

South Ayrshire Council

**Report by Depute Chief Executive and Director
of Housing, Operations and Development
to Cabinet
of 31 October 2023**

**Subject: Proposed Disposal of Council and Common Good
Property: 'MVF Watchful', South Harbour, Ayr.**

1. Purpose

- 1.1 The purpose of this report is to seek approval for the proposed disposal of the following Common Good asset, subject to consultation undertaken under Section 104 of the Community Empowerment (Scotland) Act 2015: MVF Watchful (also known as 'Watchful', 'The Watchful'), a former fishing vessel located in Ayr South Harbour ([Appendix 1](#) refers) , to be removed from the site and scrapped (along with attendant concrete support stanchions);

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 grants approval to declare MVF Watchful surplus to Council requirements in accordance with the Council's policy for the Disposal and Acquisition of Council Land and Property;**
- 2.1.2 approves the proposal to remove and scrap MVF Watchful and its supporting structure, conditional upon the undertaking of a consultation under the terms of Section 104 of the Community Empowerment (Scotland) Act 2015; and**
- 2.1.3 requests that a subsequent report is placed before Cabinet on the responses to the above consultation in order that the Council may pay due regard to any responses received before deciding whether to proceed with the above proposals.**

3. Background

- 3.1 MVF Watchful, a former ring-net herring trawler, was decommissioned in Campbeltown in 1995 and moved to Ayr South Dry Dock. It has been on concrete plinths since then, serving as a reminder of the town's long association with sea fishing.
- 3.2 The vessel is physically attached to concrete plinths by metal bolts in the keel, and the concrete plinths are set into the ground. As MVF Watchful is affixed to Common Good Land, it has acquired the status of the land and is Common Good

- 3.3 The vessel being subject to ongoing weathering was repainted around 2010.
- 3.4 In 2019 South Ayrshire Council commissioned City Gate Construction (CGC) to undertake a survey of MVF Watchful. CGC estimated repairs at £80,000 (2019) and noted that *'It is in [CGC's] opinion however the work and money required to carry out a suitable and long-term restoration on this boat will be substantial, an exact cost could not be determined at this point. Only when the strip out was underway would you fully know the extent required' (see 2).*
- 3.5 A small number of community bodies have expressed an interest in MVF Watchful as a heritage or restoration project over the years. However, none of these have come to fruition as a Community Asset Transfer under Part 5 of the Community Empowerment (Scotland) Act 2015, or any other purchase, lease, or management agreement.
- 3.6 There is no Council service use for MVF Watchful and no budget has been allocated for its upkeep and maintenance. Accordingly under the Council's Policy for the Disposal and Acquisition of Council Property, the building is surplus to Council requirements.
- 3.7 As MFV Watchful is considered Common Good, a consultation under Section 104 of the Community Empowerment (Scotland) Act 2015 is required. However, as the title to the land does not contain a special purpose or specific conditions dedicating the land to a Common Good public purpose, and there is little evidence that the Council or its statutory predecessors dedicated the land or the vessel to a public purpose, MFV Watchful is classified as alienable Common Good. Consent from the Court is therefore not required to scrap the vessel or the associated concrete underworks or supports.
- 3.8 Under legal requirements related to Common Good the Council must consider that a Common Good asset disposal provides a betterment to the residents of the burgh. There are a range of betterment improvements that are directly related to the proposed removal of MFV Watchful:
- 3.8.1 The removal of the vessel is necessary to enable improvement to the slipway to provide a new ramp to be constructed to enable the area to be used for water sports – for example, Paddle boarding. This would bring the immediate area into more productive and enhanced use;
- 3.8.2 Engagement has taken place with Fort, Wallace and Seafield Community Council on the proposal to remove the MVF Watchful. The Community Council have confirmed that they would not be opposed to the removal of the vessel, provided that alternative proposals are put in place to reference the herring fishing heritage of the area. Indicative proposals are set out in [Appendix 2](#) for noting at this stage; and
- 3.8.3 In a wider context, the proposed demolition will form part of the proposals for the improvement of the wider Esplanade area. Following approval of Capital for Ward placemaking projects and promenade improvements a report to Cabinet of 28 September 2023 noted the intention to develop an Ayr Esplanade Improvement Strategy to ensure that a cohesive package of improvement and capital investment, is brought forward. It is expected that the Ayr Esplanade Improvement Strategy will be recommended to Cabinet on 28 November 2023. The heritage and wayfinding proposals

will be detailed within that strategy and will be recommended for approval as a capital investment project. In the meantime, the indicated proposals in [Appendix 2](#) are set out as a basis to enable consultation under s104 of the Community Empowerment Act 2015 to commence now. These actions are intended to support physical regeneration of the space.

4. Proposals

4.1 Members are asked to:

- 4.1.1 approve that MVF Watchful is surplus to Council requirements in accordance with the Council's policy for the Disposal and Acquisition of Council Land and Property;
- 4.1.2 approve the proposal to remove and scrap MVF Watchful conditional upon the undertaking of a consultation under the terms of Section 104 of the Community Empowerment (Scotland) Act 2015;
- 4.1.3 note the indicative heritage proposals set out in [Appendix 2](#) as a basis for consulting under the terms set out in para 4.1.2; and
- 4.1.4 requests that a subsequent report is placed before Cabinet on the responses to that consultation in order that the Council may pay due regard to any responses received before deciding whether to proceed with the above proposals.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 None

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There is no risk to the Council as a result of adopting this recommendation.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 The Council will remain liable for MFV Watchful and may incur reputational damage.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 3](#).

