

SOUTH AYRSHIRE COUNCIL.

Minutes of meeting in County Buildings, Wellington Square, Ayr,
on 6th October 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, 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.

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; M. Newall, Head of Planning and Enterprise; K. Leinster, Head of Community Care and Housing; J. Cronin, Acting Head of Community Development; A. Wilson, Head of HR and Organisational Development; P. Linton, Performance and Change Management Manager; G. Collins, Community Engagement Manager; D. Robertson, Communications Manager; and D. Knight, Committee Services Officer.

1. Provost.

The Provost

- (1) welcomed Elected Members to the meeting; and
- (2) intimated that Councillors Andy Campbell, Moonie, Goldie, McDowall, Cavana and Saxton had submitted to the Chief Executive a number of Formal Questions, and that this matter would be taken after item 14 on the agenda
- (3) proposed that as Question 14 contained confidential information, the Council should agree to deal with this matter in terms of paragraph 12 of Section 50(A)(4) of the Local Government (Scotland) Act 1973 and that the order of business should be varied accordingly and the Council so concurred.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Minutes of previous Council meeting.

The Minutes of 30th June 2011 (issued) were submitted and authorised to be signed as a correct record of this meeting.

4. **Point of Order.**

Councillor Moonie at this point in the meeting sought clarification as to why

- (a) Minutes 1 to 7 in the Council Print No. 4 2011 were not for consideration by this meeting; and
- (b) item 9 on Pages 538 and 539 dealing with "Winter Services Policy and Operational Plan 2011/12" had a "C*" marked against it.

The Head of Legal and Administration advised

- (i) that Minutes 1 to 7 had been tabled and approved by the Council at its meeting on 30th June 2011 and had been inserted in this Volume of Minutes to allow them to be published; and
- (ii) that item 9 dealing with "Winter Services Policy and Operational Plan 2011/12" had a "C*" marked against it as only the recommendation contained within (ii) was being submitted to the Council for its approval.

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) Scrutiny and Governance Management Panel of 28th June and 27th September 2011.
- (2) Local Review Body of 28th June, 9th August and 6th September 2011.
- (3) Rural Panel of 29th June (Special) and 15th September 2011.
- (4) Appeals Panel of 26th, 27th, 28th and 29th July, 11th, 22nd, 24th and 26th August and 6th, 7th and 9th September 2011.
- (5) Leadership Panel of 16th August and 13th September and (Special) of 28th September 2011.
- (6) Regulatory Panel of 18th August and 15th September 2011.
- (7) Development and Environment Standing Scrutiny Panel 23rd August 2011.
- (8) Community Services Standing Scrutiny Panel of 24th August and 21st September 2011.
- (9) Corporate and Community Planning Standing Scrutiny Panel of 25th August and 22nd September 2011.
- (10) General Purposes Panel of 31st August 2011.

6. Leadership Panel's Annual Report 2010/11.

There was submitted a report (issued) of 28th September 2011 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 2010/11.

Decided: having recorded their appreciation of the work undertaken by the Portfolio Holders and the Elected Members dealing with scrutiny matters, to note the Leadership Panel's Annual Report for 2010/11.

7. Scrutiny and Governance Management Panel's Annual Report 2010/11.

Reference was made to the Minutes of the Scrutiny and Governance Management Panel of 28th September 2011 (Page 592, paragraph 3) and there was submitted an Annual Report (issued) of September 2011 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: having recorded their appreciation of the work undertaken by the Chairs of the Standing Scrutiny Panels, to note the Scrutiny and Governance Management Panel's Annual Report for 2010/11.

8. South Ayrshire Community Planning Partnership Single Outcome Agreement Annual Report 2010/11.

There was submitted a report (issued) of 26th September 2011 by the Head of Policy, Performance and Communication

- (1) seeking the Council's endorsement of the final draft of the South Ayrshire Community Planning Partnership Single Outcome Agreement (SOA) Annual Report for 2010/11;
- (2) informing that the second year of the Agreement had seen further bedding in of the community planning theme groups and subsequent improved partnership working and informing that further rationalisation of other partnerships had also been undertaken to ensure that the work of groups was aligned to outcomes;
- (3) reporting that Appendix 1 of the report contained the draft SOA report which provided an overview of performance, highlighted a number of achievements but also identified where improvements could be made;

- (4) advising that the report also contained performance information for the high level indicators and a narrative summary of the progress being made against each national and local outcomes, including actions that had been implemented during the course of the year; and
- (5) indicating
 - (a) that comments made at the Community Planning Board at its meeting on 24th August 2011 had been taken into account and relevant updates and changes had been made;
 - (b) that under the Board's governance arrangements the report had also been considered by the Council's Corporate and Community Planning Standing Scrutiny Panel at its meeting on 22nd September 2011 and that as a result Elected Members had raised a number of matters that were summarised in Appendix 2 of the report, together with the responses received to date from Partners in relation to these matters and that where relevant, this information would be included in the SOA Annual Report before transmission to the Scottish Government; and
 - (c) that the report currently before the Council had also been considered by the Community Planning Partnership Board at its meeting on 5th October 2011 for endorsement and agreement to its submission to the Scottish Government.

