

## **SOUTH AYRSHIRE COUNCIL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 5th October 2017 at 10.00 a.m.

Present: Councillors Helen Moonie (Provost), Laura Brennan-Whitefield, Siobhian Brown, Douglas Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Peter Convery, Chris Cullen, Ian Davis, Julie Dettbarn, Martin Dowe, William Grant, Peter Henderson, Hugh Hunter, Mary Kilpatrick, Lee Lyons, Craig Mackay, Derek McCabe, Brian McGinley, Bob Pollock, Philip Saxton, Arthur Spurling and Margaret Toner.

Apologies: Councillors Andy Campbell and Ian Fitzsimmons.

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; T. Baulk, Head of Finance and ICT; K. Leinster, Head of Community Health and Care Services; R. Riddiough, Head of Legal and Democratic Services; M. Baker, Head of Policy and Performance; J. Cronin, Head of Enterprise, Development and Leisure; F. Mullen, Planning Manager; D. McNeill, Treasury Manager; and J. McClure, Committee Services Lead Officer.

### **1. Provost.**

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that apologies had been received from Councillors Andy Campbell and Ian Fitzsimmons;
- (3) congratulated everyone involved in last month's Scottish Airshow which had again proven to be an outstanding success; and
- (4) outlined that, with the agreement of the Council, Item 7 on the agenda, the "Schedule of Meetings" would be considered after Item 9 on the agenda and Item 14 (c) on the Agenda, the Motion from Councillor Dettbarn, seconded by Councillor Henderson, would be considered after Item 4 on the agenda. The Council so concurred.

### **2. Procedural Matters.**

The Executive Director – Resources, Governance and Organisation advised that, in order to consider items 7, 8, 9 and 10 on the agenda entitled "Schedule of Meetings", "Standing Orders Relating to Meetings", "Scheme of Delegation" and "Representation on Outside Bodies and COSLA", as this was within six months from the date of the previous decision on these matters, the Council would, in accordance with Standing Order No. 22.1, require to agree to do so by a two thirds majority of those present and voting.

On a vote being taken by a show of hands and having achieved a two thirds majority, the Council agreed to consider these matters on the Agenda.

3. **Sederunt.**

The Chief Executive called the Sederunt for the meeting.

4. **Declarations of Interest.**

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillors Siobhian Brown, Douglas Campbell and Philip Saxton declared an interest in Item 21 of this Minute entitled 'Ayr Renaissance LLP – Burns Statue Square and Affleck's Block' as they were members of the Ayr Renaissance LLP Board, however they advised that, as they perceived there was no conflict of interest, they would not leave the room when this item was being considered and would take part in discussions on this matter.

5. **Minutes of previous meetings of South Ayrshire Council.**

The Minutes of

- (1) South Ayrshire Council of 29th June 2017 ([issued](#)) were submitted; and
- (2) Leadership Panel of 19th September 2017 ([issued](#)) were submitted and in accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Douglas Campbell, seconded by Councillor Brian McGinley, moved the recommendations in the "C" paragraphs of the minutes entitled:-
  - Schools for the Future : Queen Margaret Academy; and
  - Housing Renewal Area Policy.

**Decided:**

- (a) to authorise to be signed as a correct record, the minutes of South Ayrshire Council of 29th June 2017; and
- (b) to approve the minutes and the recommendations as contained in the "C\*" paragraphs of the minutes of the Leadership Panel of 19th September 2017 entitled "Schools for the Future : Queen Margaret Academy" and "Housing Renewal Area Policy".

6. **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.

7. **Notice of Motion.**

A Notice of Motion having been submitted in accordance with Standing Order 18, Councillor Julie Dettbarn, seconded by Councillor Peter Henderson, moved:-

"To propose that 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 or 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 1950's 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 age 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.

Council agrees to request the Chief Executive to write in terms as outlined above, 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.”

A full debate then took place regarding the terms of the Motion and the Council

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

## 8. **A Programme for Effective Governance 2017-22.**

There was submitted a report (**issued**) of 27th September 2017 by the Chief Executive allowing members to consider the Administration's "A Programme for Effective Governance 2017-22".

