

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 7th October 2010 at 10.00 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Brian Connolly, Peter Convery, Hywel Davies, Ian Douglas, Stan Fisher, Ian Fitzsimmons, Ann Galbraith, Sandra Goldie, Bill Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, Elaine Little, Mairi Low, John McDowall, Nan McFarlane, Bill McIntosh, Helen Moonie, Alec Oattes, Mike Peddie, Robin Reid, Philip Saxton, Tom Slider and Margaret Toner.

Apology: Councillor Eddie Bulik.

Attending: D. Anderson, Chief Executive; E. Howat, Executive Director – Corporate Services; H. Garland, Executive Director – Children and Community; L. Bloomer; Executive Director – Development and Environment; V. Andrews, Head of Legal and Administration; C. Monaghan, Head of Policy, Performance and Communication; R. MacDonald, Head of Community Development; K. Leinster, Head of Community Care and Housing; J. McQuillan, Head of Property and Neighbourhood Services; M. Newall, Head of Planning and Enterprise, K. Dalrymple, Roads Manager; R. Borland, Supervisory Engineer Lighting; J. Cronin, Strategic Service Planning Manager; C. Bradshaw, Assistant Public Communications Officer; and D. Knight, Committee Services Officer.

Also attending: David Bell, Managing Director, Ayr Renaissance.

1. **Provost.**

The Provost

- (1) welcomed to the meeting
 - (a) Elected Members;
 - (b) members of the public;
 - (c) Councillors Davies, Little and Oattes, following their recent operations; and
 - (d) Lesley Bloomer, the new Executive Director – Development and Environment to her first meeting of the Council;
- (2) congratulated Councillor Bulik and his partner on the birth of their daughter in the early hours of the morning of 7th October 2010;
- (3) advised that an urgent additional item of business had arisen in relation to Care and Repair Contract and that this matter would be taken after consideration of the last item on the agenda; and

- (4) requested that the Council agree
 - (a) that Agenda Item No. 14, the report on Community Engagement be withdrawn and the Council so concurred; and
 - (b) in terms of Council Standing Order No. 10, to vary the order of business and to deal with Agenda Item No. 18, the report on the Gaiety Theatre, Ayr, following the Chief Executive calling the Sederunt for the meeting and the Council so concurred.

2. **Sederunt.**

The Chief Executive called the Sederunt for the meeting.

3. **Gaiety Theatre, Ayr.**

Reference was made to the Minutes of 7th October 2009 (Page 551, paragraph 8) when it had been agreed

- (i) to approve the appointment of the Ayr Gaiety Partnership as the 'Preferred Bidder' for the Gaiety Theatre, Ayr subject to working in partnership with the Council to establish a sound and sustainable business case;
- (ii) to request the Head of Community Development to submit a further report to a future Council on the outcome of the negotiations with the 'Preferred Bidder' in the above regard; and
- (iii) that the capital investment programme as detailed in the report be approved and that CRGP Limited be confirmed as the Council's appointee as outlined at paragraph 4.18 in the report, and

there was submitted a report (issued) of 30th September 2010 by the Executive Director – Children and Community

- (1) advising
 - (a) that a business case had been received from the Ayr Gaiety Partnership and had been subject to scrutiny and review by a group of Officers from Children and Community, Legal Services, Assets and Estates, Finance and a representative from Ayr Renaissance;
 - (b) that further scrutiny had been achieved by the provision of two workshops facilitated by Andrew Ormston, a Director of Drew Wylie, Edinburgh, a firm of professional consultants specialising in the Arts and Culture field to develop a clear understanding of the mission and associated business model that would enable a business plan to be drawn up that would fulfil criteria associated with public sector investment; and

- (c) that the assessment of the Business Case submitted by the Ayr Gaiety Partnership was that it was not currently robust enough in terms of commercial sustainability and that further capacity and expertise was required to deliver this aspect;
- (2) intimating that the Corporate Management Team's proposal for the Gaiety Theatre is that it should
- (a) become a high quality and desirable venue for a wide range of regular world class performances providing the residents of South Ayrshire with the opportunity for arts and cultural experiences and bringing tourism and economic regeneration to the area;
 - (b) become a community resource and a centre of excellence for education and training with the venue providing performance and display space for local arts organisations and volunteering and activity space for community groups and that a refurbished Cafe/Bar area with a dance floor would provide social and outreach opportunities; and
 - (c) be linked to the re-enforcement of Ayr as a University town with the development of the Craigie Campus and the forthcoming provision of 200 student residences in the heart of the town and should also support the work of Ayr Renaissance by contributing to the overall regeneration of Ayr Town Centre;
- (3) advising that discussions with the University of the West of Scotland have indicated that they would be keen to utilise a local facility which provided teaching, rehearsal and performance space for students taking their Creative and Cultural Industries courses and had given careful consideration to the proposal for them to be part of a strategic steering group and had confirmed their willingness to participate in an informal arrangement that did not jeopardise their ability to obtain ongoing funding for their current course provision; and
- (4) recommending
- (a) that as the Ayr Gaiety Partnership and other partners in the community were key to delivering a sustainable solution and required additional capacity and expertise, that a strategic steering group known as the Gaiety Strategic Steering Group be formed to support the work of the Ayr Gaiety Partnership and would include Elected Members and Officers of South Ayrshire Council, the Ayr Gaiety Partnership, the University of the West of Scotland, representatives from local arts organisations, and community groups and that the Steering Group would have an advisory and mentoring role, driving creativity but would not have any power of direction or control over Ayr Gaiety Partnership;
 - (b) that the Council should enter into a contractual relationship with the Ayr Gaiety Partnership and negotiate with them a long lease or if required for funding purposes, a transfer of the Gaiety building and that the contract would set out the Council's expectations in terms of the re-opening and operation of the Gaiety Theatre and the long lease/transfer would provide a basis for the Ayr Gaiety Partnership to explore other funding options and to incur substantial capital outlay on the building;