10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme, strategy, or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Priority 2 of the Council Plan: Live, Work, Learn/ Work and economy (Outcome 2).

13. Results of Consultation

- 13.1 Consultation has taken place with Councillor Martin Kilbride, Portfolio Holder for Buildings, Housing and Environment, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

- 14.1 If the recommendations above are approved by Members, the Depute Chief Executive and Director of Housing, Operations and Development will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Consultation under section 104 of the Community Empowerment (Scotland) Act 2015 and confirmatory paper to Cabinet	14 February 2023	Service Lead - Asset Management and Community Asset Transfer
Submission of Draft Ayr Esplanade Placemaking Improvement Strategy to Cabinet	28 November 2023	Assistant Director – Planning and Building Standards

Background Papers **None**

Person to Contact **Tom Burns, Service Lead - Asset Management and
Community Asset Transfer
County Buildings, Wellington Square, Ayr, KA7 1DR
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Date: **18 October 2023**

CGC report on MVF Watchful

WATCHFUL BOAT (MAIDENS)

AYR

Date – 20/05/2019

Weather – Sunny



We have now inspected the boat on 3 separate occasions with a view to carrying out a refurbishment as per site visit.

However, as we first feared the internal structure of the boat is showing severe structural signs of rot, along with the visible external areas shown on pictures.



All rotten timbers would need to be stripped out completely and renewed which in turn will no doubt cause detrimental damage to the boat itself.

There are also signs of an internal fire at some point which has badly charred / damaged internal timbers to the front of the boat, again these would need stripped out and replaced.



The timber deck and trims shown above are also beyond repair and would need to be replaced around the full boat.

Once and only when all the works above are carried out a new liquid membrane would need to be applied to prevent any further water ingress.

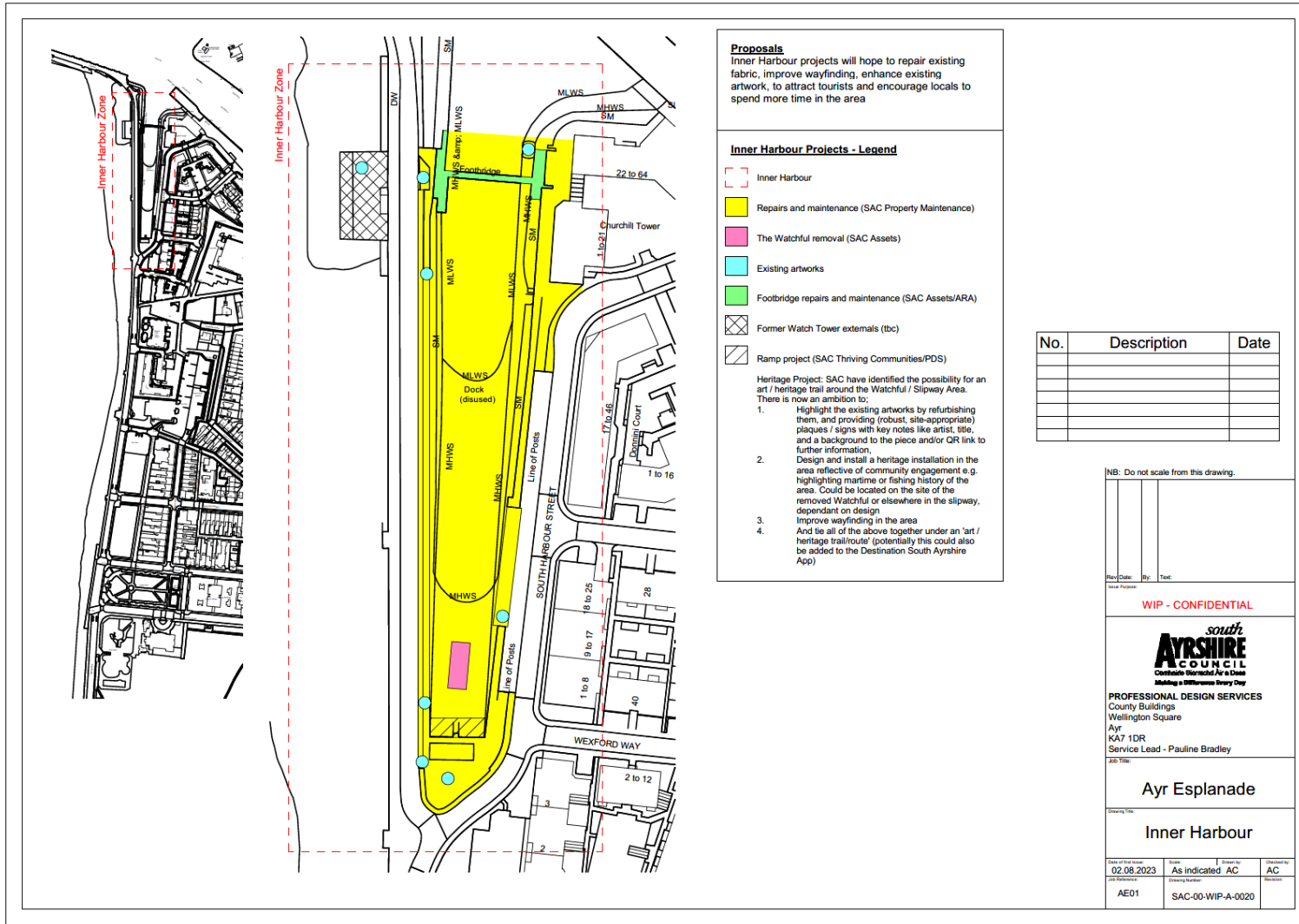
The external fabric of the boat seems to be in good condition although this would need to be sanded back to original, preservative applied before a complete repaint could be done. All trims and signage could be done thereafter.