A full debate then took place around the future direction of the Council and proposals for development of the Council Plan, with a focus on attainment of young people, supporting older, vulnerable people, increasing community involvement and participation, and changing culture within the organisation to empower staff, and to reduce demand, and therefore costs, whilst retaining services.

The Council

**Decided:** having considered and discussed the proposed Strategic Objectives as outlined in 3.2 of the report, to request that the Chief Executive

- (1) update the Council Plan for the period 2018 to 2022 based on the principles outlined in the Administration's ambitions paper and to present the updated Plan to the Council meeting to be held on 14th December 2017; and
- (2) review the management structure as a consequence of the review of the Council Plan and present a report to the next Council meeting for consideration.

**9. 2016/17 Performance Against the Council Plan.**

There was submitted a report ([issued](#)) of 7th September 2017 by the Head of Policy and Performance requesting that Members review performance over the course of 2016/17 towards achieving the strategic objectives and outcomes contained within the Council Plan.

Members acknowledged that full scrutiny of the performance information had been undertaken at the Service and Performance Panel of 12th September 2017 and noted that a number of issues were being pursued through that Panel's processes. A debate took place regarding the nature of future performance reporting and possible adaptation to reflect the approach to a new Council Plan in due course, including a focus on qualitative measures alongside existing quantitative Performance Indicators.

The Council

**Decided:** having reviewed the progress made against the Council's strategic objectives as set out in Appendix 2 to the report, to note the contents of the report.

**10. Standing Orders Relating to Meetings.**

There was submitted a report ([issued](#)) of 18th September 2017 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Standing Orders Relating to Meetings following review.

The Council

**Decided:** to approve the proposed revisions to Standing Orders Relating to Meetings, as contained in Appendix 1 to the report, with effect from 6th October 2017.

**11. Scheme of Delegation.**

There was submitted a report ([issued](#)) of 1st September 2017 by the Executive Director – Resources, Governance and Organisation seeking approval to amend the Scheme of Delegation following review.

Following a question from a Member on consultation, the Executive Director – Resources, Governance and Organisation confirmed that Portfolio Holders would be consulted prior to any amendment to Officers' delegations that were within the remit of their Portfolio and the Council

**Decided:**

- (1) to approve the proposed revisions to the Scheme of Delegation as contained in Appendix 1 to the report, with effect from 6th October 2017;
- (2) to delegate authority to the Executive Director – Resources, Governance and Organisation to update the Audit Handbook, Scrutiny Handbook and Petitions Protocol to reflect these revisions; and
- (3) to request the Chief Executive to continue the further review of the Scheme of Delegation to consider changes in delegations to officers with a report back to a future Council meeting.

## 12. Schedule of Meetings.

There was submitted a report ([issued](#)) of 20th September 2017 by the Executive Director – Resources, Governance and Organisation seeking approval of an amended timetable of Panel meetings for October 2017 to June 2018.

The Council

**Decided:** to approve the amended timetable of Council and Panel meetings for October 2017 to June 2018 as detailed in Appendix 1 to the report.

## 13. Representation on Outside Bodies and COSLA.

There was submitted a report ([issued](#)) of 15th September 2017 by the Executive Director – Resources, Governance and Organisation seeking approval to make alterations to the list of Outside Bodies and representatives thereon.

The Council

**Decided:**

(1) to nominate and appoint Members as follows:-

Steering Group of Prestwick Improvement District	Ian Cochrane with Conservative Member as substitute *
Partnership Board of Galloway and Southern Ayrshire Biosphere Scottish Charitable Incorporated Organisation	Alec Clark with Andy Campbell as substitute
Board of South West Scotland Community Rail Partnership Limited	Peter Henderson with Conservative Member as substitute *
Committee of the West of Scotland European Forum	Peter Henderson with Brian McGinley as substitute
Board of Ayr United Football Academy Limited	Brian Connolly with Conservative Member as substitute *
Strathclyde Concessionary Travel	Conservative Member as substitute *

(2) to agree to a change in membership of the COSLA Convention from Martin Dowe to Peter Convery.

