Creative Clyde digital media park in Glasgow and “Prestwick International” which would focus on aerospace at PIAP and that, whilst commenting on these sites, John Swinney had stated that “they represent the strategic locations in our key sectors with clear, achievable opportunities for development in the short term” and advised that EAs would operate for a five year period from 1st April 2012; and
 - (d) that over the next three months the operational arrangements for the Prestwick International Aerospace Park EA were defined with the key arrangements being formalised through a new statutory Regulation, “The Non-Domestic Rates (Enterprise Areas) (Scotland) Regulations 2012”;

- (2) outlining
 - (a) the main elements of the operation of the Prestwick International EA; and
 - (b) the benefits over the five year life of the EA; and
- (3) reporting that Scottish Enterprise had fully committed to the EA agenda and had intimated to this Council that it would consider making further investments in speculative industrial property on PIAP, through two separate phased investments of 40,000 sq ft if they saw evidence of increased demand from relevant aerospace businesses wishing to relocate which was inextricably linked to how this Council approached the application of the rates relief incentive.

Questions were raised by Members regarding whether South Ayrshire was competing against any other Enterprise Area for aerospace; risks in relation to granting rates relief; and when Officers had written to the Scottish Government seeking legal advice and feedback and the Executive Director – Development and Environment responded accordingly.

Decided: to agree

- (i) to seek explicit Scottish Government support for a broad interpretation of the statutory Regulation to enable South Ayrshire to generate a lasting economic benefit, in terms of investment, business growth, job creation and aerospace cluster development, from Enterprise Area status at the Prestwick International Aerospace Park; and
- (ii) to work, in collaboration with Scottish Enterprise, to make proposals to the Scottish Government to amend the Regulation from 1st April 2013 and, as appropriate, to use channels to lobby Ministers for these changes.

17. General Services Capital Programme 2012/13 Customer Service Centres.

There was submitted a report (issued) of 18th June 2012 by the Executive Director – Development and Environment

- (1) advising
 - (a) that this Council had previously approved the provision of five Customer Service Centres at Ayr, Girvan, Maybole, Troon and Prestwick; that the Ayr Customer Service Centre was to be provided in the Wallace Tower property with funding for the conversion of that building being provided through the Ayr Common Good Fund and funding for the other four centres being provided through the General Services Capital Programme;
 - (b) that an initial allocation of £1m had been provided in total for the five centres with a subsequent notional split of £750,000 for the Ayr Centre and £250,000 for the four outlying centres;

- (c) that a range of transactions were now being delivered from the four outlying Customer Service Centres but alterations, modernisation and upgrading to all four properties was required;
 - (d) that during the development of the proposals a number of factors had emerged which had impacted on the estimated costs for the four outlying Centres, including the requirement to re-roof the property in Girvan and alterations to ensure properties were fully compliant with equalities legislation (formerly DDA) requirements as presently Maybole and Prestwick premises were non-compliant; and
 - (e) that, as a result of these and other factors, the estimated cost for the modernisation and upgrading of the four outlying centres had increased to £450,000 against an available budget of £287,000 and that the Corporate Management Team on 17th May 2012 had considered options with regard to this position and had determined that, as the intended primary points of contact for residents and visitors, the Customer Service Centres should be appointed to a suitably high standard of finish; and
- (2) seeking authority to adjust allocations within the General Services Capital Programme 2012/13.

Questions were raised by a Member regarding when the Centres would be fully operational and when Local Members would be briefed on the layout and content of the Centres and the Head of Property and Neighbourhood Services responded accordingly.

Decided: to approve the adjustments to allocations within the General Services Capital Programme as follows:-

- (i) to allocate £70,000 from the budget for equalities legislation/DDA compliance for works at the Customer Service Centres;
- (ii) to decrease the allocation for the introduction of Flexible Working by £50,000;
- (iii) to decrease the allocation for Office Rationalisation by £50,000; and
- (iv) to increase the allocation to Customer Service Centres by £100,000.

Councillor Davies left the meeting at this point.

18. Aligning Key Work Streams Relating to Ayr.

There was submitted a report (issued) of 20th June 2012 by the Chief Executive seeking approval to align Council programmes, including the office rationalisation project and the Ayr Common Good fund, to accelerate the delivery of the Ayr Renaissance strategy.