- (c) that a repayable loan up to £300,000 be provided by Ayr Common Good Fund and that the terms and purpose of the loan be negotiated between the Council and Ayr Gaiety Partnership; and
- (d) that the sum of £500,000 identified in the Capital Budget which was match funding for the £500,000 secured through Ayr Renaissance from the Town Centre Regeneration Fund, earmarked for use in 2011/12, be brought forward for immediate use to allow the refurbishment of the building to reach a stage where the Cafe/Bar area could be re-opened providing income generation for future stages of development.

Questions were raised by Members of the Council in relation to whether the University of the West of Scotland would make a financial contribution towards the Gaiety Theatre, would a Service Level Agreement be put in place, had Minutes been taken of the meetings with the Ayr Gaiety Partnership, when would the Gaiety Theatre re-open, the terms and conditions of the loan from the Ayr Common Good Fund and would these be approved by the Council, whether the negotiations for the terms and conditions of a long lease would be delegated to Officers or would it need to be approved by the Council, whether the Box Office could also be reopened, the Business Plan, applications to Ayr Common Good Fund from other community groups and the arrangements for the Strategic Steering Group and the relevant Officers responded accordingly and the Head of Community Development further advised that he would circulate the minutes of the meetings with the Ayr Gaiety Partnership to Elected Members.

Decided:

- (i) to endorse the CMT's proposal for the Gaiety Theatre as detailed in paragraphs 4.2, 4.3, and 4.4 of this report and at (2) (a) to (c) above;
- (ii) to agree the creation of the Gaiety Strategic Steering Group and the contractual and leasing arrangements as detailed in paragraphs 4.6 and 4.7 of this report and at (4)(a) and (b) above;
- (iii) to agree that that Councillors Allan, Douglas Campbell and Galbraith be appointed as the Council's representatives on the Gaiety Strategic Steering Group;
- (iv) to agree that the Executive Director – Corporate Services submit a report to a future meeting of the Council recommending the terms and conditions of the loan of up to £300,000 to be met from the Ayr Common Good Fund; and
- (v) to approve the bringing forward of the £500,000 commitment from the Capital Programme in 2011/12 to the current year, to allow the refurbishment of the building to reach a stage where the Cafe/Bar area and Box Office could be reopened providing income generation for future development as detailed in paragraph 4.9 of this report and at (4)(d) above.

4. Minutes of previous Council meetings.

The Minutes of 1st July 2010 and 9th September (Special) 2010 (issued) were submitted and authorised to be signed as correct records of these meetings.

5. Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels (issued) were submitted and approved as a correct record of these meetings:-

- (1) Regulatory Panel of 28th June (Special), 19th August and 16th September 2010.
- (2) South Ayrshire Local Review Body of 30th June, 24th and 30th August and 21st September 2010.
- (3) Chief Officers' Appointments / Appraisal Panel of 1st July and 18th August 2010.
- (4) Rural Panel (Special) of 12th August 2010.
- (5) Leadership Panel of 17th August and 14th September 2010.
- (6) Appeals Panel of 17th, 18th and 25th August and 13th September 2010.
- (7) Community Services Standing Scrutiny Panel of 25th August and 22nd September 2010.
- (8) Corporate and Community Planning Standing Scrutiny Panel of 26th August and 23rd September 2010.
- (9) General Purposes Panel of 1st September 2010.
- (10) Development and the Environment Standing Scrutiny Panel of 21st September 2010.
- (11) Scrutiny and Governance Management Panel 28th September 2010.

6. Leadership Panel's Annual Report 2009/10.

There was submitted a report (issued) 30th September 2009 by the Head of Policy, Performance and Communication advising that the Leadership Panel had prepared an Annual Report, attached as an Appendix to the report, which set out how it had carried out its work and outlining the highlights for each portfolio during 2009/10.

Decided: to note the Leadership Panel's Annual Report for 2009/10.

7. Scrutiny and Governance Management Panel's Annual Report.

Reference was made to the Minutes of the Scrutiny and Governance Management Panel of 28th September 2010 (Page 510, paragraph 3) and there was submitted an Annual Report (issued) of September 2010 by the Scrutiny and Governance Management Panel outlining the Panel's Work Programme for the year which had focussed on the following three main areas:-

- decision-making and scrutiny;
- the delivering of Good Governance Framework; and
- Member Training.

Decided: to note the Scrutiny and Governance Management Panel's Annual Report for 2009/10.

8. Representation on Outside Bodies.

There was submitted a report (issued) of 21st September 2010 by the Executive Director – Corporate Services reviewing the organisations on which Elected Members and Officers represented the Council and requesting the Council to make a number of recommendations.

The Head of Legal and Administration advised

- (1) that Councillor Douglas Campbell had resigned from South Ayrshire Care and Repair and that there were now two vacancies on this organisation; and
- (2) that it would be more appropriate to nominate the Executive Director – Development and Environment as the Council’s representative on the University of West of Scotland Court.

Questions were raised by Members of the Council in relation to the progress being made with the review of the Housing Associations, the savings that had been made by withdrawing from the membership of the Coalfields Communities Campaign and the Executive Director – Children and Community advised that he would contact the Director of Ayrshire Housing regarding the review of the Housing Associations and the Executive Director – Corporate Services advised that she would respond to the questioner regarding the savings that had been made in connection with the withdrawal of financial support to the Coalfields Communities Campaign.