Questions were raised by a Member of the Council enquiring whether modifications and updates would be inserted in the final document (including information on replacement housing numbers and the different basis for calculation) before being submitted to the Scottish Government and the Chief Executive advised that any amendments and necessary clarifications would be included in the document.

Decided:

- (i) to endorse the final draft South Ayrshire Community Planning Partnership Single Outcome Agreement Annual Report for 2010/11; and
- (ii) to agree to its submission to the Scottish Government subject to any final minor amendments being incorporated in the Agreement.

9. Declaration of interest.

Councillors Grant, Low and McDowall declared an interest in the following item of business as they were on the Board of Ayrshire Housing and withdrew from the meeting during its consideration.

10. Ayrshire Housing Board Representation.

There was submitted a report (issued) of 2nd September 2011 by the Executive Director – Children and Community

(1) advising

- (a) that Ayrshire Housing was formed in 2003 through the merger of South Ayrshire Homes and Carrick Housing Association Ltd. with Ayrshire Housing being a Registered Social Landlord providing over 1,400 affordable homes for rent in South and East Ayrshire, the majority of stock being located in South Ayrshire;
- (b) that the organisation was a Scottish Charity and was a company limited by guarantee and that the Articles of Association of Ayrshire Housing indicated that the Board should consist of fifteen members comprising five members appointed by the Council, five tenants and five community members; and
- (c) that traditionally, the Council's representation on the Board of Ayrshire Housing had been through three Elected Members and two Officials;

(2) proposing that the number of places on the Board of Ayrshire Housing be reduced from five to three; and

(3) indicating

- (a) that Ayrshire Housing had matured as an organisation over the past eight years, developing the necessary knowledge and experience to deliver new build housing projects, high quality housing management services and wider role activities and that reducing the Board places available to the Council should not affect the Council's contribution to effective decision making and that the Council's representation on the Board would reduce from 33% to 23% in a smaller board of thirteen places; and
- (b) that existing relationships between Officers of the Council and Ayrshire Housing would be unaffected as a result of this proposal.

Decided: to agree to formal notification being provided to Ayrshire Housing to reduce the number of Council members on the Board of the Housing Association from five to three.

11. Representation on Outside Bodies.

There was submitted a report (issued) of 27th September 2011 by the Head of Legal and Administration Services

- (1) advising that as the officer currently representing the Council on Ayr United Football Academy Ltd. and the Trustees of Edwards Trust had now retired, it would be appropriate for the Council to nominate a representative to these organisations; and
- (2) seeking the Council's approval to alter its representation.

The Head of Legal and Administration advised that it was now considered that the Officer to be appointed to Ayr United Football Academy should be at a Head of Service level and requested that the Council should now appoint Brian McInroy, Head of Service and School Management to this organisation.

A question was raised by a Member of the Council enquiring what criteria was applied when recommending that an Officer be appointed to an Outside Body such as Ayr United Football Academy and the Executive Director – Children and Community responded accordingly.

Decided: to confirm appointments as follows:-

- | | | |
|-----|---------------------------------|--|
| (a) | Ayr United Football Academy Ltd | Brian McInroy, Head of Service and School Management; and |
| (b) | Trustees of Edwards Trust | Cath Coombs, Sports, Leisure Libraries, Art and Culture Manager (on an interim basis). |

12. Treasury Management Annual Report 2010/11.

There was submitted a report (issued) of 27th September 2011 by the Executive Director – Corporate Services

- (1) advising
 - (a) that the Council was required through Regulations issued under the Local Government in Scotland Act 2003 to produce an annual treasury report reviewing treasury management activities and prudential and treasury indicators and that this report met the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code);
 - (b) that during 2010/11, the minimum reporting requirements were that the Council should receive the following reports:-
 - an Annual Treasury Strategy in advance of the year (submitted to South Ayrshire Council on 2nd March 2010 for financial year 2010/11);

- an Annual Report following the year end describing the activity compared with strategy (this report); and
 - in addition, Treasury Management update reports were submitted to the Council's Leadership Panel on a quarterly basis;
- (2) indicating that recent changes in the regulatory environment placed a much greater onus on Members for the review and scrutiny of treasury management policy and activities and that this report was important in that respect, as it provided details of the out-turn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members;
 - (3) intimating that the Council also confirmed that it had complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by submitting the annual treasury report and annual strategy report to the Corporate and Community Planning Standing Scrutiny Panel before being reported to the full Council and in addition, to support Members' scrutiny roles, Members' awareness sessions on treasury management had been provided in November 2009 and November 2010;
 - (4) reporting that the Corporate and Community Planning Standing Scrutiny Panel of 25th August 2011 had considered the Annual Treasury Management Report 2010/11 attached as Appendix 1 of the report, and had agreed that it be remitted to South Ayrshire Council for its approval; and
 - (5) seeking approval of the Treasury Management Annual Report for 2010/11.

