

**SOUTH AYRSHIRE COUNCIL.**

Minutes of meeting in County Buildings, Wellington Square, Ayr,  
on 18th May 2011 at 10.00 a.m.

Present: Councillors Winifred Sloan (Provost), John Allan, Eddie Bulik, 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, 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 Mary Kilpatrick.

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; B. McInroy Head of Service and School Management; K. Leinster, Head of Community Care and Housing; J. Cronin, Strategic Service Planning Manager; D. Robertson, Public Communications Manager; C. Downie, Public Communications Officer; and D. Knight, Committee Services Officer.

**1. Provost.**

The Provost welcomed to the meeting

- (1) Elected Members and the members of the public; and
- (2) Chief Inspector Neil Kerr, Strathclyde Police.

**2. Chief Inspector Neil Kerr, Strathclyde Police.**

Chief Inspector Kerr

- (1) advised that he would be replacing Chief Inspector Andy Sweeney who was retiring as the Area Commander for South Ayrshire and that he would be shadowing Chief Inspector Sweeney until he retired at the beginning of August;
- (2) outlined his previous postings within Strathclyde Police; and
- (3) explained his aims and objectives for the Police Service within South Ayrshire.

The Provost thanked Chief Inspector Kerr for his interesting and informative address to the Council.

**3. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

**4. Minutes of previous Council meetings.**

The Minutes of 16th March and 29th March 2011 (Special) 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) Leadership Panel of 15th March and 19th April 2011.
- (2) Regulatory Panel of 17th March and 21st April 2011.
- (3) Development and Environment Standing Scrutiny Panel of 22nd March and 26th April 2011.
- (4) South Ayrshire Local Review Body of 22nd March and 5th April 2011.
- (5) Community Services Standing Scrutiny Panel of 23rd March and 27th April 2011.
- (6) Corporate and Community Planning Standing Scrutiny Panel of 24th March and 28th April 2011.
- (7) General Purposes Panel of 30th March 2011.
- (8) Rural Panel of 21st April 2011.
- (9) Scrutiny and Governance Management Panel of 3rd May 2011.
- (10) Leadership Panel of 12th May 2011 (Special).

The Provost advised that, in accordance with the Standing Orders for Meetings, the Council would now consider the decision relating to the proposed closure of St. Ann's Primary School, Mossblown, which had been referred to full Council for final determination as the Leadership Panel (Special) of 12th May 201 had not agreed with the recommendation from the Community Services Standing Scrutiny Panel of 27th April 2011.

The Head of Service and School Management outlined the statutory consultation process and details of the proposed closure of St. Ann's Primary School.

Councillor McIntosh, seconded by Councillor McFarlane, moved that the decision of the Leadership Panel (Special) of 12th May 2011 be approved as follows:-

- (a) that the recommendation of the Community Services Standing Scrutiny Panel should not be accepted;
- (b) to confirm the decision taken at the meeting of the Leadership Panel on 19th April 2011 as follows:-

- (i) to note the outcome of the statutory consultation process on the proposed closure of St. Ann's Primary School; and
- (ii) to approve
  - (A) the closure of St. Ann's Primary School at the end of school term in June 2011;
  - (B) the transfer of all pupils currently registered and enrolled in St. Ann's Primary School to St. John's Primary School; and
  - (C) the extension of the delineated catchment area for St. John's Primary School to incorporate the current delineated area for St. Ann's Primary School.

By way of an Amendment, Councillor Andy Campbell, seconded by Councillor Allan, moved that the decision of the Leadership Panel (Special) of 12th May 2011 should not be implemented and that the status quo should remain.

A full discussion then took place on the terms of the Motion and the Amendment and a question was raised by a Member of the Council in relation to how the Curriculum for Excellence could be delivered in a school with a small number of pupils and the Head of Service and School Management responded accordingly.

The Council agreed that the vote be taken by calling the roll.

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

Winifred Sloan (Provost)	Motion
John Allan	Amendment
Eddie Bulik	Motion
Andy Campbell	Amendment
Douglas Campbell	Motion
Ian Cavana	Amendment
Brian Connolly	Motion
Peter Convery	Motion
Hywel Davies	Motion
Ian Douglas	Motion
Stan Fisher	Amendment
Ian Fitzsimmons	Motion
Ann Galbraith	Abstain
Sandra Goldie	Amendment
Bill Grant	Motion
John Hampton	Motion
Hugh Hunter	Motion
Elaine Little	Motion
Mairi Low	Amendment
John McDowall	Amendment
Nan McFarlane	Motion
Bill McIntosh	Motion
Helen Moonie	Amendment
Alec Oattes	Motion
Mike Peddie	Amendment

Robin Reid  
Philip Saxton  
Tom Slider  
Margaret Toner

Motion  
Amendment  
Amendment  
Motion

Eleven Members voted for the Amendment, seventeen Members for the Motion and one Member abstained. The Motion was accordingly declared to be carried.