Councillor McIntosh, seconded by Councillor McFarlane, moved that the Council should

- (a) approve the recommendations in the report; and
- (b) appoint representatives to the undernoted organisations as follows:-

University of West of Scotland Court	Lesley Bloomer, Executive Director – Development and Environment
Ayr United Football Academy Ltd	Roddy MacDonald, Head of Community Development
South Ayrshire Care and Repair	Councillors Hunter and Slider
Supplier Development Programme	Councillor Reid

By way of an Amendment, Councillor Moonie, seconded by Councillor Saxton, moved that Councillor Goldie and one other from the Administration be appointed as the Council’s representative on South Ayrshire Care and Repair.

There was a request that the vote be taken by calling the roll with regard to the nominations to South Ayrshire Care and Repair.

The Head of Legal and Administration took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Motion
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six members voted for the Amendment and twenty three members voted for the Motion. The Motion was therefore declared carried.

By way of an Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that two Officers should be appointed to Ayrshire Housing with immediate effect.

There was a request that the vote be taken by calling the roll with regarding to the nominations to Ayrshire Housing.

The Head of Legal and Administration took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Motion
Ian Douglas	Motion

Stan Fisher	Abstain
Ian Fitzsimmons	Motion
Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Abstain
John Hampton	Motion
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Elaine Little	Motion
Mairi Low	Abstain
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six members voted for the Amendment and twenty members voted for the Motion with three abstentions. The Motion was therefore declared carried.

By way of an Amendment, Councillor Cavana, seconded by Councillor Goldie, moved that an Elected Member be appointed as the Council's representative on University of the West of Scotland Court.

On a vote being taken by a show of hands, six Members voted for the Amendment and twenty for the Motion. The Motion was accordingly declared carried.

Decided:

- (i) to remove the undernoted organisations from the list of outside bodies as follows:-
- Ayr Shopmobility;
 - Ayrshire Marketing Executive – Board Representation;
 - Borderline Theatre;
 - Burns an' a' That – Festival Management Company;
 - Coalfields Communities Campaign;
 - Hannah Research Foundation Development Fund;
 - Local Advisory Board Careers Scotland Partnership;
 - Local Childcare Partnership; and
 - Scottish Accident Prevention Council;

(ii) to approve appointments to the undernoted organisations as follows:-

Organisation

Representative

Ayrshire Valuation Joint Board

Valerie Andrews, Head of Legal and Administration as the Clerk to the Board;

British Red Cross Disaster Fund Appeal
(The Council's Disaster Fund)

Councillor Bill McIntosh
in place of Councillor
Hugh Hunter;

Environmental Protection UK
(formerly National Society for Clean Air and
Environmental Protection)

Gordon Lauder, Senior
Environmental Health
Officer;

Environmental Protection UK – Scottish Division
(formerly Scottish Division of the National Society
for Clean Air and Environmental Protection)

Gordon Lauder, Senior
Environmental Health
Officer;

CK Marr Educational Trust
(as Governors)

Philip Saxton; and Margo
Williamson, Head of Curriculum
and Service Improvement;
Moyra Morrison, Head Teacher
Troon Primary School and Chair
of the Parents' Council Marr
College;

Strathclyde Fire and Rescue Board

Mary Kilpatrick to replace Bill
McIntosh as the substitute for
Bill Grant;

West of Scotland Road Safety Forum

Kenny Dalrymple, Roads
Manager; and

University of West of Scotland Court

Lesley Bloomer, Executive
Director – Development and
Environment; and

(iii) to nominate representatives to the undernoted organisations:-

Ayr United Football Academy Ltd.

Roddy MacDonald, Head of
Community Development;

South Ayrshire Care and Repair

Hugh Hunter and Tom Slider;
and

Supplier Development Programme

Robin Reid.

9. Schedule of Meetings.

(1) Easter Recess 2011 and Scottish Parliamentary Elections 2011.

There was submitted a report (issued) of 22nd September 2010 by the Executive Director – Corporate Services requesting that the Council consider revisions to the timetable that had been previously approved at the Council meeting on 7th October 2009 in relation to

- (a) Easter Recess for 2011; and
- (b) the Scottish Parliamentary Elections to be held on Thursday, 5th May 2011.

Decided: to approve revisions to the current timetable during 2011 in that,

- (i) the Council would be in Recess from Monday, 11th April until Friday, 15th April 2011 with Week 5 of the timetable now commencing on 19th April 2011 and Week 6 on 26th April 2011 as detailed in the Appendix of the report; and
- (ii) the meetings to be held on Thursday, 5th May 2011 be re-arranged as the Scottish Parliamentary Elections would be held on that date.

(2) August 2011 to April 2012.

There was submitted a report (issued) of 22nd September 2010 by the Executive Director – Corporate Services seeking approval, in accordance with the Council's Panel cycle, a proposed timetable of Panel meetings from August 2011 to April 2012.

Decided:

- (a) to approve the proposed schedule of meetings, including Recess periods, from August 2011 until April 2012, as detailed in the Appendix to the report; and
- (b) to note that meetings of the Local Review Body would be inserted into the decision-making process, as and when required, on Tuesdays at 2.00 p.m. during Weeks 2, 4, 6 and 8.

