

## **SOUTH AYRSHIRE COUNCIL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 13th December 2018 at 10.00 a.m.

Present: Councillors Helen Moonie (Provost), Laura Brennan-Whitefield, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Peter Convery, Chris Cullen, Ian Davis, Julie Dettbarn, Martin Dowey, Ian Fitzsimmons, 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 Siobhian Brown and Iain Campbell.

Attending: E. Howat, Chief Executive; T. Eltringham, Director of Health and Social Care; T. Baulk, Head of Finance and ICT; C. Caves, Head of Regulatory Services; M. Baker, Service Lead – Corporate Planning and Improvement; 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 Siobhian Brown and Iain Campbell; and
- (3) referred to the recent sad death of the former Councillor Pam Paterson and advised that she had sent her condolences to Pam's family on behalf of the Council.

### **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 Council 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 [19th September \(Special\)](#), [4th October](#) and [6th November 2018 \(Special\)](#) (issued) were submitted and authorised to be signed as a correct record of these meetings.

**(2) Minutes of previous meetings of Panels.**

The Minutes of the meeting of the Leadership Panel of [27th November 2018](#) were submitted and authorised to be signed as a correct record of this meeting.

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” paragraph of the Leadership Panel minutes of 27th November 2018 entitled “Treasury Management Mid-Year Report 2018/19”.

In relation to the “C” paragraph in the minutes entitled “Community Asset Transfer of Land and Property”, Councillor Douglas Campbell, seconded by Councillor Brian McGinley, moved that, with reference to the decision that the Head of Regulatory Services arrange for the Scheme of Delegation to be updated to reflect the change of remit for the Audit and Governance Panel, the Scheme of Delegation be amended as follows:-

- to deal with applications for review of decisions in relation to Community Asset Transfer requests for further discussion, consideration and investigation and:-
  - (a) to agree the Leadership Panel decision(s); or
  - (b) continue the matter to the next meeting of the Panel (which may include an additional meeting held in terms of Standing Order 35.3(2)) for further discussion, consideration, investigation or agreement; and/or
  - (c) to refer the matter back to the Leadership Panel with recommendations, for final deliberation.

**Decided:** to approve the recommendations as contained in the “C” paragraphs entitled “Treasury Management Mid-Year Report 2018/19” and “Community Asset Transfer of Land and Property”.

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

- (i) Audit and Governance Panel of [26th September 2018](#).
- (ii) Leadership Panel of [18th September](#) and [30th October 2018](#).
- (iii) Local Review Body of [25th September](#) and [6th November 2018](#).
- (iv) Partnerships Panel of [12th September 2018](#).
- (v) Regulatory Panel – Licensing of [15th August \(Special\)](#), [23rd August](#) and [1st November 2018](#).
- (vi) Regulatory Panel – Planning of [6th September](#), [19th September \(Special\)](#) and [2nd October 2018](#).
- (vii) Service and Performance Panel of [11th September 2018](#).
- (viii) Ayrshire Shared Services Joint Committee of [7th September 2018](#).

## 5. Schedule of Meetings.

There was submitted a [report](#) (issued) of 6th December 2018 by the Head of Regulatory Services seeking approval of a timetable of Council and Panel meetings for the period August 2019 to June 2020.

The Council

**Decided:** to approve the timetable of Council and Panel meetings for the period August 2019 to June 2020 as detailed below:-