Decided: having recorded their appreciation of the work undertaken by the Executive Director – Corporate Services and her staff, to approve the Treasury Management Annual Report for 2010/11, as detailed in Appendix 1 of the report.

13. Revenue and Capital Budget 2012/13 to 2014/15.

There was submitted a report (issued) of 28th September 2011 by the Executive Director – Corporate Services

- (1) advising
 - (a) that the Scottish Government had published illustrative budget figures for 2012/13 to 2014/15 in January 2011, and had committed to delivering the results of a spending review in September 2011;
 - (b) that the Cabinet Secretary for Finance, Employment and Sustainable Growth had set out the Scottish Government's Draft Budget for 2012/13 and spending plans for the subsequent two years on 21st September 2011; and

- (c) that the information provided in the Draft Budget document outlined revenue and capital budgets at local government level and that individual Council figures for the next three years were expected in December 2011;
- (2) indicating
- (a) that local government would be offered a settlement that maintained their 2011/12 level of revenue funding, inclusive of resources to freeze the Council Tax, but with additional resources to maintain teacher employment –that was £15m;
- (b) that local authorities would be expected to:-
- freeze the Council Tax at 2007/08 levels;
 - fund Police Boards to allow them to maintain 1,000 additional Police Officers on the streets;
 - maintain teacher numbers in line with pupil numbers, and secure places for all probationers under the teacher induction scheme;
 - meet the needs of the most vulnerable and elderly through the NHS and Councils working together to improve adult social care; and
 - work across institutional boundaries and sectors, and investing in preventative spend for early years; and
- (c) that the Government had indicated that sanctions would apply if the first three issues were not addressed;

(3) reporting

- (a) that the Revenue figures for the period 2011/12 to 2014/15 were as follows:-

	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
General Resource Grant	7,754.8	7,747.6	7,575.6	7,346.6
NDR and Other Grants	2,179.5	2,272.0	2,444.0	2,673.0
Specific Resource Grants	599.9	571.2	571.2	571.2
Total	10,534.2	10,590.8	10,590.8	10,590.8

the increase from 2011/12 being in respect of £24m for teachers, £25m for additional floor and £7.6m adjustment for police;

- (b) that it was anticipated that local government would be expected to contribute £40m/ £55m/ £80m to two change funds over the period 2012/13 to 2014/15; and

- (c) that no allowance had been made for inflationary pressures or increased demand for services;
- (4) highlighting
- (a) that the Scottish Government would provide general and specific capital grants to allow local authorities to undertake a capital expenditure programme as follows:-

	2011/12 £m	2012/13 £m	2013/14 £m	2014/15 £m
General Capital Grant	520.9			
Specific Capital Grant	170.9			
Total	691.8	563.0	517.3	759.7

- (b) that the allocation between general and specific capital grant was not yet determined and that a further £100m should be returned to local government in 2015/16 and that local authorities were expected to borrow to allow capital plans to continue to be delivered and work with the Scottish Government to deliver against joint priorities; and
- (5) intimating that detailed figures at an individual Council level would not be available until December 2011 and outlining a number of initial projections based on a number of assumptions.

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

- (i) to note the position in terms of local government funding for the period 2012/13 to 2014/15; and
- (ii) to request the Executive Director to provide regular updates on the implications for South Ayrshire Council.

14. Comprehensive Review of Polling Arrangements for Parliamentary Elections.

There was submitted a report (issued) of 27th September 2011 by the Executive Director – Corporate Services

- (1) advising
- (a) that the Electoral Administration Act 2006 placed an obligation on each local authority to review periodically its polling places and that the Electoral Commission had issued advice and guidance on how to undertake a review of polling districts, polling places and polling stations on 30th July 2010;

