

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 15th December 2016 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, Hywel Davies, Allan Dorans, Ian Douglas, Ann Galbraith, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and John Wallace.

Apologies: Councillors Kirsty Darwent and Sandra Goldie.

Attending: E. Howat, Chief Executive; V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; D. Hutchison, Director of Educational Services; R. Riddiough, Head of Legal and Democratic Services; T. Baulk, Head of Finance and ICT; M. Baker, Head of Policy and Performance; J. Cronin, Head of Enterprise, Development and Leisure; and A. Gibson, Committee Services Officer.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that apologies had been received from Councillors Kirsty Darwent and Sandra Goldie; and
- (3) outlined that two additional reports had been received entitled “Invitation to North Ayrshire Council to Consider Membership of Ayrshire Roads Alliance” and “Scottish International Airshow 2017” which the Council agreed to consider. It was agreed that the first report would be considered following Item 14 on the agenda and the second report following Item 16, Formal Questions.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors’ Code of Conduct.

4. Minutes of previous meetings of Council and Panels.

(1) Minutes of previous meeting of Council.

The Minutes of South Ayrshire Council of 6th October 2016 (**issued**) were submitted and authorised to be signed as a correct record of this meeting.

(2) Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels (issued) were submitted for information:-

- (i) Appeals Panel of [16th August](#) and [27th September 2016](#).
- (ii) Audit and Governance Panel of [14th September](#) and [28th September 2016](#).
- (iii) Chief Officers' Appointments/Appraisal Panel of [3rd May 2016](#).
- (iv) Leadership Panel of [21st September](#) and [1st November 2016](#).
- (v) Local Review Body of [13th September](#), [4th October](#) and [2nd November 2016](#).
- (vi) Partnerships Panel of [13th September 2016](#).
- (vii) Public Processes Panel of [21st June](#) and [29th September 2016](#).
- (viii) Regulatory Panel (Planning) of [8th September](#) and [5th October 2016](#).
- (ix) Regulatory Panel (Licensing) of [22nd September](#) and [3rd November 2016](#).
- (x) Service and Performance Panel of [27th September 2016](#).
- (xi) Ayrshire Shared Services Joint Committee of [17th June 2016](#).

5. Progress Against the Council Plan During 2015-16.

There was submitted a [report](#) (issued) of 7th December 2016 by the Head of Policy and Performance requesting that Members review progress made between 1st April and 30th September 2016 towards the strategic objectives contained within the Council Plan.

The Council

Decided:

- (1) to note the progress made against the Council's strategic objectives as set out in Appendix 1 to the report; and
- (2) to agree the process of approving the 2017-18 Service and Improvement Plans (SIPs) as detailed in paragraph 4.3 of the report.

6. **Pre-2017 Local Government Election Member/Officer Working Group – Progress Report.**

There was submitted a [report](#) (issued) of 7th December 2016 by the Executive Director – Resources, Governance and Organisation outlining the progress made by the Member/Officer Working Group in relation to reviewing arrangements for various democratic and administrative issues in preparation for the next Local Government Election in May 2017.

Having heard the Executive Director – Resources, Governance and Organisation thank those who had responded to the questionnaire and advise that if any Member had any further comment to make regarding the proposals they should contact her directly and having noted the importance of this exercise, the Council,

Decided: to request that a further update report be submitted to the meeting of the Leadership Panel in April 2017 to include any proposals or recommendations for the new administration to consider after the Local Government Election.

7. **2018 Review of UK Parliament Constituencies: Public Consultation on Initial Proposals.**

There was submitted a [report](#) (issued) of 7th December 2016 by the Executive Director – Resources, Governance and Organisation outlining the Initial Proposals of the 2018 Review of UK Parliament Constituencies, Public Consultation by the Boundary Commission for Scotland; and seeking approval in respect of the Council's response thereto.

The Council

Decided:

- (1) to note the initial proposals of the 2018 Review of UK Parliament Constituencies in respect of the proposed Ayr and Carrick Constituency; and Kilmarnock, Cumnock and Doon Valley Constituency; and
- (2) having considered the terms of the report, to agree that Elected Members may wish to make a response to the 2018 Review of UK Parliament Constituencies either individually or through political groups.