### Schedule of Meetings August 2019 to June 2020

<b>Week 1</b>			
Tuesday 13 August	2.00 pm	Local Review Body	Troon Room
Thursday 15 August	10.00 am	Licensing Board	County Hall
<b>Week 2</b>			
Tuesday 20 August	10.00 am	Leadership Panel	County Hall
Thursday 22 August	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Week 3</b>			
Wednesday 28 August	10.00 am	Audit and Governance Panel	County Hall
<b>Week 4</b>			
Tuesday 3 September	2.00 pm	Local Review Body	Troon Room
Wednesday 4 September	10.00 am	Appeals Panel	To be confirmed
Thursday 5 September	10.00 am	Regulatory Panel - Planning	County Hall
<b>Week 5</b>			
Tuesday 10 September	10.00 am	Service and Performance Panel	County Hall
Wednesday 11 September	10.00 am	Partnerships Panel	County Hall
Thursday 12 September	10.00 am	Licensing Board	County Hall
<b>Week 6</b>			
Tuesday 17 September	10.00 am	Leadership Panel (Education)	County Hall
Thursday 19 September	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Friday 20 September – Public Holiday</b>			
<b>Monday 23 September – Public Holiday</b>			
<b>Week 7</b>			
Tuesday 24 September	2.00 pm	Local Review Body	Troon Room
Thursday 26 September	10.00 am	Audit and Governance Panel	County Hall
<b>Week 8</b>			
Tuesday 1 October	10.00 am	Appeals Panel	To be confirmed
Wednesday 2 October	10.00 am	Regulatory Panel - Planning	County Hall
Thursday 3 October	10.00 am	South Ayrshire Council	County Hall

## Recess

*Schools close on Friday 11 October 2019  
and re-open on Monday 21 October 2019 (in-service day) and Tuesday 22 October 2019 (pupils)*

### Week 1

Thursday 24 October	10.00 am	Licensing Board	County Hall
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### Week 2

Tuesday 29 October	2.00 pm	Local Review Body	Troon Room
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Tuesday 29 October	10.00 am	Leadership Panel	County Hall
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Thursday 31 October	10.00 am	Regulatory Panel - Licensing	County Hall
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### Week 3

Wednesday 6 November	10.00 am	Audit and Governance Panel	County Hall
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### Week 4

Wednesday 13 November	10.00 am	Appeals Panel	To be confirmed
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Thursday 14 November	10.00 am	Regulatory Panel - Planning	County Hall
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### Week 5

Tuesday 19 November	10.00 am	Service and Performance Panel	County Hall
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Wednesday 20 November	10.00 am	Partnerships Panel	County Hall
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Wednesday 20 November	2.00 pm	Local Review Body	Troon Room
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Thursday 21 November	10.00 am	Licensing Board	County Hall
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### Week 6

Tuesday 26 November	10.00 am	Leadership Panel (Education)	County Hall
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Thursday 28 November	10.00 am	Regulatory Panel - Licensing	County Hall
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### Week 7

Thursday 5 December	10.00 am	Audit and Governance Panel <i>(only if required for purposes of considering a call-in from Leadership Panel)</i>	County Hall
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### Week 8

Tuesday 10 December	10.00 am	Appeals Panel	To be confirmed
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Tuesday 10 December	2.00 pm	Local Review Body	Troon Room
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Wednesday 11 December	10.00 am	Regulatory Panel - Planning	County Hall
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Thursday 12 December	10.00 am	South Ayrshire Council	County Hall
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## Recess

*Schools close on Friday 20 December 2019  
and re-open on Monday 6 January 2020*