10. Standing Orders relating to Contracts.

There was submitted a report (issued) of 24th September 2010 by the Executive Director – Corporate Services

- (1) advising
 - (a) that the annual review in accordance with the Improvement Agenda and the Council's Corporate Plan had been completed and that the amended Standing Orders were attached as Appendix 1 of the report;
 - (b) that as the proposed amendments were fairly substantial, a 'clean' version of the amended document had been provided together with a separate note listing the changes as detailed in Appendix 2 of the report; and

- (c) that the updated version had taken account of a number of recent developments in procurement practices within the Council and also the external procurement environment and that these changes also addressed a number of concerns which had arisen over recent times and in relation to specific procurement issues;
- (2) reporting that further updates to the Standing Orders were anticipated over the next year to reflect the continuing development of procurement practices across the Council, in particular, the continuing roll out of electronic tendering processes and developments in social care procurement; and
- (3) seeking approval to amend the Standing Orders relating to Contracts.

Decided: to approve the revised Standing Orders relating to Contracts.

11. **Revenue Budget 2011/12.**

There was submitted a report (issued) of 30th September 2010 by the Executive Director – Corporate Services

- (1) advising
 - (a) that despite the lack of certainty around the level of reductions in public spending, the Council would need to continue to work on the latest assumptions of a 7 to 12 per cent reduction over the next two years depending on whether or not funding for health was protected which equated to between £22m and £35m and that proposals totalling £3.405m had already been approved;
 - (b) that the Chief Executive had delivered a number of core messages which were being delivered to the entire workforce through the team briefing mechanism as detailed in Appendix 1 of the report; and
 - (c) that employees have been encouraged to identify efficiency proposals which were being recorded in a budget database and that Directors and Heads of Service were evaluating/ developing these proposals for consideration by Elected Members;
- (2) indicating
 - (a) that a number of efficiency proposals have been developed for consideration by Elected Members and categorised as follows:-
 - proposals where Officers were seeking Members' approval for further investigation;
 - proposals requiring Members' approval for implementation; and
 - proposals which could be implemented through management action;
 - (b) that proposals requiring Members' approval for further investigation were outlined in Appendix 2 of the report and that indicative savings of £1,950,000 have been attributed to some of the proposals at this stage;

- (c) that proposals requiring Members' approval for implementation were summarised in Appendix 3 of the report and that further detail on each of the proposals was attached as Appendix 4 of the report; and
 - (d) that proposals which could be implemented through management action were detailed in Appendix 5 of the report;
- (3) intimating that to significantly increase the level of engagement and encourage as much feedback as possible on the current budget challenge, a branded multi-platform communication and engagement campaign was recommended; and
- (4) reporting
- (a) that achievement of the efficiencies outlined in Appendix 3 and Appendix 5 of the report amounted to £1,324,520 and £173,679 respectively; and
 - (b) that the proposal to replace fixed data lines with wireless required capital investment of £550,000 in 2010/11.

Councillor Reid, seconded by Councillor McFarlane, moved that the Council should approve the recommendations in the report subject to the following matters in Appendix 3 being moved to Appendix 2 :-

- Review of Council's governance arrangements;
- Remove facility to pay Council Tax at a Post Office; and
- Review of Planning Enforcement priorities and staffing requirements.

By way of an Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that the Council should reject the report presented and that the Administration should accept the need to determine its budgetary priorities and bring these forward for public consultation, all to be completed by the end of December 2010.

A question was raised by a Member of the Council in relation to clarification of the budget process and Councillor McIntosh responded accordingly.

There was a request that the vote be taken by calling the roll.

The Head of Legal and Administration took the vote by calling the roll as follows:-

Winifred Sloan (Provost)	Motion
John Allan	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Motion
Ian Douglas	Motion
Stan Fisher	Motion
Ian Fitzsimmons	Motion

Ann Galbraith	Motion
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Mary Kilpatrick	Motion
Elaine Little	Motion
Mairi Low	Motion
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Motion
Robin Reid	Motion
Philip Saxton	Amendment
Tom Slider	Motion
Margaret Toner	Motion

Six members voted for the Amendment and twenty three members voted for the Motion. The Motion was therefore declared carried.

Decided:

- (i) to authorise Officers to undertake reviews in respect of the proposals outlined in Appendix 2 of the report;
- (ii) to approve the efficiency proposals as outlined in Appendix 3 of the report and detailed in Appendix 4 of the report subject to the following matters in Appendix 3 being moved to Appendix 2 :-
 - Review of Council's governance arrangements;
 - Remove facility to pay Council Tax at a Post Office; and
 - Review of Planning Enforcement priorities and staffing requirements.
- (iii) to note the management action as detailed in Appendix 5 of the report;
- (iv) to request Officers to incorporate £550,000 of expenditure in the 2010/11 Capital Programme to replace fixed data lines with wireless; and
- (v) to approve the community engagement proposals as outlined in section 5 of the report.

Adjournment of Meeting.

The Council agreed to adjourn the meeting at 11.40 a.m. for ten minutes.

Resumption of Meeting.

The meeting resumed at 11.55 a.m.

12. Treasury Management Annual Report 2009/10.

There was submitted a report (issued) of 23rd September 2010 by the Executive Director – Corporate Services

- (1) advising that this Council had adopted the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management with the primary requirements of the Code being:-
- the creation and maintenance of a Treasury Management Policy Statement which set out the policies and objectives of the Council's Treasury Management activities;
 - the creation and maintenance of Treasury Management Practices which set out the manner in which the Council would seek to achieve those policies and objectives;
 - receipt by the Council of an Annual Treasury Management Strategy Report for the year ahead, a mid-year review report (as a minimum) and an Annual Review Report of the previous year;
 - delegation by the Council of responsibilities for implementing and monitoring Treasury Management policies and practices and for the execution and administration of Treasury Management decisions; and
 - delegation by the Council of the role of scrutiny of Treasury Management Strategy and policies to a specific named body which in this Council was the Corporate and Community Planning Standing Scrutiny Panel; and
- (2) seeking approval of the Treasury Management Annual Report for 2009/10.

