

LEADERSHIP PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 9th March 2010 at 10.00 a.m.

Present: Councillors Bill McIntosh (Chair), Douglas Campbell, Peter Convery, Hywel Davies, Nan McFarlane, Robin Reid and Margaret Toner.

Attending: D. Anderson, Chief Executive; J. G. Peterkin, Depute Chief Executive and Executive Director – Development and Environment; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; V. Andrews, Head of Legal and Administration; D. Alexander, Head of Corporate Resources; A. Wilson, Head of HR and Organisational Development; H. Carswell, Head of Children's Services; K. Leinster; Head of Community Care and Housing; J. McQuillan, Head of Property and Neighbourhood Services; M. Newall, Head of Planning and Enterprise; C. Cox, Planning Manager; R. Howe, Fleet Manager; E. Monson, Neighbourhood Services Manager; S. Macdonald, Group Leader - Waste Strategy; A. Marnie, Energy and Resources Group Leader; A. Greenwood, Asset Co-ordinator; D. Robertson, Communications Manager; D Knight, Committee Services Officer; and E. Wyllie, Committee Administrative Officer.

Chair's Remarks.

The Chair

- (1) welcomed Elected Members to the meeting; and
- (2) advised that an urgent additional item of business had arisen in relation to proposed further works at the Gaiety Theatre, Ayr and that this matter would be taken after consideration of the last item on the agenda.

Community Services – Social Services.

1. Action Plan – Performance Inspection of Social Work Services in South Ayrshire Council 2009.

There was submitted a report (issued) of 15th February 2010 by the Executive Director – Children and Community advising of the actions that the Children and Community Directorate would undertake to address the recommendations which had been made following the Social Work Inspection Agency's performance inspection of the Council's Social Work Services in 2009.

Questions were raised by Members of the Panel in relation to the financial implications of recruiting an additional local area co-ordinator and a training officer, who would pay for the link inspector and the timescales for implementation, how would Elected Members be kept informed of the progress being made and the progress being made to reduce re-offending and the Head of Children's Services responded accordingly.

Decided: to note the contents of the report and request that the Executive Director – Children and Community

- (1) implement and monitor the action plan, attached as Appendix 1 of the report; and
- (2) provide a final report when the formal follow-up inspection process had been concluded.

Community Services – Housing and Customer First.

2. Write-off of Former Tenant Arrears.

There was submitted a report (issued) of 11th February 2010 by the Executive Director – Children and Community seeking approval to write-off former tenant rent arrears amounting to £17,912.25 which could be met from the provision within the HRA for 2009/10.

Decided: to approve the write-off of former tenant arrears of £17,912.25 as detailed within the report.

Development and the Environment – Sustainability and the Environment.

3. Disengagement from Hadyard Hill Community Benefit Fund Ltd.

There was submitted a report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) intimating that the Hadyard Hill Community Benefit Fund Ltd. was now into year four of operation, and had successfully allocated £368,147 throughout the South Carrick area, with the requirement that all monies were dispersed within the communities of Barr, Pinwherry and Pinmore and Dailly and that all funding had therefore been allocated to projects that benefited the local communities of the three Community Council areas; and
- (2) advising of a request from the Hadyard Hill Community Benefit Fund Ltd. that the Council's participation in the Company and representation on the Board should now cease and seeking approval for this disengagement; and

Decided:

- (a) to approve the proposed disengagement from the Hadyard Hill Community Benefit Fund Ltd.; and
- (b) to authorise amendment to the present legal agreement to effect this disengagement.

4. **Zero Waste Fund.**

There was submitted a report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (1) providing an update with regard to the Scottish Government's Zero Waste grant funding to local authorities in 2009/10 and 2010/11;
- (2) advising
 - (a) that the Scottish Government had confirmed that the Council would receive an additional £155,000 from the Zero Waste Fund for 2009/10;
 - (b) that, however, funding allocated by the Scottish Government and directed to Zero Waste projects by the Council for 2010/11 had been revised to £605,000 which was £143,000 less than the £748,000 originally indicated at the inception of the Zero Waste Fund; and
 - (c) therefore, that the net position over both financial years was an increase in funding of £12,000 from that previously indicated;
- (3) indicating that the revised proposals attached as Appendix A of the report, if approved, would commit all Zero Waste Fund monies until the end of 2010/11, with no impact on existing Waste Management resources; and
- (4) reporting that the Scottish Government had previously indicated that the 2010/11 allocation would be added to the Council's GAE settlement from 2011/12 onwards and informing that confirmation of this decision remained outstanding and Officers would seek to progress a resolution to this matter through COSLA.

Decided: to approve the allocation of remaining Zero Waste funding for 2009/10 and 2010/11 to waste management projects as outlined in Appendix A of the report in order to assist the Council to meet its future recycling and landfill diversion targets.