**Decided:** to approve the recommendations of the Leadership Panel (Special) of 12th May 2011 as follows:-

- (I) that the recommendation of the Community Services Standing Scrutiny Panel should not be accepted;
- (II) to confirm the decision taken at the meeting of the Leadership Panel on 19th April 2011 as follows:-
  - (aa) to note the outcome of the statutory consultation process on the proposed closure of St. Ann's Primary School; and
  - (bb) to approve
    - (AA) the closure of St. Ann's Primary School at the end of school term in June 2011;
    - (BB) the transfer of all pupils currently registered and enrolled in St. Ann's Primary School to St. John's Primary School; and
    - (CC) the extension of the delineated catchment area for St. John's Primary School to incorporate the current delineated area for St. Ann's Primary School.

## 6. **Local Licensing Forum Membership.**

There was submitted a report (issued) of 9th May 2011 by the Executive Director – Corporate Services advising

- (1) that Dr. Charles Lind of the Alcohol and Drugs Partnership had tendered his resignation from the Local Licensing Forum and proposing that the membership of the Forum should be augmented by Elaine Caldwell, Lead Public Health Practitioner, NHS Ayrshire & Arran; and
- (2) that following the resignation of Margaret Anderson, an advertisement had been placed in the local press seeking new members of the Forum and that two applications had been received, namely from Robert Campbell and Mary McFadyean and as the constitution stated that the Forum should consist of not more than sixteen members and there were currently fourteen members on the Forum, it was proposed that both of these applicants be appointed to the Forum.

**Decided:** that the membership of the Local Licensing Forum be augmented by the appointment of Elaine Caldwell, Robert Campbell and Mary McFadyean.

## 7. Updated Financial Reserves Strategy.

There was submitted a report (issued) of 11th May 2011 by the Executive Director – Corporate Services

(1) advising

- (a) that Section 93 of the Local Government (Scotland) Act 1973 stipulated that, in addition to a General Fund, Scottish Councils might only hold three other reserve funds, namely a Capital Fund, a Repairs and Renewals Fund and an Insurance Fund which funds had been previously formally established by this Council;
- (b) that the Capital Fund could be credited with proceeds from the disposal of assets and any other sums that the Council might determine and that it could only be used for financing capital expenditure or the repayment of loans fund principal;
- (c) that the Repairs and Renewals Fund might be credited with any sums that the Council determined and could be used to finance repairs, maintenance, replacement and renewal of fixed assets; and
- (d) that the Insurance Fund might be credited with any sums that the Council determined and could be used to defray any loss where the Council could have insured against a loss, but chose not to, and for paying premiums on insurance policies;

(2) indicating

- (a) that in cases where an Authority wanted to set aside funds for a specific purpose outwith the three statutory fund areas, it might choose to earmark a portion of the General Fund; and
- (b) that the Council had established a reserves strategy in July 2006 and had continued to review the targeted level of uncommitted reserves as part of the budget process with an uncommitted general reserve of £8.000m being planned at 31st March 2013; and

(3) reporting that with regard to the

(a) General Fund

- (i) that it was generally accepted that the optimum level of uncommitted General Fund balance was between 2 and 4 per cent of annual expenditure which was a contingency against the impact of unexpected events and emergencies and that it might also be prudent from time to time to build up funds in excess of this level to meet known or predicted liabilities;
- (ii) that for 2011/12 net expenditure had been budgeted at £265.8m, the optimum level of General Fund balance would, therefore, equate to between £5.316m and £10.632m with the current target of £8.000m equating to 3% of the 2011/12 budget;

- (iii) that an amount had already been set aside from the surplus to meet potential severance costs and that this amount would be reviewed as part of closing the accounts;
- (iv) that provision had been made to meet the potential costs of equal pay claims and job evaluation appeals costs and that these would also be reviewed as part of closing the accounts;
- (v) that the accounts to 31st March 2011 were currently being finalised and would be presented to the Council on 30th June 2011 and that current projections suggested an uncommitted surplus of £12.359m at 31st March 2011 with further contributions of £0.500m before 31st March 2013; and
- (vi) that requests for earmarking from the 2010/11 outturn were currently being consolidated and would be presented to members in June 2011; and

proposing that any uncommitted balance in excess of £7.500m be transferred to the Repairs and Renewals Fund prior to closing the accounts;

