

## **CABINET**

Minutes of a hybrid webcast meeting on 29 August 2023 at 10.00 a.m.

Present

in County Councillors Martin Dowey (Chair), Alec Clark, Brian Connolly, Lee Lyons,  
Hall: Martin Kilbride, Bob Pollock and Bob Shields.

Present

Remotely: Councillors Ian Davis and Stephen Ferry.

Attending

in County

Hall: E. Howat, Chief Executive; M. Newall, Depute Chief Executive and Director of Housing, Operations and Development; J. Bradley, Director of Strategic Change and Communities; L. McRoberts, Director of Education; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; C. Cox, Assistant Director – Housing, Operations and Development; G. Hunter, Assistant Director – Communities; L. Reid, Assistant Director – Strategic Change; K. Dalrymple, Assistant Director – Housing and Operations; P. Bradley, Service Lead – Professional Design Services; K. Braidwood, Head of Roads (Ayrshire Roads Alliance); C. Carroll, Co-ordinator (Housing Policy and Strategy), J. McClure, Committee Services Lead Officer and E. Moore, Committee Services Assistant.

Attending T. Eltringham, Director of Health and Social Care; and K. Anderson, Service Lead –

Remotely: Policy, Performance and Community Planning.

### **Opening Remarks.**

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

#### **1. Declarations of Interest.**

There were no declarations of interest by Members of the Cabinet in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

#### **2. Minutes of previous meeting.**

The [minutes](#) of 20 June 2023 were submitted and approved.

### 3. **Decision Log.**

In relation to the entry regarding “Arran Mall Update”, in the list of revised due dates and having heard a Member of the Cabinet enquire if it was likely that an entry date of mid-November would be met, it was noted that this was indeed the case.

The Cabinet

#### **Decided:**

- (1) to note there were no overdue actions.
- (2) to approve the actions listed with [revised due dates](#); and
- (3) to note the [recently completed actions](#).

### **Economic Development.**

#### 4. **Penalty Charge Notice Increase.**

There was submitted a [report](#) (issued) of 18 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to increase the Penalty Charge Notice (PCN) value following national guidance issued by Scottish Ministers on the revised levels that could be charged for parking contraventions.

Having noted that the income generated was re-invested into the service, the Cabinet

**Decided:** to agree to adopt the higher rate increase in PCN value from £60 to £100, from the end of October 2023.

### **Buildings, Housing and Environment**

#### 5. **Local Housing Strategy – 2023 to 2028**

There was submitted a report ([issued](#)) of 18 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for the content of the Local Housing Strategy (LHS), for submission to the Scottish Government.

Questions were raised by Members in relation to the comparison between the number of units of Council-owned Social Housing detailed within the previous LHS and the current one; a comparison of social housing stock across Scotland; the Scottish Government’s target of 110,000 affordable homes; and addressing under occupancy; and the Co-ordinator (Housing Policy and Strategy) advised that he would respond to these questions in writing.

Following issues raised by Members regarding the low response rate and the low consultation response; the requirement to look after the needs of current tenants; the need to look after the rural communities; social housing; the need to make new builds adaptable and suitable for elderly and disabled people moving forward; under occupancy; the effect of any future increases in rates and the issues this would cause; the uptake of grants by owners and landlords to upgrade their properties; housing provision for refugees; the Cabinet

**Decided:**

- (1) to agree the Local Housing Strategy (LHS) for the period 2023-2028 as detailed in Annex 1 to this report and approval for submission to the Scottish Government; and
- (2) to approve delegated authority to the Assistant Director - Housing and Operations to make amendments to the LHS as per the feedback received from the Scottish Government and to update Cabinet on these amendments through the Members Bulletin.

**6. Vacant Educational Premises in Maybole and Maybole Swimming Pool**

There was submitted a report ([issued](#)) of 23 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development recommending future uses or disposals of Council properties in Maybole, as detailed in Appendix 1 of the report.

Following discussion on budget responsibility and that this sat with the existing Service until it was transferred; and insurance implications; the Cabinet

**Decided:**

- (1) to declare the former Gardenrose Primary School surplus to the Council's requirements;
- (2) to agree that demolition works be progressed on the former Gardenrose Primary School prior to the site being marketed;
- (3) to grant authority to the Depute Chief Executive and Director of Housing, Operations and Development Directorate to market the Gardenrose Primary School site for sale;
- (4) to agree that the Assistant Director – Planning and Development enter into discussions regarding a potential Community Asset Transfer for Maybole Swimming Pool with North Carrick Community Benefit Company and that a report be brought back to Cabinet on the potential Community Asset Transfer or declaration of surplus of the building and site;
- (5) to acknowledge that the former Cairn Primary School dining hall building that was currently utilised as a school catering facility would continue to operate as a catering facility by the Facilities Management Service until such time as a long term facility had been identified;
- (6) to agree that the Assistant Director – Housing and Operations carry out a feasibility study into the potential development of local authority housing on the former Cairn Primary School and also carry out a business case appraisal on options for accommodating increasing and changed school catering requirements across the Council school area site; and to agree that a report would be brought back to Cabinet;

- (7) to agree that the former St. Cuthbert's Primary School building and site would be retained in the Educational Service account until the Cabinet took a decision on the accommodation of future school catering requirements across the school area; and
- (8) that a report be presented to the next meeting of Cabinet providing business cases by Housing and Facilities Management in respect of the proposed kitchen at St Cuthbert's Primary School and housing at Cairn Primary School.