- (b) that this review applied to polling places for use at parliamentary (UK) elections and that the polling places used at UK parliamentary elections were also used for all other elections and referendums;
 - (c) that as the Register of Electors should be published by the Electoral Registration Officer by 1st December 2011, all proposed changes should be intimated to him in sufficient time for them to be incorporated into the Electoral Register; and
 - (d) that Consultation responses received had indicated concerns over the continuing use of educational premises as polling places given the inevitable disruption caused to the schools affected; and
- (2) proposing
- (a) to transfer some electors in Electoral Ward 3 – Ayr North in and around McCall's Avenue, Newton-on-Ayr, from polling district S304, Ayr Newton South & Braehead to polling district S302, Ayr Newton North so that instead of voting at Lochside Community Education Centre they would in future vote at Heathfield Community Centre;
 - (b) to transfer some electors in Electoral Ward 5 – Ayr West in and around John Street, Ayr, from polling district S501, Ayr Central North & Racecourse (Part) to polling district S502, Ayr Central South so that instead of voting at Wallacetown Nursery School they would in future vote at the Auld Kirk Halls; and
 - (c) that in light of the feedback received to the Consultation, that a further comprehensive review of polling places should take place following the local government election in 2012 with a view to identifying premises as polling places that were not used for educational purposes (schools) and to report back in due course.

Questions and concerns were raised by Members of the Council in relation to:- closing primary schools in order to use them as polling place and that the Equality Impact Assessment did not include an assessment of the impact that closing schools would have on families and children of primary school age; whether the changes in the report would be implemented immediately; the arrangements for polling places in Maybole; disabled access to non educational buildings and the difficulties being experienced by the elderly and partially sighted within polling places; no access being available to the University Gymnasium and whether there was an alternative polling place; what were the legal requirements of the Equality Impact Assessment and what constituted aspirational requirements; the need to ensure that everyone had access to polling places; highlighting matters within polling places such as lighting, the positioning of booths and the colour of ballot papers; and promoting the use of postal votes and the relevant Officers responded accordingly.

Decided:

- (i) to approve the scheme of polling arrangements for parliamentary elections as detailed in Appendix 1 to the report and the changes to the polling district set out in paragraph 4.2 of report, subject to the following:-
 - (A) to request that the Executive Director – Corporate Services
 - (I) consider Coylton Activity Centre as an alternative polling place to Coylton Primary School;
 - (II) consider St. Cuthbert's Church Hall, Maybole as an additional polling place, and
 - (III) identify an alternative polling place for the University Gymnasium, Beech Grove, Ayr, and

in each case in consultation with the relevant local Members about this; and
 - (B) to delegate authority to the Chief Executive to amend the polling arrangements for parliamentary elections and to forward the Scheme to the Electoral Registration Officer in sufficient time to allow the Register of Electors to be published by 1st December 2011, and
- (ii) to request Officers to undertake a further comprehensive review of polling arrangements following the local government election in 2012 with a view to identifying premises as polling places that were not used for educational purposes and including a consideration of improvements to disabled accommodation as part of that review and to submit a report to a future meeting.

15. Replacement of Voucher Parking with Pay and Display Machines.

Reference was made to the Minutes of the Leadership Panel of 14th June 2011 (Page 376, paragraph 15) and there was submitted a report (issued) of 27th September 2011 by the Executive Director – Development and Environment

- (1) seeking approval for the replacement of the voucher parking system in Ayr with on-street Pay and Display (P&D) parking machines in the town centre;
- (2) advising
 - (a) that a minimum of fifty five P&D machines would be enquired to adequately cover the number and configuration of bays which was based on the ratio of one machine for every twelve parking bays when parked parallel to the kerb and that one every eighteen parking bays when parked angled to the kerb; and

- (b) that this ratio was in accordance with recognised best practice within the parking industry and that the area covered by P&D machines was shown in Appendix A of the report;
- (3) proposing
- (a) to install P&D machines that would be solar powered and accept coins only and would have the capacity to be upgraded at a later date to accommodate Chip and PIN technology if required which technology would cost approximately £1,200 more per machine and was best used in locations where there were a high number of ticket sales and coins to be collected and as these types of machines were more common in car parks where the number of bays per machine was far higher than the on-street ratio and for these reasons, Chip and PIN P&D machines were not considered appropriate for on-street parking at this stage;
 - (b) that until Pay by Phone was well established, it should only used in addition to P&D machines as the introduction of Pay by Phone for on-street parking required an amendment to a Traffic Regulation Order (TRO) and until DPE was in place, a commitment from the Police to use smart phones to identify vehicles parked and paid via the Pay by Phone system;
 - (c) that subject to the success of the current trial, that Pay by Phone be introduced on-street during 2012, ideally to coincide with the introduction of DPE; and
 - (d) that the results and recommendations of the current trial would be reported to the Leadership Panel at a future date; and
- (4) reporting
- (a) that the procurement process for the supply of P&D machines would take three months and that the manufacture and implementations would take a further three months and that to end voucher parking by the end of March 2012, arrangements should be confirmed by early October 2011; and
 - (b) on the financial implications of the P&D machines.