\* it was subsequently confirmed by the Conservative Group that their Members would not be taking up these positions.

## 14. Treasury Management Annual Report 2016/17.

There was submitted a report ([issued](#)) of 12th September 2017 by the Head of Finance and ICT presenting, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the annual report of Treasury Management activities for 2016/17, attached as Appendix 1 to the report.

The Council, having noted that this Report had been previously scrutinised at the Audit and Governance Panel of 29th August 2017 and having thanked the Head of Finance and ICT and his team for their work on this report,

**Decided:** to approve the Annual Treasury Management Report 2016/17, attached as Appendix 1 to the report.

**15. Governance Requirements for Ayrshire Growth Deal and Exploration of Regional Partnership Option.**

There was submitted a report (**issued**) of 27th September 2017 by the Executive Director – Economy, Neighbourhood and Environment

- (1) seeking approval to set up a governance structure for implementation of the Ayrshire Growth Deal and to further explore options in relation to a Regional Partnership for Economic Development related services; and
- (2) advising that North Ayrshire Council had considered these proposals at its meeting of 26th September 2017 and had approved them, subject to call-in and that East Ayrshire Council would be considering these proposals at its future Cabinet meeting.

Having heard the Executive Director – Economy, Neighbourhood and Environment provide an update on the present position, a full discussion then took place highlighting issues and concerns of Members in relation to: links between this work and the role of the Ayr Renaissance; the importance of this Council maintaining control in the partnership; and ensuring that optimum benefit was obtained for assets within the South Ayrshire area, such as Prestwick Airport.

Following a question from a Member regarding representation on the interim Ayrshire Development Board, Councillor Douglas Campbell confirmed that all Members would be represented.

The Council

**Decided:**

- (a) to approve the establishment of an Interim Ayrshire Development Board comprising Elected Members from the three Councils who would oversee proposals to widen the participation by other stakeholders;
- (b) to delegate the approval of the proposed composition of the Interim Board to the Leadership Panel (without further reference to full Council);
- (c) to request officers to undertake further work on Option 4, the development of an Ayrshire economic vehicle where services supporting economic development were combined into a single body working alongside national agency staff in a new approach to economic development;
- (d) to request officers to undertake a further engagement with key stakeholders and businesses to identify and develop the specific asks of the Scottish Government and its national agencies that were required to support this new approach;
- (e) to request officers to prepare a report considering the potential benefits, efficiencies and risks of joining up some or all of the services noted in Paragraph 4.7 into a single Ayrshire team, working alongside national agency staff in a new approach, to be considered by the three Councils by March 2018;

- (f) to approve that the Ayrshire Growth Deal Programme Management Office progress the further development of Option 4 for the Regional Partnerships work in conjunction with Council officers; and
- (g) to approve funding for the work of £70,000 for the period October 2017 to end March 2018 to be met from Economy, Neighbourhood and Environment Directorate payroll turnover.

**16. South Ayrshire Local Development Plan 2 : Main Issues Report, Monitoring Statement and Environmental Report.**

There was submitted a report ([issued](#)) of 18th September 2017 by the Head of Enterprise, Development and Leisure seeking approval for the Main Issues Report (MIR) to be issued as a consultation document as part of the preparation of South Ayrshire Council's second Local Development Plan (LDP2).

Following a question from a Member on Members' input following consultation, the Head of Enterprise, Development and Leisure advised that there was a statutory consultation process prior to the draft Proposed Local Development Plan (LDP) being brought back to Members for approval enabling further scrutiny and discussion at that time. There would also be further opportunities for further input during the consultation period.

Clarification was sought and provided on how any matters identified during the consultation period could be built into the LDP and the Head of Enterprise, Development and Leisure advised that it was expected that there would be proposals received during the consultation which could be added to the draft LDP.

