

SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 12 October 2023 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, Ian Davis, Julie Dettbarn, Mark Dixon, Martin Dowe, Stephen Ferry, William Grant, Peter Henderson, Hugh Hunter, Martin Kilbride, Mary Kilpatrick, Lee Lyons, Craig Mackay, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson and George Weir.

Present Remotely: Councillors Ian Cochrane and Chris Cullen.

Apology: Councillor Brian Connolly.

Attending in County Buildings: E. Howat, Chief Executive; M. Newall, Depute Chief Executive and Director of Housing, Operations and Development; L. McRoberts, Director of Education; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; K. Dalrymple, Assistant Director – Housing and Operations; C. Cox, Assistant Director – Planning and Development; K. Briggs, Service Lead – Legal and Licensing; P. Bradley, Service Lead – Professional Design Services; A. Valenti, Quality Improvement Manager; A. Steven, Co-ordinator (Democratic Services); J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; C. McCallum, Committee Services Assistant; and E. Moore, Committee Services Assistant.

Attending Remotely: T. Eltringham, Director of Health and Social Care; C. McGhee, Chief Internal Auditor; and J. Tait, Service Lead – Thriving Communities.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting, outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live;
- (2) intimated that an apology had been received from Councillor Brian Connolly;
- (3) welcomed Councillor Alan Lamont to his first Council meeting; and
- (4) referred to the imminent retiral of the Chief Executive, Eileen Howat; outlined her achievements throughout her career; advised of the challenges she had faced including the Covid-19 pandemic, death of HM Queen Elizabeth II and the Coronation of King Charles; thanked her for her guidance during his term as Provost; and wished her a long and very happy retirement.

2. Sederunt and Declarations of Interest.

The Chief Executive called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

3. Minutes of previous meetings

(1) Minutes of 1 Previous Meetings of the Council.

- (a) Provost Iain Campbell, seconded by Councillor Mary Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 29 June 2023 as a correct record.

The Council

Decided: to approve the Minutes of 29 June 2023 and authorise these minutes to be signed as a correct record.

- (b) Provost Iain Campbell, seconded by Councillor Mary Kilpatrick, moved the [Minutes](#) of South Ayrshire Council (Special) of 15 September as a correct record.

The Council

Decided: to approve the Minutes of 15 September 2023 (Special) and authorise these minutes to be signed as a correct record.

(2) Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels were submitted for information:-

- (i) Audit and Governance Panel of [31 May](#), [28 June](#) and [6 September 2023](#)
- (ii) Cabinet of [20 June](#) and [29 August 2023](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved the recommendations as contained in the 'C' paragraph of the Cabinet minutes of 29 August 2023 entitled "Treasury Management Annual Report 2022/23".

The Council

Decided: to approve the recommendations as contained in the ['C' paragraph](#).

- (iii) Chief Officers' Appointments/Appraisal Panel of [27 June](#) and [28 June 2023](#).
- (iv) Local Review Body of [20 June](#) and [22 August 2023](#)
- (v) Regulatory Panel – Licensing of [25 May](#), [22 June](#) and [31 August 2023](#).
- (vi) Regulatory Panel – Planning of [11 May](#) and [27 June 2023](#).
- (vii) Service and Partnerships Performance Panel of [13 June](#) and [22 August 2023](#).

4. **Results of Local Government By-Election 2023 – Ward 8 – Girvan and South Carrick**

There was submitted a [report](#) (issued) of 2 October 2023 by the Chief Executive advising the Council of the outcome of the recent By-Election in Ward 8 - Girvan and South Carrick.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

The Council, having congratulated Councillor Lamont on his appointment,

Decided: to note the outcome of the By-Election for Ward 8 – Girvan and South Carrick and the election of Alan Lamont as Councillor for this electoral ward.

5. **Appointments to Panels and Working Groups (including Change to Vice-Chair of South Ayrshire Integration Joint Board).**

There was submitted a [report](#) (issued) of 4 October 2023 by the Head of Legal and Regulatory Services seeking approval to make alterations to the membership of Panels and Working Groups.

Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved:-

- (1) to agree recommendations 2.1.1 to 2.1.11 of the report;
- (2) in respect of recommendation 2.1.2 of the report, to appoint Councillor Hugh Hunter as the new Vice-Chair of the South Ayrshire Integration Joint Board; and
- (3) in respect of recommendations 2.1.4 and 2.1.8 of the report, to appoint Councillor Alan Lamont as the Member of the Regulatory Panel, Local Review Body and Planning Liaison Group.