## **Finance, HR and ICT**

### **7. Corporate Support Services Capacity Issues – Update**

There was submitted a joint report ([issued](#)) of 18 August 2023 by the Head of Finance, ICT and Procurement and Head of Legal and Regulatory Services providing an update on progress and outcomes so far achieved through the addition of temporary resources in relation to Corporate Support Services Capacity Issues.

Having considered the progress and outcomes achieved through the addition of temporary resources, as detailed within the report, the Cabinet

#### **Decided:**

- (1) to acknowledge the challenges being encountered in terms of recruiting staff to these temporary posts;
- (2) to agree to convert seven temporary posts to permanent posts (per 4.5) immediately and fund from the available reserves until the balance had been expended, and thereafter include the posts in future annual staff budgets; and
- (3) to request officers to undertake a review of Communications support to be presented to Cabinet in October 2023.

### **8. Efficiency and Improvement Fund – Temporary Oracle Fusion Support Posts.**

There was submitted a report ([issued](#)) of 18 August 2023 by the Head of Finance, ICT and Procurement seeking funding for two temporary posts from the Efficiency and Improvement fund for a period of twelve months, to support the embedding and further development of the newly implemented Oracle Fusion Enterprise Resource Planning (ERP) cloud solution.

Having noted that a written response would be provided by the Head of Finance, ICT and Procurement in relation to a question from a member on the benefits and the security of the System, the Cabinet

**Decided:** to agree to the creation of two temporary posts for a period of twelve months, at an estimated cost of £0.130m., to be funded from the Efficiency and Improvement fund.

## 9. **General Services Capital Programme 2023/24: Monitoring Report as at 30 June 2023**

There was submitted a report ([issued](#)) of 21 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30 June 2023 (Period 3); and
- (2) to agree the changes to budgets in 2023/24.

Following discussion on particular projects; VAT recovery monies; and the place based investment programme, the Cabinet

### **Decided:**

- (a) to acknowledge the progress made on the delivery of the General Services Capital Programme to 30 June 2023, resulting in spend of £10,477,219 or 10.77%, as detailed in Appendix 1 of the report;
- (b) to approve the adjustments as contained in Appendix 2 of the report; and
- (c) to approve the revised budget for 2023/24 at £99,661,460, as highlighted in Appendix 2 of the report with the exception of the funding for Girvan 3D Pitch where alternative funding would be identified from slippage in the Capital Programme.

## 10. **Covid-19 Recovery Project and LACER Funding Review**

There was submitted a report ([issued](#)) of 21 August 2023 by the Head of Finance, ICT and Procurement providing an update on progress and outcomes achieved through the allocation of Covid-19 reserves for recovery project activity and Local Authority Covid Economic Recovery (LACER) funding.

The Cabinet

### **Decided:**

- (1) to acknowledge the progress and outcomes achieved through the Covid-19 Recovery Project and LACER funding;
- (2) to note that £1.055m. of Covid-19 reserves remained unallocated; and
- (3) to agree that the unallocated funds be remitted to the cross-party Financial Inclusion Member/Officer Working Group to support the wider agenda of sustainable financial inclusion and that officers make arrangements for the Group to meet and report back to Cabinet in November 2023 on its new remit and the proposed use of the funds.

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#### 11. Treasury Management Annual Report 2022/23

There was submitted a report ([issued](#)) of 18 August 2023 by the Head of Finance, ICT and Procurement presenting, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the annual report of treasury management activities for 2022/23, as detailed in Appendix 1 of the report.

The Cabinet

**Decided:** to approve the Annual Treasury Management Report 2022/23, as detailed in Appendix 1 of the report.

#### Corporate and Strategic

#### 12. Best Value Thematic Work in South Ayrshire

There was submitted a report ([issued](#)) of 21 August 2023 by the Chief Executive

- (1) advising of the findings from Audit Scotland's recent Best Value thematic work in South Ayrshire; and
- (2) seeking approval of the draft improvement action plan and provide a response to the matters raised at Audit and Governance Panel at its meeting on 28 June 2023.

Following discussion regarding key performance indicators; and the benchmarking framework, the Cabinet

**Decided:**

- (a) to note the draft Audit Scotland report on Best Value thematic work in South Ayrshire Council 2022/23, as detailed in Appendix 1 of the report;
- (b) to note the progress made in addressing recommendations made by Audit Scotland, as outlined at Appendix 2 of the report;
- (c) to acknowledge the matters raised at Audit and Governance Panel and proposed response, as outlined in Appendix 3 of the report;
- (d) to approve the draft improvement action plan included in Appendix 1 of the Audit Scotland report;
- (e) to acknowledge that officers would present an augmented improvement action plan to the next meeting of the Best Value Working Group (BVWG); and
- (f) to request that officers provide an update on progress against the augmented action plan to the October meeting of the Audit and Governance Panel and quarterly thereafter.