Development and the Environment – Economic Development, Tourism and Leisure.

5. **Planning Service Improvement Plan 2010/11.**

Reference was made to the Minutes of the Council of 17th December 2009 (Page 16, paragraph 16) and there was submitted a report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval of the Planning Service Improvement Plan 2010/11, as outlined in Appendix 1 of the report and agreement that this be forwarded to the Scottish Government as the basis of the Council's ongoing response to the commitment agreed in the 'Delivering Planning Reforms' paper to identify areas for service improvement.

Decided:

- (1) to approve the Planning Service Improvement Plan 2010/11, attached as Appendix 1 of the report;
- (2) to agree that this be forwarded to the Scottish Government as the basis of the Council's ongoing response to the commitment agreed in the 'Delivering Planning Reforms' paper to identify areas for service improvement; and
- (3) to note the progress with actions which had been identified in the Planning Service Improvement Plan 2009/10 as outlined in Appendix II of the report.

Corporate and Community Planning – Resources and Performance.**6. Council Tax Collection Statistics – Cash at 31st January 2010.**

There was submitted a report (issued) of 26th February 2010 by the Head of Corporate Resources advising

- (1) of the collection levels which had been achieved in respect of Council Tax to 31st January 2010 and the action which had been taken to achieve Best Value in the collection thereof;
- (2) that the collection rate had been 84.50 per cent against the target collection of 84.59 per cent which equated to a negative variation of £57,582, as detailed in Appendix 1 of the report;
- (3) that in order to address increased customer demand due to the economic recession, the office closed to the public until 10.00 a.m. each morning and all day Wednesday, together with controlled periods of overtime working, assisting Corporate Services staff to ensure accurate benefit awards, together with the prompt rebilling and recovery of Council Tax, and that, in the event of non-payment, Council Tax arrears continued to be passed earlier to Stirling Park, Sheriff Officers to maximise recovery and minimise the impact of the economic downturn upon collections; and
- (4) that following considerable input from Corporate Services staff, general Council Tax and benefit telephone enquiries would be handled through the Council's Customer Contact Centre with effect from 4th March 2010 and that further operational efficiencies would, therefore, be sought by Corporate Services to maximise collection performance through the migration of specific processes to the Contact Centre.

Decided:

- (a) to approve the contents of the report; and
- (b) to request the Head of Corporate Resources to provide updated figures to the next meeting of this Panel.

7. **Write-off of Housing Benefits Overpayments.**

There was submitted a report (issued) of 26th February 2010 by the Head of Corporate Resources

- (1) outlining procedures for the write-off of housing benefit overpayments once all attempts to recover such debts had been exhausted (and without prejudice to future recovery);
- (2) seeking approval to write-off housing benefit overpayments of £1,341.38 in accordance with the Council's policy; and
- (3) advising that the accounts submitted for write-off would be contained within the existing bad debt provision.

A question was raised by a Member of the Panel requesting details of the overpayment in the housing benefit and the Head of Corporate Resources advised that he would forward details of this case to Leadership Panel Members.

Following a question from a Member of the Panel about the level of accounts being submitted to the Leadership Panel for write-off, the Executive Director – Corporate Services advised that the levels of write-off requiring the Panel's approval were currently being reviewed in terms of the Scheme of Delegation.

Decided: to approve the write-off of housing benefit overpayments totalling £1,341.38 as detailed in the Appendix of the report.

8. **Write-off of Non-domestic Rates (Specific).**

There was submitted a report (issued) of 26th February 2010 by the Head of Corporate Resources

- (1) seeking approval to write-off rates relating to specific cases for 2007/08 and 2008/09, totalling £539,694.68, in accordance with the Council's policy; and
- (2) advising that the write-off was fully provided for in the Abstract of Accounts as at 31st March 2009 and that debts would continue to be vigorously pursued.

Decided: to approve the write-off of sundry debtors' balances totalling £539,694.68 as detailed in the Appendix of the report.

9. **Development and Environment Revenue Budgetary Control 2009/10 – Proposed Budget Virement.**

There was submitted a joint report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment and the Executive Director – Corporate Services seeking approval for budget virement, in accordance with Financial Regulations, within Neighbourhood Services.

A question was raised by a Member of the Panel in relation to the procedures for dealing with virements and the Executive Director – Corporate Services responded accordingly.

Questions were raised by Members of the Panel in relation to the loss of income following the departure of the tenant at Belleisle Hotel and why the relocation of the workshop from Craigie Park had not been included in the Budget and the Depute Chief Executive and Executive Director – Development and Environment advised that a report would be submitted to a future meeting of the Leadership Panel regarding the lease of Belleisle Hotel, Ayr and other related matters and that he would provide a further response in respect of the additional costs of the relocation of the workshop at Craigie Park.