Questions were raised by Members of the Council in relation to what resources were available for policing in the within and outwith the controlled zones within the town centre, whether a cost benefit analysis had been undertaken regarding the lease or purchase option of the P&D machines, arrangements for the collection of cash from the P&D machines; when would CHIP and PIN P&D machines be available and the 50% reduction in parking in Mill Street, Ayr and the relevant Officers responded accordingly and the Head of Planning and Enterprise advised that he would submit progress reports on the implementation of the P&D machines to future meetings of the Leadership Panel and would find out about the reduction of parking in Mill Street, Ayr.

Decided:

- (i) to approve the replacement of voucher parking payment method with Pay and Display parking machines in Ayr Town Centre from 1st April 2012;
- (ii) to agree that the Pay and Display machines would be leased, funding for which would be met from additional parking income; and
- (iii) to request the Head of Planning and Enterprise to submit progress reports on the implementation of the P&D machines to future meetings of the Leadership Panel.

16. Major Redevelopment of South Carrick – Update on Community Company Formation.

Reference was made to the Minutes of 16th December 2010 (Page 18, paragraph 4) and there was submitted a report (issued) of 27th September 2011 by the Executive Director – Children and Community

- (1) advising
 - (a) that to support the development of a multi-faceted facility built at the harbour side in Girvan, work with the local community had progressed and that the former Girvan Strategy Group had been assisted in the process of forming a company to enable them to bid for match funding to support the development;
 - (b) that external legal advice had been sought, a constitution had been developed and a Shadow Board appointed for an organisation known as 'South Carrick Community Leisure';
 - (c) that the organisation would be formed under a new legal structure in Scotland known as a Scottish Charitable Incorporated Organisation (SCIO) which was a more flexible structure than a company limited by guarantee with charitable status and that the Directors, known as Charity Trustees under this model, could be changed easily and that the only legal reporting requirement for the trustees was to the Office of the Scottish Charities Regulator (OSCR);
 - (d) that the constitution (attached as Appendix 1 of the report) had been agreed by the shadow board who have begun the process of applying to OSCR to become officially recognised and that it was anticipated that the paperwork would be ready for submission to OSCR in October and that the company would be officially recognised by January 2012; and
 - (e) that the constitution of the SCIO entitled South Ayrshire to become a member of the organisation and to be represented on the Board of Charity Trustees; and

- (2) proposing
- (a) that representation on the Board should be at Head of Service level and that there was also a right of veto ensuring that the Council's representation was protected from any subsequent votes to change the constitution; and
 - (b) that the Council should support the formation of South Carrick Community Leisure as a SCIO in accordance with legal advice and become a member of the SCIO and that the Council's representative on the Board should be the Head of Community Development.

Decided: having recorded their appreciation of the work undertaken by the former Head of Community Development and other Officers from this Council including Legal Services, Burness, Solicitors and members of the Shadow Board,

- (i) to endorse the involvement of South Ayrshire Council in the new community company and its constitution,
- (ii) to approve the Council becoming a member of the SCIO and to agree that the Head of Community Development should represent the Council on the Board of Charity Trustees; and
- (iii) otherwise, to note progress being made to implement the decision taken by the Council at its meeting on 16th December 2010.

17. **Notice of Motions.**

- (1) Councillor McDowall, seconded by Councillor Moonie, moved that

“South Ayrshire Council agrees that the introduction of a living wage is a legitimate aim of the Council to address poverty and low pay, particularly having regards to the socio-economic situation in South Ayrshire and the anticipated impact of reduced public expenditure within the Council area as a consequence of the current economic climate. Therefore, the Council agrees, as a policy aim, the introduction and implementation of the Scottish Living Wage, currently £7.20 per hour, for all employees whose hourly rate currently falls below that rate, and agrees to request officers to progress negotiations with the Trade Unions to achieve implementation of this policy with effect from 1st April 2012 and further agrees to implement the living wage by way of a pay supplement in order to maintain the integrity of the Council's existing pay scale structure.”

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor McIntosh, moved that

“South Ayrshire Council notes that the first spinal pay point for Grade 1 staff is £6.17 which exceeds the National Minimum Wage and that several Scottish Councils have sought to improve pay for lower graded staff following negotiation with Trade Unions.

The Council recognises the desire of Trade Unions to increase the rate of pay at the first spinal point but that any review will require a review of the Pay and Grading Structure of the Council. The Council, therefore, approves continuing negotiations between Officers and Trade Unions to establish a higher starting pay spinal point provided that any subsequent amendments to the Pay and Grading Structure are contained within the existing pay budget.”