## **Tourism, Culture and Rural Affairs**

### **13. Visitor Levy (Scotland) Bill**

There was submitted a report ([issued](#)) of 18 August 2023 by the Director of Strategic Change and Communities

- (1) relating to the steps towards the implementation of a South Ayrshire Tourism Levy; and
- (2) seeking approval to conduct a consultation with key stakeholders, businesses and an assessment of the benefits, implications and costs as set out in the Scottish Governments proposed Visitor Levy (Scotland) Bill.

The Cabinet

#### **Decided:**

- (a) to agree that officers carry out further work prior to the consideration of the implementation of a Visitor Levy scheme in South Ayrshire, so as to fully understand costs and benefits;
- (b) to approve the drafting of a response to the Visitor Levy (Scotland) Bill, working with North and East Ayrshire Councils, to provide an Ayrshire response under the auspices of the Regional Economic Strategy; and
- (c) to agree the draft response, as detailed in Appendix 1 of the report and that any subsequent changes would be agreed with the Portfolio Holder for Tourism, Culture and Rural Affairs prior to submission of the final response to the consultation on the Visitor Levy (Scotland) Bill.

## **Buildings, Housing and Environment/Finance, HR and ICT.**

### **14. Housing Capital Programme 2023/24: Monitoring Report as at 30 June 2023**

There was submitted a report ([issued](#)) of 21 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 30 June 2023 (Period 3); and
- (2) seeking agreement to changes to budgets in 2023/24, 2024/25 and 2025/26.

Having noted the work going forward to develop a sustainable design guide, the Cabinet

#### **Decided:**

- (a) to note the progress made on the delivery of the Housing Capital Programme to 30 June, resulting in spend of £7,262,976 or 9.50%, as detailed in Appendix 1 of the report;

- (b) to approve the adjustments, as detailed in Appendix 2 of the report; and
- (c) to approve the revised budget for 2023/24 at £76,808,072, and in-year adjustments in 2024/25 and 2025/25 as highlighted in Appendix 2 of the report.

**15. Exclusion of press and public.**

The Cabinet resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining item of business on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 8 of Part 1 of Schedule 7A of the Act.

**Corporate and Strategic/ Economic Development/ Finance, HR and ICT.**

**16. Ayrshire Growth Deal Update**

There was submitted a report (Members only) of 21 August 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on the status and seeking approval for next steps with Ayrshire Growth Deal (AGD) projects.

The Cabinet

**Decided:**

- (1) to note the current status of projects within the Ayrshire Growth Deal as detailed in Appendix 1 of the report;
- (2) to note the updated costs for the Spaceport project, as detailed in Appendix 2 of the report and to agree a change to the project delivery model whereby Scottish Enterprise were proposed as the delivery organisation, subject to the approval of revised governance arrangements by the AEJC, as detailed in Appendix 2 of the report;
- (3) to note the update on the Digital project and re-scoping proposals, as detailed in Appendix 3 of the report and to agree that Option 5b as proposed as a scope change to the Partnership Board and Ayrshire Economic Joint Committee;
- (4) to note the update on the Roads project and STAG process, as outlined in Appendix 4 of the report and that a further report would be provided to Cabinet on 28 November 2023 following the conclusion of the STAG assessment;
- (5) to note the update on the proposals for the Regeneration Build projects for Company A, Company B and Company C, as detailed in Appendix 5 of the report and that a further update report would be provided to Cabinet detailing the output from the exercise on 31 October 2023 as described in Appendix 5;
- (6) to note the update on the Commercial Build Project, as detailed in Appendix 6 of the report;



- (7) to acknowledge the financial risks for the Council, as outlined in section 6 of the report, until the remaining Ayrshire Growth Deal full business cases were approved; and
- (8) to request that further updates be provided to the Cabinet every six months or earlier if required.

## **Education**

### **17. North Ayr Additional Support Needs Provision**

There was submitted a report (issued) of 18 August 2023 by the Director of Education seeking approval

- (1) of a proposal paper relating to the proposed relocation of the North Ayr Extended Learning Facility, from Dalmilling Primary School to Heathfield Primary School; and
- (2) to issue the proposal paper for statutory, public consultation, in accordance with the Schools (Consultation) (Scotland) Act 2010.

The Cabinet

#### **Decided:**

- (a) to approve the proposal paper, as detailed in Appendix 1 of the report;
- (b) to request that the Director of Education issue the proposal paper for public consultation; and
- (c) to request that the Director of Education provide a follow up report to Cabinet on 14 February 2024, on the outcome of the consultation for consideration and a decision.

### **18. Consideration of Disclosure of the above confidential report.**

The Cabinet

#### **Decided:**

- (1) not to authorise the disclosure under Standing Order 32.4 of the following report:-
  - Ayrshire Growth Deal Update; and
- (2) to authorise the disclosure under Standing Order 32.4 of the following report after the expiry of the call-in period:-
  - North Ayr Additional Support Needs Provision.

The meeting ended at 12.05 p.m.