Decided: to approve the Treasury Management Annual Report for 2009/10, as detailed in the Appendix of the report.

13. Default Retirement Age.

There was submitted a report (issued) of 24th September 2010 by the Head of HR and Organisational Development

- (1) advising
- (a) that the Employment Equality (Age) Regulations had been introduced in 2006 to prohibit discrimination in employment on the grounds of age with the key features of the Regulations being the introduction of a Default Retirement Age (DRA) of 65 and the prohibiting of compulsory retirement below 65 unless objectively justified, the latter being known as Employer Justified Retirement Age (EJRA); and
 - (b) that the DRA was an exception from the general equal treatment principle as it made it lawful for an employer to discriminate against an employee on the grounds of their age when it came to retirement and therefore as it stood, an employer had the option of compulsorily retiring an employee at the age of 65 or above without that being deemed to be unfair dismissal or age discrimination, provided the required retirement procedure was followed;

(2) indicating

- (a) that the Government had decided to phase out the DRA and had entered into consultation to this end with the proposed removal of the DRA being on 1st April 2011 with transitional arrangements covering the period until 1st October 2011 i.e. retirements that have been notified prior to April 2011 and where the date of retirement fell before 1st October 2011;
- (b) that from April 2011 employers wishing to have a compulsory retirement age for their workforce would only be able to do so if they could objectively justify it (EJRA) and that an objective justification allowed employers to discriminate both directly and indirectly on the basis of age but that they should, however, show that this discrimination was 'proportionate' and contributed to a 'legitimate' aim which meant that age discrimination could be justified if it was a proportionate means of achieving a legitimate aim;
- (c) that as well as removing the DRA, the statutory right to request to continue working which currently applied to retirements under the DRA, EJRA's would also be removed; and
- (d) that South Ayrshire Council currently operated a DRA of 65; and

(3) reporting

- (a) that the Government had issued a Consultation Document which set out the background to the DRA, and explained how and why it intended removing it;
- (b) that the consultation asked questions on the specific proposals and on the support individuals and businesses might need to manage in its absence and that Appendix 1 of the report set out the Council's response to the consultation; and
- (c) that the closing date for submissions was 21st October 2010 and that a response to the contributions would be issued in November 2010.

Decided:

- (i) to note the Government's proposal; and
- (ii) to approve South Ayrshire Council's response to the Consultation attached as Appendix 1 of the report.

14. **Improvement Programme.**

Reference was made to the Minutes of 1st July 2010 (Page 367, paragraph 5) when the Council had noted the publication of the Audit of Best Value and Community Planning Progress Report June 2010 and the Assurance and Improvement Plan and had agreed that an updated improvement programme be prepared for this meeting and there was submitted a report (issued) of September 2010 by the Head of Policy, Performance and Communication

- (1) advising of the processes that that had been taken into account when preparing the new Improvement Programme and how best to prepare the Council for Best Value 2 which placed a strong emphasis on continuous improvement being part of day to day work rather than something which was separate and detached;
- (2) recommending an Improvement Programme which comprised six main areas, namely:
 - Leadership;
 - Governance;
 - Strategy;
 - Performance;
 - Transformation; and
 - Engagement;
- (3) indicating that the Improvement Programme as attached as an Appendix of the report set out the broad coverage of each area and how progress would be assessed and that each area would have an action plan that was embedded within Directorate Plans; and
- (4) recommending that the timing of reports on the Improvement Programme be brought into alignment with reporting for the Directorate Plans so that Elected Members could take a complete overview of improvements alongside achievement against objectives.

Decided: having recorded their appreciation of the work undertaken by the Head of Policy, Performance and Communication and her staff, to approve the updated Improvement Programme attached at Appendix 1 of the report including the reporting arrangements which would comprise an Annual Progress Report and an interim report at six months.

15. **Priorities.**

Reference was made to the Minutes of 1st July 2010 (Page 367, paragraph 6) when it had been agreed that further work be undertaken by Elected Members following the summer recess to facilitate presentation of priorities to this meeting, and there was submitted a report (issued) of September 2010 by the Head of Policy, Performance and Communication

- (1) advising that workshops had been held with Elected Members on 31st August and 8th, 15th and 29th September 2010 and that as part of considering the detail of the priorities over the summer recess, Officers had undertaken a mapping of existing objectives and how these related to the proposed priority areas and these were considered at the workshops and that six priority areas had been identified; and

- (2) seeking the Council's approval of the six priorities identified through work with Elected Members.

Councillor McIntosh, seconded by Councillor McFarlane, moved the recommendations in the report.

By way of an Amendment, Councillor McDowall, seconded by Councillor Moonie, moved that this Council be invited to agree the following:-

"We want an innovative, inclusive and progressive Council where the principles of Elected Members underpin and provide the foundation for its priorities and where social justice, fairness and equality take pride of place.

Our principles are:-

- to provide responsible leadership;
- to be progressive and reflective;
- to place social justice, fairness and equality at the heart of our services;
- to ensure that our staff know and feel that they are our most valued resource;
- to foster evolving and improving relationships with our communities and partners; and
- to ensure our legacy is sustainable.