A full discussion then took place regarding the terms of the Motion and Amendment and questions were raised by Members of the Council in relation to what the difficulties would be for Human Resources in implementing the terms of the Amendment, would the terms of the Motion have an adverse effect on jobs; and for those in receipt of benefits, what were the consequences of the pay supplement and could it be challenged and how would the pay supplement be funded and the relevant Officers responded accordingly.

A Member of the Council requested a roll call vote.

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

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

Twenty four members voted for the Amendment and six members for the Motion. The Amendment was accordingly declared to be carried.

Decided: to approve the terms of the Amendment.

Adjournment.

The time being 12 noon the Council adjourned for ten minutes.

Resumption of Meeting.

The meeting resumed at 12.10 p.m.

(2) Councillor McIntosh, seconded by Councillor McFarlane, moved that

“South Ayrshire Council recognises the excellent front line emergency service provided by Clyde Coastguard. This is the busiest station in Scotland both in terms of search and rescue hours and incidents attended and is the second busiest base in the UK. In 2010, Clyde Coastguard assisted 2,357 people and saved the lives of 539 members of the public – over 10 lives a week. Clyde Coastguard covers the longest and most challenging stretch of coastline at around 2,500 miles and has the highest number of ferry routes of any UK station transporting approximately 8 million passengers a year. The Council is therefore dismayed at the proposals from the Maritime and Coastguard Agency that Clyde Coastguard should close. There is strong evidence that local knowledge is vital in an emergency situation and its loss could have tragic consequences. A clear rationale for closure has not been provided including consideration of the safeguards required to keep the Clyde Coast waterways safe to fishermen, divers, sailors, ferries, commercial traffic and tugs. This could jeopardise our efforts to fully capitalise on the potential of the South Ayrshire coastline and the further development of sailing between Scotland and Northern Ireland. South Ayrshire Council believes that Clyde Coastguard should be retained and a letter should be sent to the Maritime and Coastguard Agency arguing strongly for its retention and that support should be sought from the First Minister and local MPs and MSPs to oppose the closure of Clyde Coastguard. The Council also supports the Public and Commercial Services Union (PCS) in raising awareness and seeking support from local communities to oppose the closure.”

A full discussion then took place on the terms of the Motion.

Decided: unanimously, to approve the terms of the Motion.

Declaration of interest.

Councillor Hunter declared an interest in the following item of business as he was on the Board of the NHS Ayrshire and Arran and withdrew from the meeting during its consideration.

Councillor Goldie enquired whether she, as a member of the Community Health Partnership, would be required to declare an interest in this item and the Head of Legal and Administration provided relevant advice.

- (3) Councillor McFarlane, seconded by Councillor Convery, moved that

“In 2008, South Ayrshire Council welcomed the report which secured the future provision of emergency and unscheduled care at Ayr Hospital. NHS Ayrshire and Arran are now considering transferring orthopaedic trauma to Crosshouse Hospital. This is a source of great concern. It would be a cause of great inconvenience to injured patients, some with very serious injuries, and their families. Ayr Hospital is situated in the best location to serve the community for orthopaedic traumas and other emergencies. If patients have to travel an extra 15 to 20 miles for example from Barrhill and Ballantrae to Crosshouse, not only is this disruptive and inconvenient, but in the case of a serious injury, it could have fatal consequences. Ayr Hospital is situated in the best location to serve the community and South Ayrshire Council wants to see services retained there. Transferring the orthopaedic trauma service could also threaten the viability of Ayr Hospital as an Accident and Emergency facility with the risk that in the future it becomes a small community based facility to the detriment of health provision to the people and communities of South Ayrshire.

I ask that South Ayrshire Council writes to NHS Ayrshire and Arran in support of retaining all trauma services at Ayr Hospital.”

By way of Amendment, Councillor McDowall, seconded by Councillor Goldie, moved that

“South Ayrshire Council is concerned at proposals by NHS Ayrshire and Arran to transfer orthopaedic trauma services to Crosshouse Hospital and the resultant impact these proposals would have for injured patients and their families, particularly for those living the greatest distance from Crosshouse in Maybole, Girvan and South Carrick, and that this increased travelling time would place patients’ lives at risk.

Transfer of orthopaedic trauma would also undermine the current provision of Accident and Emergency facilities at Ayr Hospital and would threaten its continued existence. South Ayrshire Council is also concerned that NHS Ayrshire and Arran are required to achieve savings of £58m over the next three years with £18m to be achieved in 2011/12 and a further £40m savings to be found over the following two years and that this is contrary to the commitment given by the Scottish Government following the 2010/11 comprehensive spending review that NHS spending in Scotland would be protected from budget reduction.

Therefore, this Council agrees that it should write to NHS Ayrshire and Arran expressing concern at the transfer of any trauma services to Crosshouse and that the Council should also write to the Secretary of State for Health and Wellbeing expressing concern at the Scottish Government's failure to honour the undertaking it gave to protect NHS spending in Scotland."