- (b) Capital Fund - the Council had established the Capital Fund on 4th April 2006 to assist in bridging the projected affordability gap in the Education PPP project with a balance of £0.033m being anticipated at 31st March 2011 and that there were no commitments against this balance for 2011/12 and proposing that this balance be retained pending a review of the use and purpose of this Fund;
- (c) Repairs and Renewals Fund
  - (i) the Council had established the Repairs and Renewals Fund on 6th March 1997 and that the accounts to 31st March 2010 had recommended transfer of the balance to revenue and a review of the purpose of the Fund and proposing that the balance of £0.140m anticipated at 31st March 2011 be retained and that any surplus in excess of £7.500m be transferred to this Fund to allow for funds to be made available to achieve service improvement and efficiencies; and
  - (ii) that any draws would require the preparation of a fully developed business case clearly demonstrating investment and proposed efficiencies and would be subject to the approval of the Leadership Panel; and
- (d) Insurance Fund – the Council had established the Insurance Fund on 6th March 1997 and that a balance of £0.425m was anticipated at 31st March 2011 with the balance on the fund being reviewed annually as part of the Revenue Budget process and that the current balance was considered to be sufficient.

**Decided:** having recorded their appreciation of the work undertaken by the Executive Director - Corporate Services and her staff

- (A) to approve the updated financial reserves strategy;
- (B) to request the Executive Director – Corporate Services to reflect this strategy in the accounts to 31st March 2011; and
- (C) to request the Executive Director – Corporate Services to develop a pro-forma for applications for funding from the Repairs and Renewals Fund.

## 8. **Tenant Participation Strategy.**

There was submitted a report (issued) of 10th May 2011 by the Executive Director – Children and Community

- (1) advising
  - (a) that the Housing (Scotland) Act 2001 placed a duty on landlords to have a Tenant Participation Strategy which promoted the interests of tenants and service users in the development and improvement of Council housing services and policy; and
  - (b) that the Council's last Tenant Participation Strategy had been implemented in 2003 and was due for review and that in developing a new strategy, South Ayrshire Council had appointed the Tenant Participation Advisory Service in May 2010 to ensure that independent advice was given and to ensure that tenants were fully involved in the creation of the new strategy;
- (2) proposing
  - (a) that the Tenant Participation Strategy 2011-2015 would offer tenant and service users greater opportunities to influence decisions that affected them and would provide greater transparency to tenants on the Council's Housing outcomes and performance; and
  - (b) that three new groups would allow tenants and service users to become involved in topics with greatest interest to them namely Communications, Performance Review and Service Development;
- (3) indicating that the new groups would have flexibility on when and where they met to ensure that high levels of participation were generated and would not operate in isolation and therefore, a more holistic and cohesive approach to tenant participation would be achieved;
- (4) recommending that, in recognising the additional resources and opportunities to become involved in tenant participation through the new strategy, the Tenants' and Residents' Forum cease as attendance at the Forum had reduced over the past few years and was no longer an appropriate Forum to consult tenants on Council Housing policy changes and that any future Forum of this nature should be incorporated within the Council's overall Community Engagement Strategy; and

- (5) reporting that the budget to support this strategy was £37,207 for 2011/12 and would be met from the Housing Revenue Account and that due to an increase in activities, such as reinstatement of conferences and the formation of new groups, ending the Tenants' and Residents' Forum would help to reprioritise finances.

A question was raised by a Member of the Council in relation to why the results of the public consultation had not been included within the report and the Head of Community Care and Housing advised that the results of public consultations could be included in future reports.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Community Care and Housing and his staff and to the tenants who had participated in the public consultation

- (i) to approve the adoption of the draft Tenant Participation Strategy 2011-2015 as Council policy; and
- (ii) to agree that the Tenants' and Residents' Forum should cease and that any future corporate Forum would be incorporated within the Council's Community Engagement Strategy.

## **9. Local Housing Strategy 2011-2016.**

There was submitted a report (issued) of 7th February 2011 by the Executive Director - Children and Community

- (1) advising
  - (a) that preparing and submitting a Local Housing Strategy (LHS) was a legal requirement under the Housing (Scotland) Act 2001;
  - (b) that the LHS set out a shared understanding of the housing issues within South Ayrshire and a common framework to be used by the Council and its partners to guide all activity and also contained a range of actions to be implemented over the five year period; and
  - (c) that once approved by Elected Members, the LHS would need to be submitted to the Scottish Government;
- (2) indicating
  - (a) that the LHS covered a five year period from 2011 to 2016 and was a working document with actions and an implementation plan agreed by all relevant partners;
  - (b) that the Strategy had an agreed monitoring and evaluation framework and that progress would be reviewed in association with partners and reported to the Leadership Panel on an annual basis; and