Supported by these principles in recognition of the challenges of responding to public sector funding reduction and within available resources our priorities are:-

- we will facilitate economic opportunities for creating and maintaining local jobs through support for large and small businesses, manufacturing, social enterprise, credit unions, mutuals, co-operatives and the voluntary sector;
- we will reform the models of service delivery in partnership with citizens and other partners to create progressive and innovative service delivery models that respect the diversity of all our communities;
- we will continue to advance lifelong learning for all of our communities;
- we will develop a responsive and corporate service model directed towards early intervention and with the flexibility to direct resources to the point of need;
- we will support the vulnerable in our communities;
- we will provide joined up easy to access facilities; and
- we will promote and facilitate the wellbeing of our citizens and communities.

The Council further agrees that there will be a six week period of public consultation on these priorities which can be taken into account when forming and progressing further stages of development.”

By way of a Counter-Amendment, Councillor Douglas Campbell, seconded by Councillor Little, moved that the Council delete the priority “to tackle deprivation and work with partners to eliminate multiple deprivation” and replace it with the priority “that the Council should work with its partners to ensure that no community in South Ayrshire would feature in the worst 5% in the Scottish Index of Multiple Deprivation”.

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

In accordance with the terms of the Council’s Standing Orders, the Council then firstly proceeded to vote on the terms of the Counter-Amendment by Councillor Douglas Campbell and seconded by Councillor Little and the Amendment moved by Councillor McDowall and seconded by Councillor Moonie.

On a vote being taken by a show of hands, eleven Members voted for the Counter-Amendment and six Members voted for the Amendment. The Counter-Amendment was accordingly declared to be carried and became the substantive Amendment

The Council then proceeded to vote on the terms of the Motion moved by Councillor McIntosh and seconded by Councillor McFarlane and the substantive Amendment moved by Councillor Douglas Campbell and seconded by Councillor Little.

On a vote being taken by a show of hands, ten Members voted for the Amendment and thirteen Members voted for the Motion which was accordingly declared to be carried.

Decided:

- (a) to agree that its priorities should be:-
 - (i) to make South Ayrshire the best place for business, tourism and leisure;
 - (ii) to tackle deprivation and work with partners to eliminate multiple deprivation;
 - (iii) to build strong communities through effective community engagement;
 - (iv) to provide a safe, clean and sustainable environment;
 - (v) to increase achievement and provide a stimulating and challenging learning environment for all; and
 - (vi) to support and encourage healthy lifestyles; and
- (b) to approve to the adoption of ‘ambitious, forward-looking and responsive’ as a standard strapline in the Council’s communications.

16. Single Outcome Agreement Annual Report.

There was submitted a report (issued) of 29th September 2010 by the Head of Policy, Performance and Communication

- (1) seeking the Council's endorsement of the Annual Report on the Single Outcome Agreement for 2009/10 prepared by the Community Planning Partnership; as detailed within Appendix 1 of the report; and
- (2) advising that the Community Planning Partnership at its meeting on 6th October 2010 had approved the final draft of the Single Outcome Agreement.

Decided: to endorse the submission of the Single Outcome Agreement Annual Report to the Scottish Government as detailed within Appendix 1 of the report.

17. Street Lighting Maintenance Contract – Extension to Contract Period.

Reference was made to the Minutes of the Leadership Panel of 11th May 2010 (Page 260, paragraph 3) when it had been agreed that, under the provisions of paragraph 16.3 of the Council's Standing Orders Relating to Contracts, approval be granted to the Head of Planning and Enterprise to negotiate a three month extension until 30th September 2010 to the current Lighting Maintenance Contract with Centre Great Ltd., and there was submitted a report (issued) of 28th September 2010 by the Executive Director – Development and Environment

- (1) advising
 - (a) that following unexpected delays directly associated with the collaborative and procurement processes, the contract notice was finally advertised on the National Procurement Portal on 25th June 2010, with a tender return date of 5th August 2010 and a start date of 1st October 2010;
 - (b) that following further unanticipated delays outwith the control of South Ayrshire Council, the contract had been awarded to Lightways Contractors Ltd. on 23rd September 2010;
 - (c) that Lightways Contractors Ltd. and the current incumbent, Centre Great Ltd. required sufficient time to liaise with a view to transferring all employees affected by the Transfer of Undertakings (Protection of Employment) Regulations (TUPE);
 - (d) that Lightways Contractors Ltd. required sufficient time to establish premises, vehicles, workforce and systems to service the contract;
 - (e) that Lightways Contractors Ltd. have indicated that 1st January 2011 would give them sufficient time to carry out (c) and (d) above;
 - (f) that Centre Great Ltd. have indicated their willingness to continue their current service until 31st December 2010; and
 - (g) that the Council's former Depute Chief Executive and Executive Director - Development and Environment had exercised his powers under paragraph 2.2 of the

Council's Standing Orders Relating to Contracts and extended the current contract with Centre Great Ltd. until today (7th October 2010);

- (2) reporting
 - (a) that South Ayrshire Council's contract extension with the current contractor, Centre Great Ltd. had expired on 30th September 2010; and
 - (b) that Lightways Contractors Ltd. could not reasonably be expected to commence operations in the timescale now available under the originally intended contract programme; and
- (3) seeking a further extension to the current Street Lighting Contract up to 31st December 2010 in order to ensure the continuation of street lighting repair services.

Decided: under the provisions of paragraph 16.3 of the Council's Standing Orders Relating to Contracts, to grant approval to the Head of Planning and Enterprise to negotiate an extension to the current Lighting Maintenance Contract with Centre Great Ltd. for the period to 31st December 2010.