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

A Member of the Council requested a roll call vote.

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	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	Amendment
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

Seven Members voted for the Amendment and twenty two for the Motion which was accordingly declared to be carried.

Decided: to approve the terms of the Motion.

18. Formal Questions.

In terms of Council Standing Order No. 16(b), there were submitted (tabled) Formal Questions from Councillors Andy Campbell, Moonie, Goldie, McDowall, Cavana and Saxton, details of which, together with the Answer, are outlined below:-

Question 1 – Councillor Andy Campbell

Did the author of the report of 17th May 2011 to Leadership Panel “Affordable Housing Council New Build Subsidy, Government Funding Phase 4” seek to ascertain whether planning consent was required prior to -

- (a) submitting this report to Leadership Panel?
- (b) submitting the bid to the Scottish Government?

Answer 1

- (a) Yes.
- (b) Yes.

Question 2 – Councillor Andy Campbell

Did the author of the report of 16th August 2011 to Leadership Panel “Provision of Modern Residential Childcare Accommodation” seek to ascertain whether planning consent was required prior to submitting the bid to the Leadership Panel?

Answer 2

Yes.

Question 3 – Councillor Helen Moonie

In relation to Question 1 did the bid for funding to the Scottish Government indicate that planning consent was NOT required, for Caledonia Road and for any other site, and if so, what reasons were given - please provide detail?

Answer 3

Yes. General discussions with Planning indicated that consent may not be required for a housing development. In subsequent detailed discussions with Planning around this proposal, it has been confirmed that planning consent will be required.

Councillor Moonie raised a supplementary question concerning how the Council intended to improve its processes in the future regarding planning consent to ensure proper corporate working with all information being made available to Elected Members either on request or contained within reports and the Chief Executive advised that reports would continue to include all information concerning the subject matter.

Question 4 – Councillor Helen Moonie

Is it the case that the site at Caledonia Road requires planning consent:-

- (a) for social housing?
- (b) for a residential childcare unit?

If so, what is the reason for this?

Answer 4

- (a) Yes.
- (b) Yes.

The local authority can only build without planning consent if the development is being progressed through the Housing (Scotland) Act 1987 and the proposal is consistent with the development plan. Although the land at Caledonia Road is not designated as open space in the development plan, the development plan seeks to protect open spaces, whether or not they are defined in the Proposals Map. As the development is potentially contrary to the development plan, a planning application is required.

Councillor Moonie raised a supplementary question concerning the requirement for planning consent for this development and the Executive Director – Children and Community outlined the types of applications that would require planning consent.

Question 5 – Councillor Helen Moonie

In planning terms would a joint bid change these requirements and what does the paper referred to in Question 2 indicate in relation to this?

Answer 5

No, planning consent will be required in all instances. The report to Leadership Panel in August indicated that planning permission would be required at Caledonia Road.

Question 6 – Councillor Sandra Goldie

If the bid submitted to the Scottish Government in relation to obtaining funding contained inaccurate information in relation to requirements for planning consent, will the Council inform the Scottish Government of this?

Answer 6

Yes, we have discussed this amendment to proposals with the Scottish Government.

Question 7 – Councillor John McDowall

Where housing is permitted development (e.g. under the Local Government 1987 Housing Act) can use of the planning system through the submission of a planning application remove those rights, or otherwise change them. If yes, please provide detail?

Answer 7

No.

Question 8 – Councillor John McDowall

How many units were approved by the Leadership Panel in the paper at Question 1?

Answer 8

15.

Question 9 – Councillor John McDowall

How many were in the bid to the Scottish Government?

Answer 9

19.

Question 10 – Councillor John McDowall

Do officers have delegated powers to modify the decision, or the financial indications given in this paper at Question 1?

Answer 10

No delegated powers to modify the decision or the financial indications were sought or granted in the report and Panel's decision referred to. There is no general delegated power for Officers to modify any decision of the Council or its Panels. However, the terms of the particular report referred to (and decision) did include an element of discretion for Officers to finalise and submit the bid in accordance with the proposals contained in the report.

Councillor McDowall requested the wording contained within the report that clarified this discretion and the Head of Legal and Administration advised that the bid to the Scottish Government had been agreed "in principle" and that 4(5) within the report expanded the position.

Question 11 – Councillor John McDowall

If there is a difference between the numbers of units at Question 8 and Question 9, and the answer to Question 10 is no:-

- (a) what are the intentions of officers in order to proceed?
- (b) and would the author of the report notify the Scottish Government accordingly?