8. **Interim Review of Polling Arrangements.**

There was submitted a [report](#) (issued) of 7th December 2016 by the Executive Director – Resources, Governance and Organisation seeking approval for an Interim Review of Polling Arrangements following the Report by the Local Government Boundary Commission for Scotland on 14th September 2016.

Following a question from a Member, the Executive Director – Resources, Governance and Organisation advised that the Polling Scheme would be published in the next few weeks which would include a list of the polling places to be used and the Council,

Decided:

- (1) to approve the use of Ayr Grammar Primary School as the polling place for polling districts S507 and S509;
- (2) to approve the creation of a new polling district S509, titled St. Leonards;
- (3) to approve the creation of a new polling district S610, titled Annbank and Auchincruive;
- (4) to approve the creation of a new polling district S701 titled Belston and Old Toll; and
- (5) to grant delegated authority to the Chief Executive, in her role as Returning Officer, to amend the scheme of polling arrangements for elections in the unforeseen circumstances where such amendments, if not made, would impede the process of voting for electors.

9. Scheme of Delegation.

There was submitted a [report](#) (issued) of 7th December 2016 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Scheme of Delegation following review.

Following issues raised by Members, it was noted that officers were currently working on a policy regarding Community Empowerment which would be submitted to a future Council meeting for consideration, including impacts on the Scheme of Delegation; and that the issue of purchasing land for housing purposes was currently being looked at through the Housing Business Plan review.

The Council

Decided: to approve the proposed revisions to the Scheme of Delegation, attached as Appendix 1 to the report, with effect from 16th December 2016.

10. Standing Orders Relating to Contracts.

There was submitted a [report](#) (issued) of 7th December 2016 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Standing Orders Relating to Contracts following review in accordance with good governance.

Following questions from Members, the Head of Legal and Democratic Services advised that the Standing Orders Relating to Contracts were not directly affected by TUPE legislation but that it was taken into account in procurement exercises where applicable; that evidence showed the needs of local businesses were being met in relation to procurement opportunities; the importance of Best Value; and that work in supporting small businesses to tender had been addressed at a national level and would be reflected in the forthcoming Service Review of Procurement.

The Council

Decided: to approve the revised Standing Orders Relating to Contracts, contained in Appendix 1 to the report, with effect from 16th December 2016.

11. **Procurement Strategy.**

There was submitted a [report](#) (issued) of 7th December 2016 by the Head of Legal and Democratic Services seeking approval for the adoption of the Council's updated Procurement Strategy for 2016-2018, attached as Appendix 1 to the report.

Following questions from Members, the Council noted statistics relating to its Prompt Payment Performance; and that recent legislation enabled previous performance of contractors to be taken into consideration when contracts were awarded in future.

The Council

Decided:

- (1) to approve the updated Procurement Strategy for 2016-2018, attached as Appendix 1 to the report, proposing four Key Strategic Procurement Objectives; and
- (2) to agree that any revisions required, following the annual review of the Procurement Strategy would be brought back to Council for approval, as soon as is reasonably practicable after 31st March 2018, following publication of the Council's Annual Procurement Report.

12. **Financial Strategy 2017 to 2022 (5 Year).**

There was submitted a [report](#) (issued) of 9th December 2016 by the Head of Finance and ICT seeking approval of the Council's 5 Year Financial Strategy covering the period 2017 to 2022, taking account of Scottish Government changes to Council Tax bandings E to H and the impact of removal of the Council Tax freeze from April 2017.

The Council, having considered the Council's 5 Year Financial Strategy for 2017 to 2022 having regard to the level of uncertainty around the extent of grant reductions for future years and the changes being introduced to the Council Tax regime,

Decided: to approve the Council's 5 Year Financial Strategy for 2017 to 2022, attached as Appendix 1 to the report.

13. **Treasury Management Mid-Year Report - 2016/17.**

There was submitted a [report](#) (issued) of 7th December 2016 by the Head of Finance and ICT providing a mid-year Treasury Management update for the financial year 2016/17.

The Council, having noted that the mid-year report had been scrutinised at the Audit and Government Panel of 24th November 2016,

Decided: to approve the Treasury Management mid-year report, attached as Appendices 1 and 2 to the report.

14. Response to the Scottish Government Consultation on the Governance of Education.

There was submitted a [report](#) (issued) of 8th December 2016 by the Director of Educational Services seeking approval to respond to the Scottish Government's Consultation on the Governance of Education entitled "Empowering Teachers, Parents and Communities to Achieve Excellence and Equity in Education".