<b>2020</b>			
<b>Week 1</b>			
Tuesday 14 January	2.00 pm	Local Review Body	Troon Room
Thursday 16 January	10.00 am	Licensing Board	County Hall
<b>Week 2</b>			
Tuesday 21 January	10.00 am	Leadership Panel	County Hall
Thursday 23 January	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Week 3</b>			
Wednesday 29 January	10.00 am	Audit and Governance Panel	County Hall
<b>Week 4</b>			
Tuesday 4 February	2.00 pm	Local Review Body	Troon Room
Wednesday 5 February	10.00 am	Appeals Panel	To be confirmed
Thursday 6 February	10.00 am	Regulatory Panel - Planning	County Hall
<i>Schools close on Thursday 6 February 2020 and re-open on Tuesday 11 February 2020 (in-service day) and Wednesday 12 February 2020 (pupils)</i>			
<b>Week 5</b>			
Tuesday 11 February	10.00 am	Service and Performance Panel	County Hall
Wednesday 12 February	10.00 am	Partnerships Panel	County Hall
Thursday 13 February	10.00 am	Licensing Board	County Hall
<b>Week 6</b>			
Tuesday 18 February	10.00 am	Leadership Panel (Education)	County Hall
Thursday 20 February	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Week 7</b>			
Tuesday 25 February	2.00 pm	Local Review Body	Troon Room
Wednesday 26 February	10.00 am	Audit and Governance Panel <i>(only if required for purposes of considering a call-in from Leadership Panel)</i>	County Hall
<b>Week 8</b>			
Tuesday 3 March	10.00 am	Appeals Panel	To be confirmed
Wednesday 4 March	10.00 am	Regulatory Panel - Planning	County Hall
Thursday 5 March	10.00 am	South Ayrshire Council	County Hall
<b>Week 1</b>			
Thursday 12 March	10.00 am	Licensing Board	County Hall
<b>Week 2</b>			
Tuesday 17 March	10.00 am	Leadership Panel	County Hall
Tuesday 17 March	2.00 pm	Local Review Body	Troon Room
Thursday 19 March	10.00 am	Regulatory Panel - Licensing	County Hall

<b>Week 3</b>			
Wednesday 25 March	10.00 am	Audit and Governance Panel	County Hall
<b>Week 4</b>			
Wednesday 1 April	10.00 am	Appeals Panel	To be confirmed
Thursday 2 April	10.00 am	Regulatory Panel - Planning	County Hall
<b>Recess</b>			
<i>Schools close on Friday 3 April 2020 and re-open on Monday 20 April 2020</i>			
<b>Friday 10 April and Monday 13 April – Public Holidays</b>			
<b>Week 5</b>			
Tuesday 21 April	10.00 am	Service and Performance Panel	County Hall
Tuesday 21 April	2.00 pm	Local Review Body	Troon Room
Wednesday 22 April	10.00 am	Partnerships Panel	County Hall
Thursday 23 April	10.00 am	Licensing Board	County Hall
<b>Week 6</b>			
Tuesday 28 April	10.00 am	Leadership Panel (Education)	County Hall
Thursday 30 April	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Monday 4 May – Public Holiday</b>			
<b>Week 7</b>			
Wednesday 6 May	10.00 am	Audit and Governance Panel <i>(only if required for purposes of considering a call-in from Leadership Panel)</i>	County Hall
<b>Week 8</b>			
Tuesday 12 May	10.00 am	Appeals Panel	TBC
Tuesday 12 May	2.00 pm	Local Review Body	Troon Room
Thursday 14 May	10.00 am	Regulatory Panel - Planning	County Hall
<b>Week 1</b>			
Thursday 21 May	10.00 am	Licensing Board	County Hall
<b>Monday 25 May – Public Holiday</b>			
<b>Week 2</b>			
Tuesday 26 May	10.00 am	Leadership Panel	County Hall
Thursday 28 May	10.00 am	Regulatory Panel - Licensing	County Hall
<b>Week 3</b>			
Tuesday 2 June	2.00 pm	Local Review Body	Troon Room
Wednesday 3 June	10.00 am	Audit and Governance Panel	County Hall

<b>Week 4</b>			
Tuesday 9 June	10.00 am	Service and Performance Panel	County Hall
Wednesday 10 June	10.00 am	Appeals Panel	To be confirmed
Thursday 11 June	10.00 am	Regulatory Panel - Planning	County Hall
<b>Week 5</b>			
Tuesday 16 June	10.00 am	Leadership Panel (Education)	County Hall
Wednesday 17 June	10.00 am	Partnerships Panel	County Hall
Thursday 18 June	10.00 am	Licensing Board	County Hall
<b>Week 6</b>			
Tuesday 23 June	10.00 am	Audit and Governance Panel	County Hall
Tuesday 23 June	2.00 pm	Local Review Body	Troon Room
Wednesday 24 June	10.00 am	Regulatory Panel - Licensing	County Hall
Wednesday 24 June	2.00 pm	Regulatory Panel - Planning	County Hall
Thursday 25 June	10.00 am	South Ayrshire Council	County Hall
<p><b>Recess</b></p> <p><i>Schools close on Friday 26 June 2020 and re-open on Monday 17 August and Tuesday 18 August 2020 (in-service days) and Wednesday 19 August 2020 (pupils)</i></p>			