Discussion took place in relation to:

- (a) the position of Vice-Chair of the South Ayrshire Integration Joint Board (IJB) and the Head of Legal and Regulatory Services advised that when an Elected Member of South Ayrshire Council accepted this position, they did not sit on the IJB as a representative of the Council, they took decisions on behalf of the Board which was a separate entity;
- (b) the previous Chair or Vice-Chair of the IJB also being a member of Cabinet which had been beneficial as they could report on the views of the IJB to Cabinet; and it was noted that Councillor Lyons would be remaining on the IJB and was a member of Cabinet which would address any concerns. Councillor Hunter further advised that, should he be appointed as Vice-Chair of the IJB he would be happy to attend any Cabinet meetings to present the IJB's views to the Cabinet;
- (c) the Council's agreement with the IJB being revisited to ensure that the Council was complying with this agreement, and the Head of Legal and Regulatory Services advised that she was currently re-examining the Scheme of Integration, however, if any Member had concerns regarding the Scheme, they should contact her; and that the above Motion was acceptable within the terms of the Scheme of Integration;
- (d) the replacement member of the IJB Performance and Audit Committee as Councillor Hunter would require to resign from this Committee if he was appointed as Vice-Chair of the IJB; and the Head of Legal and Regulatory Services advised that this was a decision for the IJB to appointment a replacement member.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion. Fifteen Members voted for the Motion, eleven Members voted against the Motion and one Member abstained and accordingly, the Council

Decided:

- (i) to appoint Councillor Hugh Hunter from the Members listed at paragraph 4.2 of the report to the vacant position of Vice-Chair of the South Ayrshire Integration Joint Board;
- (ii) to appoint Councillor Alan Lamont to the vacant positions on Regulatory Panel and Local Review Body;
- (iii) that Councillor Alan Lamont replace Councillor Gavin Scott as a member of Audit and Governance Panel;
- (iv) to note that The Diocese of Galloway had confirmed the appointment of Hugh McGuire to replace Phil Davey as the Roman Catholic Church representative on Cabinet (when meeting as the Education Authority);
- (v) to note that Nigel Fullard had replaced the previous Parent Council representative (Euan Terras), and Aimee Allan and Millie Gibson (Carrick Academy) had replaced the previous Pupil Council representatives (Cameron McKenzie and Taylor McGill) on Cabinet;
- (vi) to agree to appoint Councillor Alan Lamont to the vacancy on the Planning Liaison Group;
- (vii) to note that Councillor William Grant replace Councillor Julie Dettbarn as the SNP Member on the Best Value Member/Officer Working Group; and
- (viii) to request that officers make the required amendments to the lists of Panels and Working Groups to reflect these changes.

6. Standing Orders Relating to Meetings

There was submitted a [report](#) (issued) of 2 October 2023 by the Head of Legal and Regulatory Services seeking approval to amend the Standing Orders Relating to Meetings following review.

Councillor Martin Dowe, seconded by Councillor Lee Lyons, moved the recommendations as outlined in the report.

The Council

Decided: to approve the revised Standing Orders Relating to Meetings (extracts contained in Appendix 1) with effect from 13 October 2023.

7. **SAC LLP (Nominees) Limited**

There was submitted a [report](#) (issued) of 2 October 2023 by the Head of Legal and Regulatory Services seeking approval of a change of representation on SAC LLP (Nominees) Limited.

Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved the recommendations as outlined in the report.

A discussion took place in relation to the funding from the Heritage Lottery Fund and a request was made that the new Directors examine whether there was an opportunity for further funding to be obtained for the regeneration of Ayr Town Centre; and Councillor Dowey advised that he would take this on board.

The Council

Decided:

- (1) to approve the appointment of Councillor Martin Dowey and Mike Newall, Depute Chief Executive and Director of Housing, Operations and Development (and prospective Chief Executive), as Directors of SAC LLP (Nominees) Limited with immediate effect; and
- (2) to note that Eileen Howat, Chief Executive, would resign as a Director of SAC LLP (Nominees) Limited with effect from 31 October 2023.

8. **Report on the Public Engagement on Relocation of Troon Early Years Centre.**

There was submitted a [report](#) (issued) of 2 October 2023 by the Director of Education advising of the public engagement on the relocation of Troon Early Years Centre; sharing information on options; and seeking Council approval to relocate Troon Early Years Centre.