Following discussion on whether the review was right to focus on the changing governance arrangements rather than quality of schools and teaching and; and the need for each individual school to do what it could to improve education, the Council

Decided: to approve the consultation response.

15. Variation in Order of Business.

In terms of Council Standing Order No. 13.2, the Council agreed to vary the order of business as hereinafter minuted.

16. Invitation to North Ayrshire Council to Consider Membership of Ayrshire Roads Alliance.

There was submitted a [report](#) (issued) 12th December 2016 by the Executive Director – Economy, Neighbourhood and Environment seeking approval to extend an invitation to North Ayrshire Council to consider their participation in Ayrshire Roads Alliance.

The Council having considered the decision of the Ayrshire Shared Services Joint Committee as outlined in paragraph 3.8 of the report, namely "having considered the Audit Scotland report and acknowledging the benefits of the ARA to East and South Ayrshire Councils and the recommendation of the Audit Scotland report in respect of shared services approaches, to request that East and South Ayrshire Councils consider requesting North Ayrshire Council to open discussions at officer level regarding the potential future involvement of North Ayrshire Council in the Alliance"; and agreeing that the Executive Director – Economy, Neighbourhood and Environment provide Members with a briefing Note detailing a breakdown of expenditure on road improvements for East, North and South Ayrshire Councils,

Decided: to request that the Leader of the Council write to the Leader of North Ayrshire Council requesting that North Ayrshire Council open discussions at officer level regarding the potential future involvement of North Ayrshire Council in Ayrshire Roads Alliance.

17. Notice of Motions.

(a) Councillor Allan Dorans, seconded by Councillor Nan McFarlane, moved:-

“South Ayrshire Council calls upon the United Kingdom Government to make fair transitional state pension arrangements for all women and for the purposes of this Motion, specifically on behalf of those living in South Ayrshire, born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no/personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

That Council agrees to request the Chief Executive to write, on behalf of the Council, to the Secretary of State for Works and Pensions to call upon the United Kingdom Government to reconsider transitional arrangements for women born on or after 6th April 1951, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements.”

By way of Amendment, Councillor McIntosh, seconded by Councillor Convery, moved:-

“That South Ayrshire Council notes calls for the United Kingdom Government to make fair transitional state pension arrangements for those women and for the purposes of this amendment, specifically on behalf of those living in South Ayrshire, born on or after 6th April 1951, who have unfairly borne the burden of the increase to the state pension age with lack of appropriate notification.

The Council notes that hundreds of thousands of women had significant pension changes imposed on them by the Pensions Act of 1995 and 2011 with insufficient or no personal notification of the changes. It is understood some women had only two years notice of a six year increase to their state pension age.

Many women who were born in the 1950s are now living in hardship. Many of these women are already out of the labour market and now caring for elderly relatives, providing childcare for grandchildren and struggle to find employment. Retirement plans have been shattered.

It is not the pension age itself that is in dispute. It is widely accepted that men and women should retire at the same time. Women born in the 1950s are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with expectation that they would be financially secure when reaching sixty.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected leaving women with no time to make alternative arrangements. Notwithstanding that there may be an issue that the rise in the women's state pension age is causing financial difficulty for those women affected, it is nevertheless the view of this Council that of greater concern to all residents of South Ayrshire is that the local government settlement to this and all other local authorities in Scotland has reduced considerably over the past few years. Whilst Westminster Government funding to Scottish Government has reduced by 5% over the previous five years, Scottish Government funding to local authorities has reduced by 11% over the last five years. This disproportionate funding reduction to local government severely impacts on this Council's ability to deliver services to all the residents of South Ayrshire including those of retirement age.

Council agrees that the Leader of the SNP Group is requested to write, on behalf of the Council, to the First Minister to demand the Scottish Government reconsider the terms of the Local Government Settlement for 2017/18 so that all South Ayrshire residents receive the services to which they are entitled."

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

A Member of the Council requested a roll call vote.