Questions were raised by Members regarding hot desking; was the Council constrained during the options appraisal as the report stated that “a principle of retaining the administrative and civic functions within Ayr Town Centre is adopted, with a presumption in favour of locating any new property requirement which emerges from the office rationalisation process in the Town Centre”; the legal definition of ‘in principle’; and the boundary of Ayr Town Centre; and the Chief Executive and the Head of Legal and Administration responded accordingly.

Councillor Grant, seconded by Councillor Darwent, moved the recommendations as outlined in the report.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor Dorans, moved that recommendation 2.1 of the report should be amended to read “that the location of choice for the civic and administrative headquarters function of South Ayrshire Council be within the locale of Ayr Town Centre”.

On a vote being taken by a show of hands, nine Members voted for the Amendment and eighteen for the Motion which was accordingly declared carried.

Decided:

- (1) to approve the principle that Ayr Town Centre be the location of choice for the civic and administrative headquarters functions of South Ayrshire Council;
- (2) to agree that an options appraisal be carried out to establish the preferred site for these functions, in line with the approved Interim Asset Management Plan;
- (3) to utilise the office rationalisation/options appraisal project and the Ayr Common Good Fund to accelerate the delivery of the Ayr Renaissance strategy; and
- (4) to note
 - (a) the previously agreed Ayr Renaissance Board’s vision and prioritisation of the area known as the North Hub, including the delivery of the Affleck’s and Riverside block elements; and
 - (b) that further reports on the office rationalisation/options appraisal project and the Ayr Common Good Fund would come back to Council for approval as work was further developed.

19. **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

Retail sales growth in Scotland has lagged behind the UK for more than a year, despite the recent sunny weather in May. In May the Scottish Retail Consortium reported a rise in footfall between 2011 and 2012 of 3.4% but this was against a sharp fall in the number of shoppers on the High Street in April with almost 20% fewer than April 2011.

To ask the Leader of the Council what additional steps the Council is prepared to take to ensure the continuing viability of our local town centres?

Answer 1

The importance of town centres is recognised in the Local Development Plan, the Ayrshire and Arran Tourism Strategy and the Council's draft economic development strategy. The Council will continue to focus on all opportunities to improve the viability and success of all of South Ayrshire's town centres.

Councillor Campbell raised a supplementary question seeking a more comprehensive answer and referred to the Scottish Agricultural report pertaining to the lack of resilience resulting in housing being most at risk, with Girvan third worst and Maybole eighth worst and the Leader of the Council advised that he would respond in writing to Councillor Campbell.

Question 2

At the meeting on 10th February 2010, the Labour Group of Councillors supported an alternative method of allocating resources as detailed in the minutes of the Council:-

"to recognise that a fundamentally different approach to budgeting was required to meet the challenge of 2011/12 onwards and to agree that work would begin directly on the 2011/12 Budget with the key driver being the prioritisation of services, monthly reports would be brought forward to the Leadership Panel, followed by evaluation and feedback on a monthly basis by the Corporate and Community Planning Standing Scrutiny Panel, the process should also include a review of statutory versus non-statutory functions, review of former hypothecated funds, assessment of increased demand for services and assumptions around decreased income, an urgent review of common good funds and a community budgetary participation process and recognition of the need to fast track asset management plans to enable early alignment to the budgeting process and a schedule to include timescales to be brought forward to the next meeting of the Leadership Panel on 9th March 2010."

To ask the Leader of the Council to outline how the coalition will review budget commitments during the course of the year and what steps Officers will be asked to take when compiling the budget for next year?

Answer 2

The budget for 2013/14 onwards will be delivered in line with the process/timetable outlined in the report 'Revenue Budget 2013/14' presented to Leadership Panel on 13th March 2012.

Councillor Campbell raised a supplementary question asking the Leader if he agreed that the Labour Group seemed to have given up its vision and principles as it was not pressing this and the Leader of the Council advised that he would respond in writing to Councillor Campbell.

Question 3

On 6th October 2011, the Council approved the following Motion:-

"South Ayrshire Council notes that the first spinal pay point for Grade 1 staff is £6.17 which exceeds the National Minimum Wage and that several Scottish Councils have sought to improve pay for lower graded staff following negotiation with Trade Unions.

The Council recognises the desire of Trade Unions to increase the rate of pay at the first spinal point but that any review will require a review of the Pay and Grading Structure of the Council. The Council, therefore, approves continuing negotiations between Officers and Trade Unions to establish a higher starting pay spinal point provided that any subsequent amendments to the Pay and Grading Structure are contained within the existing pay budget."

To ask the Portfolio Carrier for Resources and Performance to update the Council on when the 'Living Wage' will be implemented?