Councillor Stephen Ferry, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Discussion took place by Members in relation to:

- (1) the timing of the information being published and the level of detail provided at each stage of the consultation and whether the process required to be reviewed; and the Director of Education advised that it had been agreed at the Council meeting on 9 March 2023 that a public engagement be carried out and that a range of dates had been set to meet with various groups following which updates were provided for Ward Members throughout the process and thereafter, the information was collated as part of the process;
- (2) the involvement of the Community Council in the consultation as there was no mention of the Community Council in the report; and the Director of Education advised that officers had been requested to attend a Community Council meeting in March 2023 prior to the report being considered at Council to provide an update and that they had not been aware that seventy members of the public would be attending or a presentation would have been carried out; that the Community Council Members were entitled to respond to the consultation along with other members of the public; and that the Community Council were advised of progress being made by way of Ward Members and by means of the consultation;

- (3) alternative sites considered for the displaced library, other than the Municipal Buildings; and the Service Lead – Professional Design Services advised that only the Municipal Buildings had been considered;
- (4) the Parking Strategy consultation; the concerns regarding parking around the proposed new Early Years Centre; whether these concerns would be factored into the Strategy; whether a Traffic Regulation Order (TRO) would be required for this area; whether the Parking Strategy would be finalised within the agreed timescales and that it would have been helpful had an officer from the Ayrshire Roads Alliance (ARA) attended this meeting; and the Depute Chief Executive and Director of Housing, Operations and Development advised that he would obtain this information from ARA and circulate it to Members following this meeting;
- (5) whether an assessment had been carried out on the Municipal Building on the impact of noise from functions which could disadvantage library users; and the Service Lead – Professional Design Services advised that proposals for the Municipal Building were not yet at an advanced stage, however, acoustic measures would be put in place if appropriate;
- (6) concerns regarding the safety of children being dropped off and picked up so close to a main road in Troon; and the Director of Education advised that there would be no drop-off point on the main road, that a base would be within the car park of the Early Years Centre; and that significant engagement had taken place with Troon Primary School Parent Council; and that, should this report be approved, she would liaise with Ayrshire Roads Alliance regarding a transport plan and management plan for the drop-off and pick-up point; and the Quality Improvement Manager further advised that, should this report be approved, this would provide more places at nursery and, in turn, a wider range of options for parents, that the drop-off and pick-up times of children would be staggered and that the private nurseries in the local area had no concerns regarding the parking and drop-off at this location;
- (7) thanking officers for the work undertaken on this matter; thanking the consultees for their contribution, the majority of whom had been in favour of these proposals; and referring to possible alternative sites for the Early Years Centre and the problems with parking at these sites;
- (8) how challenging this matter had been; welcoming the extra detail within the report on why the Early Years Centre could not move to within the Troon campus; the benefits of relocating the library to the Municipal Building, however, work would require to be undertaken on the access ramp to improve this;
- (9) the importance of consulting Scottish Future Trust; and the Director of Education advised that the Scottish Future Trust had visited the site with an architect to ensure that every possible option had been explored on the Troon site and had concluded that there were no other options they could bring to the table that the Council had not already considered and that all options had been exhausted;
- (10) whether the ramp at the Municipal Building complied with the Equality Act; and the Service Lead – Professional Design Services advised that this ramp would have been compliant with the Act when constructed but was probably not up to current standards, however, should this report be approved, this would be re-examined;

- (11) the need for additional Early Years provision and the option presented in the report being the best option; and the additional benefits to the community in Troon as the Council would be investing in library provision and the Customer Services provision; and the Director of Education advised that the Municipal Building would be renovated to provide the new library service prior to the library being moved so there would be no gap in library service; and that there would be an increase in face-to-face availability for those requesting Customer Service assistance;
- (12) recognising the work undertaken during the consultation and that this had resulted in a good outcome for the people of Troon; and the library remaining open whilst works were ongoing was to be welcomed;
- (13) that this proposal was to future proof these buildings in Troon, addressing ongoing issues with the buildings and would bring a new facility to Troon with room for expansion for events to take place;
- (14) that this report was bringing to fruition the hard work of officers; and that it was important to have Access For All for the people of Troon to have buildings they deserved;
- (15) this being a very complex situation; that purpose built buildings were preferred; and that access and egress issues still required to be examined, therefore, this report should be continued to allow further information to be sought;
- (16) the public consultation being plagued by misinformation from the outset with members of the public being of the understanding that the library would be closing and that there would be a loss of children's services which was a perception which had persisted throughout the consultation; that this public consultation had commenced in 2018 and every proposal had been considered; that a decision now required to be made to move forward; and that neither Ayrshire Roads Alliance nor Police Scotland had expressed concerns from a road safety point of view but a full survey would require to be carried out and a solution found if necessary, should this report be approved; and
- (17) that all Members agreed that Troon required an Early Years Centre, however, the debate centred around where this Centre would be situated and the proposal within the report was the only sensible solution; and that the proposals would secure Troon Library for the long term; and that officers should be commended for their diligent approach to this matter and the level of transparency whilst doing so.