A full discussion then took place in relation to the various sites identified in the Report and their suitability for housing and other developments. Particular concerns were raised by Members in relation to the expansion of Monkton; the proposals in relation to Dalmling Golf Course; flexibility in relation to rural housing; the suitability of the site adjacent to Muirhead and Loans; and the need for public parks to address health issues. Members acknowledged the importance of the further consultation period to ensure the public and communities had the opportunity to make their views known on all the proposals.

Councillor Brian McGinley, seconded by Councillor Douglas Campbell, moved the recommendation as outlined in the report.

By way of Amendment, Councillor Ian Davis, seconded by Councillor Peter Convery, moved that the Council approve the Main Issues Report (MIR) in Appendix 1 to the report advancing to the consultation phase following removal of suggested developments in Muirhead & Loans and Dalmling from the Housing Strategy.

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
William Grant	Motion
Laura Brennan-Whitefield	Motion
Siobhian Brown	Motion
Douglas Campbell	Motion
Iain Campbell	Amendment
Ian Cavana	Motion
Alec Clark	Motion
Ian Cochrane	Motion
Brian Connolly	Motion

Peter Convery	Amendment
Chris Cullen	Motion
Ian Davis	Amendment
Julie Dettbarn	Motion
Martin Dowey	Amendment
Peter Henderson	Motion
Hugh Hunter	Amendment
Mary Kilpatrick	Amendment
Lee Lyons	Amendment
Craig Mackay	Motion
Derek McCabe	Amendment
Brian McGinley	Motion
Bob Pollock	Amendment
Philip Saxton	Motion
Arthur Spurling	Amendment
Margaret Toner	Amendment

Eleven Members voted for the Amendment and fifteen for the Motion, which was accordingly declared carried and the Council

**Decided:**

- (1) to approve the Main Issues Report (MIR) contained in Appendix 1 to the report, for consultation; and
- (2) to grant delegated powers to the Executive Director – Economy, Neighbourhood and Environment to make minor editorial changes to the MIR, Monitoring Statement and Environmental Report, as required, prior to their publication.

**17. Notice of Motions.**

- (a) A Notice of Motion having been submitted in accordance with Standing Order 18, Councillor Laura Brennan-Whitefield, seconded by Councillor Siobhian Brown, moved:-

“in line with this administration’s political direction and commitment to promote equality and diversity for all, this Council agrees that for the duration of February 2018 and continuing on an annual basis, this Council will fly the LGBTI pride flag (commonly known as the rainbow flag) on County Buildings to highlight and promote LGBTI history month.

Council would continue to follow Scottish Government guidance in appropriate cases.”

A full debate then took place regarding the terms of the Motion and the Council

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

- (b) A Notice of Motion having been submitted in accordance with Standing Order 18, Councillor Siobhian Brown, seconded by Councillor Peter Henderson, moved:-

“the A77 Action Group are calling for investment in road improvements and infrastructure on the West Coast of Scotland including the upgrade on the A77 from Whitletts Roundabout, Ayr to Portpatrick. The A77 is the trunk route connecting Glasgow and Edinburgh with Ireland via busy ferry ports. Such investment and upgrades of the A77 are necessary and will bring many benefits to South Ayrshire including an increase in road safety whilst also attracting financial investment in industry and tourism.

To ask the Chief Executive to write to the Scottish Government indicating our support for the A77 Action Group and to invite Humza Yousaf to visit South Ayrshire and the key locations on the A77 where investment is required to promote economic growth and road safety.”

Following a question on whether this Authority had been offered representation on the A77 Action Group, the Chief Executive advised that she would investigate this matter.

A full debate then took place regarding the terms of the Motion and the Council

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

- (c) A Notice of Motion having been submitted in accordance with Standing Order 18, Councillor Philip Saxton, seconded by Councillor William Grant, moved:-

“The Council agrees that Breakfast Clubs currently operating in South Ayrshire schools only will be not charged for school lets from Wednesday 25<sup>th</sup> October 2017, and any breakfast clubs starting after this date will also not be charged for school lets.

The Council agrees that the costs of £8905.20 for school lets for the remainder of the financial year be met from uncommitted reserves and thereafter the costs to be considered as part of the budget for 2018-2019 and 2019-2020.