Answer 11

- (a) it is the Officer's intention to proceed with this proposal. Members were notified of the number of affordable housing units bid for in both a member's briefing on 22nd June and the Leadership Panel on 16th August 2011.
- (b) there is no need to notify the Scottish Government, as they have approved funding for 19 units.

Question 12 – Councillor Philip Saxton

Land-banking:-

- (a) what sites are currently available to the Council for the purposes of affordable housing that do not require planning consent and what is their location?
- (b) do not require planning consent?
- (c) have extant consent?

Answer 12

- (a) this information is currently unavailable, as the Land Disposal Working Group is in the process of considering Council owned land across the region and its suitability for sites for affordable housing. When this exercise is complete, a report will be presented to Elected Members seeking agreement to land bank these sites.
- (b) as mentioned, the Land Disposal Working Group will present a report to members and this will outline all necessary consents to support the delivery of affordable housing.
- (c) this will be detailed within the report to Members by the Land Disposal Working Group.

Councillor Saxton raised a supplementary question enquiring when the report would be available to Elected Members and the Executive Director – Children and Community advised that the Working Group was still working on the report and that it was hoped that the report would be available shortly.

Question 13 – Councillor Helen Moonie

What progress has been made towards the Council's commitment to a new elderly persons' residential care home within the last four years?

Answer 13

There has been no progress at this stage due to other initiatives to support older people to remain living in the community independently instead of in hospital or care homes where this is not required. This is supported by the Scottish Government's Reshaping Care Agenda accompanied by £1.79m per annum in South Ayrshire of dedicated funding through the Change Fund to shift the balance of care from long term institutional settings to community living.

There has been no inclusion of a financial sum in the Capital Programme over the past four years to support delivery of a care home.

Councillor Moonie raised a supplementary question regarding the progress being made and the Executive Director – Children and Community advised that significant progress was being made.

Question 15 – Councillor Ian Cavana

In relation to former employees of the Council what, if any, costs have arisen as a result of Employment Tribunal proceedings including legal costs and/or compensatory payments made as a result of Tribunal findings, or reached through COT3 agreement or by mutual agreement prior to Tribunal proceedings, over the period from January 2010 to September 2011 and are any further proceedings pending?

Answer 15

No costs. Four proceedings pending.

Councillor Cavana raised a supplementary question concerning the financial implications of the pending proceedings and the Head of Legal and Administration advised that as soon as she had received this information she would circulate it to all Elected Members.

Question 16 – Councillor Helen Moonie

What progress has been made in relation to achieving the savings from rationalisation and review of community facilities instructed in the 2011/12 budget and is it anticipated that these savings will now be achieved?

Answer 16

Initial work has been completed on identifying properties, usage, suitability, condition, running costs, etc.

As approved by the Leadership Panel on 16th August 2011, Officers are continuing to progress this area but it is unlikely that savings will be achieved in 2011/12. Alternative savings have been approved to offset the shortfall for 2011/12.

Councillor Moonie raised a supplementary question enquiring which alternative savings had been approved to offset the shortfall for 2011/12 and the Executive Director – Corporate Services advised that she would make these figures available to Elected Members.

Question 17 – Councillor Helen Moonie

Where a report which has or may have planning implications is brought before Elected Members for approval, do Officers consider that it is necessary to ensure that Members are fully informed of this at that point in time?

Answer 17

Yes, however, it has to be recognised that any planning application decision is dependent on full consultation with all stakeholders and these comments thereafter being considered by the Regulatory Panel or full Council. The outcome of these consultations will not be known at the point of report presentation to the Leadership Panel.

Councillor Moonie raised a supplementary question requesting that in order for Elected Members to discharge their duties and to be able to respond to constituents, that all information should be available to them and the Chief Executive advised that, as far as possible, Officers would cover and include all issues.

Conduct of an Elected Member.

Following a complaint from Councillor McDowall regarding the conduct of another Elected member of the Council during consideration of the previous question, the Provost requested that Councillor Convery apologise. When the Member refused to do so, the Provost instructed him to leave the meeting and the Member left the meeting.

Exclusion of press and public

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting during consideration of the remaining question on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 12 of Part 1 of Schedule 7A of the Act.

Question 14 – Councillor Ian Cavana

Can officers advise on the reasons for the requirement to re-tender the dry recycle contract?

Answer 14

It is inappropriate to comment further at this stage in light of ongoing legal considerations.

Councillor Cavana raised a supplementary question regarding the progress being made and the Head of Legal and Administration responded accordingly.

A number of Elected Members left the meeting during consideration of the questions.

19. Matter Arising.

Councillor Goldie expressed concern about the Elected Members leaving the meeting during consideration of the questions without deference being paid to the authority of the Provost.

The Provost advised that she would contact the Group Leaders asking them to remind their Members about conduct at meetings.

The meeting ended at 1.30 p.m.