The Executive Director – Resources, Governance and Organisation then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
Mary Kilpatrick	Amendment
John Allan	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Motion
Brian Connolly	Motion
Peter Convery	Amendment
Hywel Davies	Amendment
Allan Dorans	Motion
Ian Douglas	Motion
Ann Galbraith	Motion
Bill Grant	Amendment
William J. Grant	Motion
John Hampton	Amendment
Hugh Hunter	Amendment
John McDowall	Amendment
Nan McFarlane	Motion
Brian McGinley	Amendment
Bill McIntosh	Amendment
Rita Miller	Amendment
Alec Oattes	Motion
Robin Reid	Amendment
Philip Saxton	Amendment
Margaret Toner	Amendment
John Wallace	Motion

Fifteen Members voted for the Amendment and thirteen for the Motion. The Amendment was accordingly declared carried and the Council

Decided: to approve the terms of the Amendment as set out above.

(b) Councillor Brian Connolly, seconded by Councillor Alec Clark, moved:-

“Following Donald Trump’s election as the next US President, South Ayrshire Council welcomes the Trump Organization’s continued development of – and significant investment in – Trump Turnberry, reinforcing its status as one of the world’s leading golf resorts. This has made a positive difference in generating jobs, business and income for the local economy and we look forward to maintaining a strong and productive relationship with the Trump Organization for the benefit of South Ayrshire”.

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

Decided: to agree the terms of the Motion as set out above.

18. Formal Questions.

The Council noted that no formal questions had been submitted.

19. Exclusion of press and public.

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining item of business on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 4 of Part 1 of Schedule 7A of the Act.

20. Scottish International Airshow 2017.

There was submitted a report (issued to members only) of 8th December 2016 by the Head of Enterprise, Development and Leisure seeking approval to work within a legal Minute of Agreement with The Airshow (Scotland) Ltd (the current Airshow organisers), to provide a financial package and associated in-kind support towards the delivery of the Scottish International Airshow 2017 in Ayr and to allow the Council’s Enterprise Team to look at options for the sustainable delivery of the airshow beyond 2017.

Councillor McIntosh, seconded by Councillor Bill Grant, moved that the Council

- (1) delegate to the Executive Director – Resources, Governance and Organisation, the negotiation and entering into of a Minute of Agreement between the Airshow (Scotland) Ltd. and South Ayrshire Council containing appropriate Conditions of Grant;
- (2) approve a £200,000 funding package and associated in-kind support package as outlined in the report; and
- (3) agree that the Council’s Enterprise Team works with The Airshow (Scotland) Limited to review options and develop a full business case for the sustained development of the Airshow beyond 2017.

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

- (a) delegate to the Executive Director – Resources, Governance and Organisation, the negotiation and entering into of a Minute of Agreement between the Airshow (Scotland) Ltd. and South Ayrshire Council containing appropriate Conditions of Grant;
- (b) approve a £200,000 per annum funding package for three years, paid for from uncommitted reserves, plus associated in-kind support packages as outlined in the report, but excluding any provision for a project officer; and
- (c) agree that the Council's Enterprise Team works with The Airshow (Scotland) Limited to review options and develop a full business case for the sustained development of the Airshow beyond 2017.

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

A Member of the Council requested a roll call vote.

The Executive Director – Resources, Governance and Organisation then took the vote by calling the roll as follows:-

Helen Moonie	Motion
Mary Kilpatrick	Motion
John Allan	Amendment
Andy Campbell	Motion
Douglas Campbell	Amendment
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Motion
Allan Dorans	Amendment
Ian Douglas	Amendment
Ann Galbraith	Motion
Bill Grant	Motion
William J. Grant	Amendment
John Hampton	Motion
Hugh Hunter	Motion
John McDowall	Motion
Nan McFarlane	Amendment
Brian McGinley	Motion
Bill McIntosh	Motion
Rita Miller	Motion
Alec Oattes	Amendment
Robin Reid	Motion
Philip Saxton	Motion
Margaret Toner	Motion
John Wallace	Amendment

Nine Members voted for the Amendment and nineteen for the Motion which was accordingly declared carried and the Council

Decided: to approve the terms of the Motion as set out above.

21. **Consideration of Disclosure of the above Confidential Report.**

Having heard the Executive Director – Resources, Governance and Organisation, the Council

Decided: not to authorise the disclosure under Standing Order 32.4 of the whole or part of the following report:-

- Scottish International Airshow 2017.

The meeting ended at 1.05 p.m.