(c) that the LHS covered five themes which reflected legislative obligations as well as findings from the draft Housing Need and Demand Assessment and that a Steering Panel had been convened to address issues relating to these themes with each group identifying an overall LHS outcome and additional theme outcomes as follows:-

- Balanced Housing Markets;
- Housing Quality;
- Access, Advice and Support;
- Homelessness; and
- Better Neighbourhoods;

(3) reporting

(a) that the cost of publishing the LHS would be minimised by restricting the number of printed copies for distribution in libraries and public buildings and key partners, while making the document freely available electronically and as well as saving costs, this supported the sustainability message communicated by the Council and that publication costs would be met from the Housing Revenue Account; and

(b) that the LHS provided a strategic overview for the prioritisation of activities within the following budgets:-

- Affordable Housing Investment - directed through the Strategic Housing Investment Plan (SHIP);
- Housing Revenue Account;
- Scheme of Assistance;
- Landlord Registration;
- Tenant Participation Budget; and
- Homelessness Strategy Budget; and

(4) seeking the Council's approval

(a) to adopt the draft Local Housing Strategy 2011-2016 and to support the implementation of the actions included within it; and

(b) to submit the Local Housing Strategy 201 –2016 to the Scottish Government for Peer Review.

Questions were raised by Members of the Council in relation to why the costs of publishing the strategy document would be met from the Housing Revenue Account, the issues relating to accommodation for women in domestic violence situations and their children and the allocation of housing to the homeless and the Head of Community Care and Housing responded accordingly and the Executive Director – Children and Community advised that he would examine the question that had been raised regarding the costs of publishing the strategy document being met from the Housing Revenue Account.

**Decided:** having recorded their appreciation of the work undertaken by the Head of Community Care and Housing and his staff

- (i) to approve the Local Housing Strategy 2011-2016;
- (ii) to support the implementation of actions included within the Strategy; and
- (iii) to support the submission of the Local Housing Strategy 2011–2016 to the Scottish Government for Peer Review.

**10. Consultations on Police and Fire and Rescue Services.**

There was submitted a report (issued) of 10th May 2011 by the Head of Policy, Performance and Communication advising

- (1) that the Scottish Government was currently consulting on future structures in relation to policing and fire and rescue services;
- (2) that the Scottish Government had set the closing date of 5th May 2011 for consultation responses but that subsequent correspondence had highlighted the impracticality of that date due to the recent election and with respect to the timing of meetings and accordingly, an extension had been agreed;
- (3) that a report had been submitted to the meeting of the Community Planning Board on 20th April 2011 and that Board members had been asked to advise the Council by the end of April of any points they wished considered for possible inclusion in the Council's response and that no responses had been received;
- (4) that a meeting had been held with the Elected Members who represented the Council on the Strathclyde Police and Fire Joint Boards with the key consultation points being discussed and thereafter, the consultation response had been drafted as set out in Annexes A and B of the report; and
- (5) that the Scottish Government would be considering the responses received to the consultation and would be supplying a summary of these for consideration by the Christie Commission.

Councillor Convery, seconded by Councillor Toner, moved that the Council should agree that the draft consultation responses as set out at Annex 1 (Police) and Annex 2 (Fire and Rescue Services) of the report be submitted to the Scottish Government.

By way of an Amendment, Councillor Little, seconded by Councillor Bulik, moved that with regard to Annex A of the report, that Question 7 be amended as follows:-

**“7. Which option do you think should be pursued and why?”**

*Don't know*



*We would have welcomed more evidence in the consultation paper about why the status quo with increased collaboration is not considered viable in terms of savings. We consider we would need further consultation to take place to allow us to respond to this. ”*

A full discussion then took place on the terms of the Motion and the Amendment and a concern was raised by a Member of the Council in relation to the Council's consultation process on such documents whereby all Elected Members should have the opportunity to debate the issues and to submit their views and Councillor McIntosh advised that the Council's consultation process should be examined to ensure that Elected Members would have the opportunity to comment on future consultation documents.

The Council agreed that the vote be taken by calling the roll.

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

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

Ten Members voted for the Amendment, seventeen Members for the Motion and two Members abstained. The Motion was accordingly declared to be carried.

**Decided:**

- (a) to agree that the draft consultation responses as set out at Annex 1 (Police) and Annex 2 (Fire and Rescue Services) of the report be submitted to the Scottish Government; and
- (b) to request the Head of Policy, Performance and Communication to examine the Council's procedures to ensure that all Elected Members were consulted about and could submit their views and comments on consultation documents.

The meeting ended at 12.15 p.m.