18. Fair Access to Children and Families Service.

There was submitted a report (issued) of 20th September 2010 by the Executive Director – Children and Community

- (1) seeking the Council's agreement to endorse the policy document "Fair Access to Children and Families Services" as detailed within Appendix 1 of the report which sets out the criteria and timescales for access to social care services for Children and Families within South Ayrshire;
- (2) advising
 - (a) that Children and Families Services provided family support and child care within area teams, fostering services, throughcare, youth support, family centres, youth justice and access to disability services, respite care and day care link; and
 - (b) that all of these services were currently accessed through a duty system where an initial assessment was undertaken and should the Fair Access to Children and Families Services Policy be approved, all initial assessments would be undertaken using the eligibility criteria to ensure prioritisation and consistency in decision making; and
- (3) reporting
 - (a) that to date there had been limited guidance on eligibility in certain parts of Children and Families Services and that the proposed policy was an attempt to determine eligibility criteria for the whole range of social care services for children and their families in South Ayrshire; and
 - (b) that there were no additional resource implications as Children and Families Services were met from within existing budgets.

Questions were raised by a Member of the Council in relation to helping those clients with the greatest needs and the most likely outcome of success with early intervention and the Head of Community Care and Housing responded accordingly.

Decided: to approve the Policy document "Fair Access to Children and Families Services" as detailed within Appendix 1 of the report and to request that the Executive Director – Children and Community implement the policy from 7th October 2010.

19. **Declarations of Interest.**

Councillors Little, McIntosh and Peddie declared an interest in the three following items of business on the agenda regarding Winter Festival – Proposed Ice Rink; Ayr Common Good; and Ayr Renaissance LLP Business Plan as they are on the Board of Ayr Renaissance LLP and withdrew from the meeting during their consideration.

The Executive Director – Development and Environment advised that she was on the Board of Ayr Renaissance LLP but that there was no conflict of interest regarding the following item Winter Festival – Proposed Ice Rink and remained in the meeting during its consideration.

20. **Winter Festival – Proposed Ice Rink.**

There was submitted a report (issued) of 30th September 2010 by the Chief Executive

(1) advising

- (a) that Ayr Renaissance LLP and the Council had received an approach about the possibility of creating a temporary ice rink during the month of December within Wellington Square, Ayr which would be fully funded via sponsorship and delivered by the sponsors via a local company;
- (b) that the proposal was to create a 300 square metre floodlit ice rink capable of accommodating 100 skaters with associated stalls and a family Carousel and that the rink would be either traditional ice or for synthetic "ice" which was environmentally friendly, easy to install and maintain, was capable of being operated in all weathers and did not require high levels of electricity generation with the associated cost and noise;
- (c) that the indications were that the performance of this synthetic ice was very similar to real ice and had been endorsed by international skaters and utilised at the Winter Olympics in Vancouver earlier this year and that a decision would be made based on relative cost and on which provided the better skater experience;
- (d) that all skates etc. would be provided by the operator, including provision of specialist equipment which would allow disabled skaters to enjoy the experience; and
- (e) that adjacent to the rink would be small stalls which would be made available to local retailers as additional retail space and also for the sale of food and non-alcoholic beverages; and

(2) reporting

- (a) that the proposal was for a local company to appoint a specialist Ice Rink supplier to install and commission the Ice Rink and thereafter be responsible for security, ticket collection etc. and that they would also be responsible for full reinstatement where necessary;
- (b) that a full risk assessment and method statement would be provided covering all aspects of Health and Safety during construction and operation and that Public Liability insurances would be taken out at the appropriate level with all necessary licenses also being obtained; and
- (c) that based upon this model with the operation being undertaken by a third party, the cost of running the event was estimated at £30,000 which would be covered by the level of sponsorship on offer and that the income generated from admission charges etc. would be either for donation to a local charity or to help support future Christmas events and that in the unlikely event that the costs exceeded the available sponsorship then these would be met from income with the surplus then being available for use as indicated above.

Questions were raised by Members of the Council in relation to when would the name of sponsors be released, engagement with small retailers, donations to local charities, whether this item should be taken in private and the Managing Director, Ayr Renaissance responded accordingly.

Councillor Toner, seconded by Councillor Kilpatrick, moved that the Council approve the recommendations as outlined in the report.

By way of an Amendment, Councillor Moonie, seconded by Councillor Goldie, moved that the Council should approve the recommendations, in principle, and that sponsorship issues should be submitted to an early meeting of the Leadership Panel.

On a vote being taken by a show of hands, six Members voted for the Amendment and twenty three for the Motion which was accordingly declared to be carried.

Decided: that approval be given to utilise Wellington Square, Ayr as a temporary ice rink and family carousel as part of the Winter Festival celebrations in Ayr.