## 6. Financial Regulations.

There was submitted a [report](#) (issued) of 6th December 2018 by the Head of Finance and ICT seeking approval of the revised Financial Regulations following review.

The Council

**Decided:** to approve the revised Financial Regulations, as contained in Appendix 1 to the report, to be effective from 14th December 2018.

## 7. General Services 2019/20 Budget Considerations and Engagement.

There was submitted a [report](#) (issued) of 6th December 2018 by the Head of Finance and ICT advising of the issues to be considered in setting the General Services Revenue Budget for 2019/20 and the proposed public engagement process.

A discussion took place in relation to how the budget would impact on Council spending; the need for public consultation and follow-up engagement with the public following the setting of the budget; and concerns were raised regarding the short timescale for Elected Members receiving options for budget savings from officers prior to the setting of the budget.

Councillor Douglas Campbell then advised that he had requested that the Chief Executive take into account comments from members of the public following last year's public consultation as this was a continuous process.

The Council, having thanked the Head of Finance and ICT for his work on this matter,

**Decided:** having considered the planned public budget engagement set to take place in January/February 2019, to note the March 2018 indicative budget gap of £10.772m for 2019/20 and further note the significant uncertainty surrounding this estimated gap.

## **8. Notice of Motions.**

(a) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Peter Henderson, seconded by Councillor Andy Campbell, moved:-

“Charter Against Modern Slavery

South Ayrshire Council pledges to:

1. Train our procurement team to understand modern slavery through the CIPS course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Human Trafficking and Exploitation (Scotland) Act 2015 and the Modern Slavery Act 2015 wherever they apply, with contract termination as a sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise our whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require tendered contractors to adopt a whistle-blowing policy which enables staff to blow the whistle on any suspected examples of modern slavery.
7. Review contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for our suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually.”

## **Adjournment.**

The time being 10.30 a.m., the Council adjourned.

## **Resumption of Meeting.**

The meeting resumed at 10.45 a.m.



**By way of Amendment,** Councillor Hugh Hunter, seconded by Councillor Martin Dowey, moved:-

“Council commends the efforts already being made by South Ayrshire Council’s Procurement Service to ensure compliance with the Charter Against Modern Slavery and requests officers carry out a review of this compliance and bring forward a report to Full Council on 9th May 2019 highlighting existing good practice and recommending any changes necessary to ensure full compliance with the Charter Against Modern Slavery.”

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

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

The Council

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

- (b) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Laura Brennan-Whitefield, seconded by Councillor Brian McGinley, moved:-

“Members are asked to welcome the recent introduction of the Domestic Abuse (Scotland) Bill, which makes psychological abuse and coercive control in the home a criminal offence and reiterate that such abuse should never be tolerated. New Zealand’s world leading Victims’ Protection Bill requires employers to give victims of domestic violence up to 10 days leave from work, separate from annual leave and sick leave entitlements. A similar policy in South Ayrshire Council would assist victims to leave their partners, find new homes and help protect themselves and any dependent children. Council is asked to request officers consider the introduction of up to 10 days ‘safe leave’ and bring forward a paper outlining the proposals to the next meeting of the Leadership Panel.”