Answer 3

The Portfolio Carrier for Resources and Performance is absent and will provide a written response in due course.

Question 4

To ask the Leader of the Council whether he agrees with the Prime Minister that welfare benefits should be paid on a 'Regional' basis and that under 25's should not qualify for assistance with housing costs?

Answer 4

The Leader of the Council is currently focussing on the immediate effects of Welfare Reform rather than proposals which are currently being considered by UK Government.

Councillor Campbell raised a supplementary question asking the Leader if he agreed that it was a disgrace that 25% of welfare cuts would fall on the 3% of householders with a disabled person and the Leader advised that he would respond to Councillor Campbell in writing.

Question 5

To ask the Portfolio Carrier for Housing and Customer First to confirm when the masterplan for the redevelopment of the Maisonettes and Voluntary Park will be submitted to the Council.

Answer 5

The Master Plan for redevelopment of the maisonettes and Victory Park is currently in the process of being designed with significant consultation and input required from various stakeholders, including Planning, Community Care and Housing and Sports and Leisure. It is intended that the Master Plan will be presented to the Leadership Panel on 4th September 2012.

Councillor Campbell raised a supplementary question asking the Portfolio Carrier for Housing if he could clarify to tenants when the Housing Service had advised that the maisonettes would be demolished as there was uncertainty for householders and were there any words of comfort he could give them. Councillor Saxton advised that he would respond to Councillor Campbell in writing.

Question 6

On 8th May 2012, the Scottish Government confirmed an allocation of £2.862m for new build Council Housing in South Ayrshire. Can the Portfolio Carrier confirm that South Ayrshire Council is committed to building new Council Houses and that the full allocation will be used by 31st March 2015?

Answer 6

The allocation of £2.862m is for the provision of affordable housing for rent by both the Council and Registered Social Landlords. The Portfolio Carrier has confirmed that South Ayrshire Council is committed to building new council houses and that the full allocation will be used by 31st March 2015.

Question 7

In the letter of 8th May 2012, the Scottish Government made clear its commitment to delivering 30,000 affordable homes of which 20,000 would be for social rent in Scotland by March 2015. On a population share South Ayrshire should aim to build 500 new homes.

Can the Portfolio Carrier confirm that the Council will commit the necessary resources to meet the needs of our local community in providing this level of much needed affordable housing?

Answer 7

The resource allocation is based on historic spend by local authority area. The funds South Ayrshire Council has been allocated by the Scottish Government will be used in a prudent manner to maximise its provision of affordable houses.

Question 8

In the letter of 8th May 2012, a sum of £5m has been held back by the Scottish Government to allow discussions with CoSLA to establish a needs-based formula to assist distribution of funds for new build. Given that South Ayrshire is a recognised area of high demand for affordable housing, will the Portfolio Carrier ensure that suitable development proposals are available to support bids for this allocation by the Council?

Answer 8

The Portfolio Carrier has confirmed that suitable development proposals will be identified and included within the Strategic Local Programme that local authorities must submit to the Scottish Government by 31st August 2012.

Councillor Campbell raised a supplementary question in relation to the Scottish Government's recent announcement regarding a further package of funding of £20m for social rented housing and asking the Portfolio Carrier for Housing and Customer First if there had been discussions held with Officers to ensure that this Council could make bids for these funds and Councillor Saxton advised that he would respond to Councillor Campbell in writing.

20. 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 item on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 8 of Part 1 of Schedule 7(A) of the Act.

21. Supply of Goods and Services for Decriminalised Parking Enforcement.

Reference was made to the Minutes of the Leadership Panel of 17th May 2011 (Page 316, paragraph 2) and there was submitted a report (issued to Members only) of 21st June 2012 by the Executive Director – Development and Environment seeking approval to award a contract for the supply of goods and services to enable the Council to enforce decriminalised parking.

Questions were raised by Members in relation to the present position with residents' parking in Prestwick and the timescales for implementation; whether residents with a disabled parking space at their home had been advised that they would require to display their blue badge when parking in the space; what the Council was doing to advise residents of this change in procedure; and whether the conditions could still be enforced on a trunk road and, if so, was this in conjunction with traders in these areas; and the Head of Planning and Enterprise responded accordingly.

Decided: to agree to award a contract to Imperial Civil Enforcement Solutions Ltd. for

- (1) the purchase of hand held computers capable of issuing penalty charge notices; and
- (2) the processing of the penalty charge notices in accordance with the Road Traffic Act 1991.

The meeting ended at 1.05 p.m.