21. Ayr Common Good.

There was submitted a joint report (issued) of 30th September 2010 by the Executive Director – Corporate Services and Executive Director – Development and Environment

(1) advising

- (a) that Elected Members had previously expressed concerns about the financial sustainability of Common Good Funds particularly in light of the decision that made Common Good Funds liable for maintenance costs of assets;

- (b) that Officers had been asked to undertake a review of all Common Good Funds to ensure that maximum benefits and efficiencies were achieved from the use of all assets held;
- (c) that the Council had previously taken a decision to support the work of Ayr Renaissance through a revenue contribution in years 2008/09 to 2011/12 and that the Ayr Common Good assets should be used in a way that would contribute to the regeneration of Ayr Town Centre and benefit the Ayr Common Good Fund and that the Council needed to develop a strategy for the use of Ayr Common Good which would allow the work of Ayr Renaissance to be progressed;
- (d) that funding of £720,000 for the Townscape Heritage Initiative would be provided by Ayr Common Good in the period 2010/11 to 2013/14;
- (e) that a draft business plan has been prepared for Ayr Renaissance and this will be presented to Members later in this agenda; and
- (f) that a separate report detailing the proposed Council response to an External Audit report in relation to the Management of Common Good Funds would be submitted to the Leadership Panel on 26th October 2010;

(2) reporting

- (a) that the revenue reserves of Ayr Common Good Fund were £625,976 as at 31st March 2010 which was projected to fall to £427,989 by 2015/16 as outlined in Appendix 1 of the report;
- (b) that during the course of this review, the use, value, condition and maintenance costs (including future maintenance works where identified) of each building and other assets had been considered and that this exercise had identified a requirement to undertake property maintenance totalling £845,721 over a five year period from 2011/12 onwards and that the sum of £525,000 had been included in the draft revenue statement outlined at Appendix 1 of the report;
- (c) that the properties have been reviewed in three different categories as detailed below:-
 - historic monuments and other properties;
 - those held for public use, but which produce/ have the potential to produce their own revenue stream; and
 - those held for investment purposes;
- (d) that Appendix 2 of the report provided a detailed breakdown of these different assets and the issues which required to be addressed over the next five years;
- (e) that the revenue income of the Ayr Common Good Fund had been previously used to support local groups and initiatives and that in 2008/09 the Council had agreed that this practice should cease and local groups were advised that their funding would be reduced over a period of time;

- (f) that the Council had the opportunity to use the Common Good Fund to help the Council deliver the Asset Management Plan, Ayr Renaissance, improved services for the public and as a strategic lever to development in the town centre; and
- (g) that the projected revenue surplus after meeting the required property expenditure was £107,268 and that the Council required to take action to address the reduction in revenue by a combination of the following: -
- increase level of income generated from assets;
 - reduce expenditure; and
 - maximise return from investment of capital reserves; and
- (3) detailing
- (a) that the capital reserves of Ayr Common Good Fund were £2,535,323 as at 31st March 2010;
- (b) that the capital reserves were expected to increase when the sale of Citadel Plot 9 was concluded;
- (c) that the capital reserve was expected to be £3,470,323 by 2015/16 after allowing for known capital commitments and as outlined in Appendix 3 of the report;
- (d) that the Council has the opportunity to purchase/ dispose of assets to assist in the delivery of its priorities; and
- (e) that a repayable loan from Ayr Common Good Fund as detailed at Item 3 of this Minute had been approved; and
- (4) recommending that the Council would require to set the Common Good budget in February 2011 and that Officers should develop proposals as outlined in the recommendations for members consideration in December 2010.

Decided: to request Officers to deliver options to:-

- (i) maximise income from Common Good Assets;
- (ii) minimise revenue expenditure;
- (iii) use capital reserves to deliver Council objectives;
- (iv) align/deliver aspects of the Ayr Renaissance Business Plan; and
- (v) develop an Asset Management Strategy for Ayr Common Good Fund.

22. Exclusion of press and public

The Council resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during discussion of the remaining business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 6 and 9 of Part 1 of Schedule 7(A) of the Act.

23. Ayr Renaissance LLP Business Plan.

The Executive Director – Development and Environment advised that she was on the Board of Ayr Renaissance LLP but that there was no conflict of interest regarding this item on the Business Plan and remained in the meeting during its consideration.

There was submitted a report (issued to members only) of 30th September 2010 by the Chief Executive updating the Council on the progress being made on the Ayr Renaissance project and seeking approval of the Business Plan which outlined the Ayr Renaissance LLP activities for the coming years.

Questions were raised by Members of the Council in relation to the use of Ayr Common Good Fund and the average cost per property for the recent facelift in the Sandgate / Newmarket Street area and the relevant Officers responded accordingly.

Decided: to note the progress made to date and to approve the Business Plan as detailed in the Appendix of the report.

24. Declarations of Interest.

Councillors Hunter, McDowall and Slider declared an interest in the remaining item of business regarding authority to enter into a contract for the Care and Repair Service in South Ayrshire as they are the nominated Directors of this organisation and withdrew from the meeting during its consideration.

25. Care and Repair Contract in South Ayrshire.

Reference was made to the Minutes of 1st July 2010 (Page 388, paragraph 22) when it had been agreed, having considered a report of 14th June 2010 by the Executive Director – Children and Community

- (1) to approve the appointment of The Wise Group as Care and Repair contractor until 31st March 2013; and
- (2) that the existing contract with South Ayrshire Care and Repair be extended to and come to an end on 30th September 2010, and

there was submitted a report (issued to members only) of 20th September 2010 by the Executive Director – Children and Community seeking agreement to enter into a contract with South Ayrshire Care and Repair for the provision of a Care and Repair Service in South Ayrshire after the withdrawal by The Wise Group who had been previously awarded the contract following a tender process.

Questions were raised by Members of the Council in relation to the procurement process and the handyman service and the Head of Community Care and Housing responded accordingly.

Decided:

- (a) to approve the negotiation with and appointment of South Ayrshire Care and Repair as Care and Repair contractor from 1st November 2010 until 31st March 2013 on the terms of their original bid but subject to agreeing to the removal of the charging policy for the Handyman Service; and
- (b) to agree the extension of the existing contract with South Ayrshire Care and Repair from 30th September 2010 until 31st October 2010.

The meeting ended at 1.30 p.m.