The Mover (in agreement with the seconder) amended this Motion for the last sentence to read “Council is asked to request officers consider the introduction of up to 10 days ‘safe leave’ and bring forward a paper outlining the proposals to the meeting of the Leadership Panel scheduled to be held on Tuesday, 12th February 2019”

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 No. 18, Councillor Lee Lyons, seconded by Councillor Derek McCabe moved:-

“Council is asked to agree that officers are requested to bring forward a report to full Council on 9th May 2019, outlining the implications for the Council of establishing a Citizens’ Advice Bureau within South Ayrshire.”

**By way of Amendment,** Councillor Douglas Campbell, seconded by Councillor Brian McGinley, moved;-

“Council notes the comprehensive information and advice services provided through our Libraries, Customer Service Centres and the Information and Advice Hub by our dedicated full time staff. Council also notes that our well trained staff provide a full range of advice services including benefit advice, support at tribunals, personal debt and money advice, assistance with form filling, etc.

Council, therefore, resolves that officers bring forward an annual report to the Service and Performance Panel of 4 June 2019 on the operation of the service during 2018/19”.

On a procedural matter, a Member questioned the competence of the Amendment and the Head of Regulatory Services advised that, having read the Amendment, she had considered it competent.

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

A Member of the Council requested a roll call vote.

The Head of Regulatory Services then took the vote by calling the roll as follows:-

Helen Moonie	Amendment
William Grant	Amendment
Laura Brennan-Whitefield	Amendment
Andy Campbell	Amendment
Douglas Campbell	Amendment
Ian Cavana	Amendment
Alec Clark	Amendment
Ian Cochrane	Amendment
Brian Connolly	Amendment
Peter Convery	Motion
Chris Cullen	Amendment
Ian Davis	Motion
Julie Dettbarn	Amendment
Martin Dowey	Motion
Ian Fitzsimmons	Motion
Peter Henderson	Amendment
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Lee Lyons	Motion
Craig Mackay	Amendment
Derek McCabe	Motion
Brian McGinley	Amendment
Bob Pollock	Motion
Philip Saxton	Amendment
Arthur Spurling	Motion
Margaret Toner	Motion

Fifteen Members voted for the Amendment and eleven for the Motion and the Amendment was accordingly declared carried.

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

**9. Formal Questions.**

In terms of Council Standing Order No. 26(2), there were submitted (tabled) a Formal Question from Councillor Arthur Spurling, details of which, together with the Answers, are outlined below:-

““A South Ayrshire Robert Burns Group was formed with representatives from the Council, NTS and Alloway Burns Club with the aim of promoting the Life and Works of Robert Burns to enhance his memory and benefit those living, working and visiting South Ayrshire.

An initial round of meetings involving all representatives considered the current Burns offering, the scope for enhancing this, early ideas for this to be enhanced and the extent of the other representatives' interest in working with the Council to enhance the offering. The group approached the Council to suggest that short, medium and long term options would need to be developed and funding identified to support each option.

The group were then informed at the beginning of May, 2018 that the group's contribution would be considered as part of the review of the Tourism and Events Strategy and that strategic work would be taken forward by Officers and developed within the established administrative protocols.

My question to the Portfolio Holder is “what progress has been made and what is the current position?”.

**Answer:**

The intention is still for this to be considered as part of a review of tourism and events strategy within the Council. Initial discussions have taken place between the Executive Leadership Team and the Administration around SAC approach to events and in particular how this can be taken forward as a joined up, timed and themed programme that links a number of themes and initiatives across South Ayrshire and across the year. Currently there is a range of services and groups involved and contributing over the course of the year at different levels. The intention is to move from the current historical position to one which is more strategically organised and focused and which will maximise the impact of Robert Burns across South Ayrshire. Proposals on how best this will be dealt with will be brought forward early in 2019.

Councillor Spurling raised a supplementary question to which the Portfolio Holder, Councillor McGinley, responded accordingly.

**10. Provost's Closing Remarks.**

The Provost wished all Members of the Council a Merry Christmas and Happy New Year.

The meeting ended at 11.50 a.m.