The Council also requests that the Service and Performance Scrutiny Panel review breakfast clubs, including the cost for each child, information on attendance etc., and the number of schools operating a breakfast club and reports back to the Leadership Panel by January 2018.”

A full debate then took place regarding the terms of the Motion and the Council

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

- (d) A Notice of Motion having been submitted in accordance with Standing Order 18, Councillor Craig Mackay, seconded by Councillor Ian Cochrane, moved:-

“Council notes figures from the Campaign for Fairer Gambling which reveal that potentially upwards of £33m has been lost on Fixed-Odds Betting Terminals (FOBTs) in South Ayrshire alone since 2008.

Council considers that the problems caused by FOBTs have a disproportionately negative impact on less affluent communities, further compounding the challenges of poverty and deprivation our administration aims to address.

Council believes the UK government must take action to tackle FOBTs, including by reducing the number of terminals allowed in betting shops, limiting the stakes that can be bet, reducing the time that can be spent on the machines, and taking action to ban the machines altogether if people continue to lose out. In order to make clear our position the Chief Executive will write to Chancellor Philip Hammond requesting that he gives full consideration to addressing the impact FOBTs have on our communities.”

A full debate then took place regarding the terms of the Motion and the Council

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

**18. Formal Questions.**

The Provost advised that no formal questions had been submitted.

**Adjournment.**

The time being 12.30 p.m., the Council agreed to adjourn for 10 minutes.

**Resumption of Meeting.**

The Council resumed at 12.40 p.m.

**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 items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 4, 6 and 8 of Part 1 of Schedule 7A of the Act.

**20. Complaint.**

Reference was made to the Minutes of 2nd March 2017 (Page 9, paragraph 18) and there was submitted a report (issued to members only) of 26th September 2017 by the Chief Executive advising of further correspondence and discussions with the Scottish Public Services Ombudsman (SPSO) and asking Members to consider implementation of the additional recommendations.

**Decided:**

- (1) to approve payment to reflect interest payable from the date that the recommendation was due to be fulfilled in April 2015 to 20th January 2017, as outlined in paragraph 4.2 of the report;
- (2) to issue an apology for the delay and distress caused as outlined in paragraph 4.3 of the report; and
- (3) to request that the Chief Executive review complaints handling, particularly in relation to any recommendations made by the SPSO and report the outcome of that review to Leadership Panel in January 2018.

**21. Ayr Renaissance LLP – Burns Statue Square and Affleck’s Block.**

There was submitted a report (issued to members only) of 27th September 2017 by the Chief Executive seeking approval for funding of up to £103,500 to allow Ayr Renaissance to undertake work to consider options and next steps in relation to Burns Statue Square and Affleck’s Block.

**Decided:** to approve funding up to a maximum of £103,500 from uncommitted reserves for Ayr Renaissance to undertake options appraisals and feasibility work for Burns Statue Square and its environs and for Affleck’s Block and adjacent areas, with an expectation that some of the proposed work can be undertaken by the Council’s own officers within existing resources.

**22. Scottish International Airshow 2018-20.**

There was submitted a report (issued to members only) of 26th September 2017 by the Head of Enterprise, Development and Leisure seeking agreement in respect of the Council’s future support of The Scottish International Airshow.

**Decided:**

- (1) to agree in principle to support the Scottish International Airshow for a period of up to three years (2018-20) subject to successful conclusion of discussions on the outstanding points;
- (2) to request the Head of Enterprise, Development and Leisure to undertake further discussions with the Airshow (Scotland) Ltd. in respect of the outstanding points; and
- (3) to request a further report to Leadership Panel of 28th November 2017 seeking agreement to a finalised funding package and set of agreed proposals for the development of the Scottish International Airshow.

**23. Consideration of Disclosure of the above Confidential Reports.**

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 reports:-

- Complaint;
- Ayr Renaissance LLP – Burns Statue Square and Affleck’s Block; and
- Scottish International Airshow 2018-2020.

The meeting ended at 1.35 p.m.