It is in our opinion however the work and money required to carry out a suitable and long-term restoration on this boat will be substantial, an exact cost could not be determined at this point. Only when the strip out was underway would you fully know the extent required.

Contract:	South Ayrshire Council		
Location:	Watchfull Boat, Ayr		
		Quote Ref:	
Quote :	£0.00		
Description:			
Restoration works to boat as per site visit			

Client			
Client Ref 1			
Client Ref 2			
Client Contact	Tom Burns		
CGC Contract			
CGC Job Number			
Date	11/06		
	/2019		
Sent by	Neil Whyte		

Item	Description	Unit	Quantity	Rate	Gross Extension	Rate Adjustment	Net Extension
1	Supply and erect a full scaffolding around the boat to provide safe working access						
2	Supply and fit herras fence panels around full scaffold to prevent any unauthorised persons from entering						
3	Strip out all non structural rotten or fire damaged timbers from inside the boat and dispose						
4	Strip away all rotten members around the external perimeter and remove the full deck						
5	Carefully remove any rotten main structural timbers one at a time and replace with new pre treated timbers along the full length of the boat						
6	Frame and re sheet the full deck in marine grade plywood and apply a 3 coat liquid plastic system to prevent any future water ingress						
7	Remove the main mast from site and refit on completion						
8	Carefully reinstate the new timber perimeter along with new top capping piece (Formed to match the existing as close as possible)						
9	Carefully rub / sand down any existing timbers left and prepare to receive a full new paint. (Exact specification and colour to be confirmed)						
11	Paint all exposed timbers (New and old)						
12	Remove all scaffolding and make good site on completion						
	Note - We cannot guarantee the lifespan of the boat, this will require regular maintenance after works are complete No allowance has been made for any signage / trims etc We cannot know the full extent of the internal damage at this stage and how much will require replacing The boat will never be sea worthy						
						TOTAL	£80,000
						L	.00



**South Ayrshire Council
Equality Impact Assessment
Scoping Template**

Equality Impact Assessment is a legal requirement under the Public Sector Duty to promote equality of the Equality Act 2010. Separate guidance has been developed on Equality Impact Assessment's which will guide you through the process and is available to view here: <https://www.south-ayrshire.gov.uk/equalities/impact-assessment.aspx>

Further guidance is available here: <https://www.equalityhumanrights.com/en/publication-download/assessing-impact-and-public-sector-equality-duty-guide-public-authorities/>

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. [FSD Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018 and revised in October 2021. See information here: <https://www.gov.scot/publications/fairer-scotland-duty-guidance-public-bodies/>

1. Policy details

Policy Title	Proposed Disposal of Council and Common Good Property: 'MVF Watchful', South Harbour, Ayr
Lead Officer (Name/Position/Email)	Tom Burns, Service Lead – Asset Management and Community Asset Transfer – tom.burns@south-ayrshire.gov.uk

2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this policy? Please indicate whether these would be positive or negative impacts

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	No
Disability	No	No
Gender Reassignment (Trans/Transgender Identity)	No	No
Marriage or Civil Partnership	No	No
Pregnancy and Maternity	No	No
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	No

Community or Groups of People	Negative Impacts	Positive impacts
Religion or Belief (including lack of belief)	No	No
Sex – (issues specific to women & men or girls & boys)	No	No
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	No
Thematic Groups: Health, Human Rights & Children's Rights	No	No

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage i.e. The Fairer Scotland Duty (This section to be completed for any Strategic Decisions). Consideration must be given particularly to children and families.

Socio-Economic Disadvantage	Negative Impacts	Positive impacts
Low Income/Income Poverty – cannot afford to maintain regular payments such as bills, food, clothing	-	-
Low and/or no wealth – enough money to meet Basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	-	-
Material Deprivation – being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	-	-
Area Deprivation – where you live (rural areas), where you work (accessibility of transport)	-	-
Socio-economic Background – social class i.e. parent's education, employment and income	-	-

4. Do you have evidence or reason to believe that the policy will support the Council to:

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	-
Advance equality of opportunity between people who share a protected characteristic and those who do not	-