Decided:

- (1) to approve a transfer within Green Space of £54,000 from employee costs to supplies and services costs in the current year only, as outlined in paragraph 4.1 of the report; and
- (2) to approve a transfer within Waste Management of £20,000 from employee costs and £53,000 from transport costs to income on a permanent basis, as outlined in paragraph 4.2 of the report.

10. Declarations of Interest.

Councillors Campbell and Convery declared an interest in the following item of business on the agenda regarding Council Tax Rebates for Energy Efficiency as they are on the Energy Agency Board and withdrew from the meeting during its consideration.

11. Council Tax Rebates for Energy Efficiency.

There was submitted a joint report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment and Executive Director – Corporate Services advising that Section 50AA of the Climate Change (Scotland) Act 2009 required local authorities to establish a Council Tax rebate scheme based on energy efficiency and that such schemes could be established during 2010 as Councils considered appropriate.

Questions were raised by Members of the Panel in relation to cavity wall and loft insulation and clarification about the terms of the Scheme and the Energy and Resources Group Leader responded accordingly.

Decided:

- (1) to agree that the proposal for a scheme for a Council Tax rebate for installing external wall insulation be developed with the Energy Agency;
- (2) to agree that the administration of the current scheme, which covered cavity wall and loft insulation, be amended to meet the terms of legislation; and
- (3) to request the Depute Chief Executive and Executive Director – Development and Environment and the Executive Director – Corporate Services to report on the development of the proposed scheme to a future meeting of this Panel.

12. Financial Strategy 2010/13 – Update.

Reference was made to the Minutes of 16th June 2009 (Page 343, paragraph 14) and there was submitted a report (issued) of 2nd March 2010 by the Executive Director – Corporate Services

- (1) advising
 - (a) that the Council had approved a financial strategy for the period 2010/13 on 16th June 2009 (Page 343, paragraph 14) and that this strategy had been followed in setting the 2010/11 revenue and capital budgets;
 - (b) that Audit Scotland previously had raised concerns about the lack of financial reserves and the Council had committed to achieving an uncommitted balance of £2m by 31st March 2010; and
 - (c) that the latest projections indicated that an uncommitted surplus of £6m would be achieved by 31st March 2010 and that members were committed to achieving an uncommitted surplus of £8m by 31st March 2013;
- (2) reporting
 - (a) that revenue funding for local government in Scotland was forecast to reduce by 12% in real terms over the next few years and that this was a significant reduction and that it was likely that an extensive service re-design would be required to allow the Council to provide statutory services and address key priorities; and
 - (b) that there was also the possibility of an in-year budget reduction following the forthcoming general election; and
- (3) updating the financial strategy to reflect the latest Scottish Government funding and outlining a timetable for the 2011/12 budget.

A full discussion then took place and Members raised their concerns about the anticipated reduction in revenue and capital funding and the impact on services.

Decided:

- (i) to note the latest Scottish Government funding projections; and
- (ii) to approve the timetable for 2011/12 budget as detailed in the report.

13. Policy for the use of the Low Green.

There was submitted a report (issued) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment

(1) proposing

(a) that permission to use the Low Green should be restricted to those uses, activities and events which would meet at least one of the following criteria:-

- providing additional leisure, recreation, entertainment and similar facilities for the people of Ayr;
- having the potential to attract visitors to Ayr during and after the event including major events such as the existing Burns and A' that' Festival;
- enhancing and complementing the facilities and activities already available in and around the Seafront and Low Green area; and
- extending the season into the shoulder months - the tourist season in Ayr was generally restricted to the months of May to September, with some additional trade in April and October due to the school holidays in these months,

and also which would not conflict with other planned tourism-related activities or events taking place in the local or wider area over the same period;

(b) that fairgrounds, on their own, were not considered as meeting the above criteria and that individual applications for fairground use would, therefore, be refused;

(c) that, however, there might be occasions when the provision of fairground attractions was an integral or additional part of a wider event and such applications would be considered on their merits and if permission to use is granted, all applications would be required to seek appropriate further consents, such as Licensing, Planning and Building Warrant approvals;

(d) that permission to use the Low Green would be subject to charges for ground rental (in addition to fees due for licensing, etc) and would be calculated at a standard rate per square metre of occupancy, which would include any access routes, etc. and that in addition, a bond, in a specified financial sum, to ensure satisfactory reinstatement of grounds, might be required; and

(e) that use by Community Groups, voluntary organisations, Registered Charities, partner organisations to the Council and HM Armed Forces might, at the Council's sole discretion, be granted without charge or at a discounted rate;

(2) recommending that responsibility for granting permission for the use of the Low Green should be delegated to the Depute Chief Executive and Executive Director - Development and Environment and be administered by the Head of Property and Neighbourhood Services, who would consider the detail of all applications for permission to use and would issue documentation relating to permission to occupy the site, without prejudice to the need for other statutory consents/licenses; and

(3) indicating

- (a) that local Councillors would be consulted on each application in order that any local issues might be fully considered prior to a decision on whether to grant consent being reached; and
- (b) that permission to use the Low Green, where granted, would require the applicant to agree to standard Terms and Conditions of Use, as determined by the Depute Chief Executive and Executive Director - Development and Environment.

Questions were raised by Members of the Panel in relation to whether there was a policy banning animals in circuses and issues concerning civic government licensing and the relevant Officers responded accordingly.

Decided: to approve the policies and procedures to be applied to applications for permission to use the Low Green, Ayr as detailed in the report.

14. Exclusion of Press and Public.

The Panel 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 items 15 to 20 of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6, 9 and 10 of Part 1 of Schedule 7(A) of the Act.

15. Transfer of Land to Barrhill Community Interest Company.

There was submitted a joint report (issued to members only) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment and the Executive Director – Children and Community seeking approval to declare approximately 0.163ha (0.402acre) of land at Barrhill surplus to requirements and available for disposal to Barrhill Community Interest Company for the development of a community car park.

Decided: to approve the sale of the land, as outlined in the Appendix to the report, to Barrhill Community Interest Company at the original purchase price of £2,000 to enable them to build and operate a car park etc. for the benefit of the community and on the further terms indicated in the report.

16. 17 and 23 High Street, Ayr.

There was submitted a report (issued to members only) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking continuation of the current Moratoria of Rental within the ground floor retail units of 17 and 23 High Street, Ayr due to the poor level of trading at this end of the High Street.

Decided: to approve the continuation of the current Moratoria of Rental for a further year, namely until 27th May 2011.

17. Declaration of Interest.

Councillor Reid declared an interest in the following item of business on the agenda regarding 3 Sandgate, Ayr as he currently acts for the person mentioned within the report and withdrew from the meeting during its consideration.

18. 3 Sandgate, Ayr.

There was submitted a report (issued to members only) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval for an extension of the leasehold interest over the unit at 3 Sandgate, Ayr.

Decided: to approve the extension to the lease on the terms provisionally agreed between the parties as outlined within the report.

19. Report on Procurement Exercise carried out on behalf of East, North and South Ayrshire Councils for the Provision of Driver CPC Training.

There was submitted a report (issued to members only) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment advising of the tendering exercise which had been undertaken by the Council on behalf of the three Ayrshire Councils for the procurement of Driver Certificate of Professional Competence Training and making a recommendation to award the contract.

Questions were raised by a Member of the Panel in relation to certification and administration of the training and the Fleet Manager responded accordingly.

Decided: to award the contract to Jim Mair Driver Training Ltd. for a period of three years with an option to extend for an additional two one year periods.

Development and the Environment – Sustainability and the Environment.

20. Grounds Maintenance Best Value Review – Final implementation Report.

With reference to the Minutes of 24th November 2009 (Page 648, paragraph 27), there was submitted a report (issued to members only) of 1st March 2010 by the Depute Chief Executive and Executive Director – Development and Environment seeking approval to implement the findings of the Best Value Review of Grounds Maintenance Services previously submitted for consideration on 24th November 2009.

Decided: to continue consideration of this matter to a future meeting of the Leadership Panel to allow further discussions to take place with Elected Members and Officers.

Corporate and Community Planning – Resources and Performance.

21. Proposed Additional Works at Gaiety Theatre, Ayr.

In terms of Standing Order No. 8 and in view of the urgency of the business to be transacted, reference was made to

- (1) the Minutes of 9th February 2010 (Page 106, paragraph 21); and
- (2) the Minutes of South Ayrshire Council of 2nd March 2010 (Page 9, paragraph 15); and

there was submitted a report (tabled) of 5th March 2010 by the Depute Chief Executive and Executive Director – Development and Environment

- (a) seeking authority to negotiate an extension to an existing contract at the Gaiety Theatre, Ayr; and
- (b) intimating that the cost of the work to be negotiated, if approved, would be met from the £500,000 awarded to Ayr Renaissance for work at the Gaiety Theatre by the Scottish Government through the Town Centre Regeneration Fund.

Decided: to authorise the Depute Chief Executive and Executive Director – Development and Environment to enter into negotiations with Linea Construction Limited to negotiate an extension to their existing contract at the Gaiety Theatre as detailed within the report, providing that Best Value could be demonstrated.

The meeting ended at 11.00 a.m.