By way of Amendment, Councillor Philip Saxton, seconded by Councillor Brian McGinley moved that the Council

"Agree 2.1.1 - notes the information from the public engagement:

Agree 2.1.2 - considers the options for early years provision in Troon:

2.1.3 delays taking a decision on the appropriate location of the Troon Early Years Centre and requests officers to present a report to Council on 7 December 2023 identifying the cost, an options appraisal and any views expressed by the Scottish Future's Trust for the building of the following within the existing boundaries of Troon Primary School:-

- (a) *an extension of the existing Early Years provision at Troon Primary School;*
- (b) *a standalone Early Year facility.*

and to confirm what sums could be made available to fund each option.

Adjournment of Meeting

The time being 11.05 a.m., the Council adjourned for twenty minutes.

Resumption of Meeting

The meeting resumed at 11.25 a.m.

Having heard Councillor Mackay speak to his Counter-Amendment, Councillor Ferry, as Mover of the Motion and Councillor Pollock as seconder, agreed to accept this Counter-Amendment into the terms of their Motion, namely:

“to expand recommendation 2.1.3 as follows:

approves the relocation of Troon Early Years Centre to the existing library and approves the relocation of the library to the municipal building, subject to:

- the current library remaining open until such time as the new library facility is ready to occupy (other than a reasonable closed period for the flit), to ensure continuity of the service;

- that moving the library to the Municipal Buildings is dependent on new access ramp arrangements being developed that comply with current Building Standards in their entirety, including gradient, width, length of flights, dimensions of landings, visibility, handrails and surface material.

- that Council reaffirms there being no intentions to use any part of the flower beds for parking.

Point of Order

Councillor Saxton raised a Point of Order that Councillor Ferry should apologise for his comments during his summing up when he had requested a roll-call vote to establish which Members were against having an Early Years Centre when Councillor Saxton outlined that all Members were in favour of the Early Years Centre. Councillor Ferry responded that his comment had been that it would outline which members were against improving early years provision in Troon.

Having heard a Member request a roll-call vote, the Head of Legal and Regulatory Services called the roll as follows:-

| | |
|--------------------------|-----------|
| Iain Campbell | Motion |
| Mary Kilpatrick | Motion |
| Kenneth Bell | Motion |
| Laura Brennan-Whitefield | Motion |
| Ian Cavana | Amendment |
| Alec Clark | Motion |
| Ian Cochrane | Motion |
| Chris Cullen | Motion |
| Ian Davis | Motion |
| Julie Dettbarn | Motion |
| Mark Dixon | Motion |
| Martin Dowey | Motion |
| Stephen Ferry | Motion |

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|-----------------|-----------|
| William Grant | Motion |
| Hugh Hunter | Motion |
| Martin Kilbride | Motion |
| Alan Lamont | Motion |
| Lee Lyons | Motion |
| Craig Mackay | Motion |
| Brian McGinley | Amendment |
| Bob Pollock | Motion |
| Cameron Ramsay | Amendment |
| Philip Saxton | Amendment |
| Gavin Scott | Motion |
| Bob Shields | Motion |
| Duncan Townson | Amendment |
| George Weir | Motion |

Five Members voted for the Amendment and twenty two for the Motion which was accordingly declared carried and the Council, having noted the information from the public engagement and having considered the options for early year provision in Troon,

Decided: to approve the relocation of the library to the municipal building, approves the relocation of Troon Early Years Centre to the existing library and approves the relocation of the library to the municipal building, subject to:

- (i) the current library remaining open until such time as the new library facility is ready to occupy (other than a reasonable closed period for the flit), to ensure continuity of the service;
- (ii) that moving the library to the Municipal Buildings is dependent on new access ramp arrangements being developed that comply with current Building Standards in their entirety, including gradient, width, length of flights, dimensions of landings, visibility, handrails and surface material; and
- (iii) that Council reaffirms there being no intentions to use any part of the flower beds for parking.

9. Notice of Motion

A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, by Councillor Bob Pollock, seconded by Councillor Martin Dowey, moved:-

“Following recent events relating to the Station Hotel in Ayr, it has become clear through the practical experiences of this Council as the Building Standards Authority, that the obligations under Section 29 and 30 of the Building (Scotland) Act 2003 can place a significant undue financial burden on a Local Authority in circumstances where a building becomes a danger to the public and its owner is absent.

The Council is obligated under the legislation to carry out the works necessary to maintain public safety, and these costs can be significant and ongoing with no obvious conclusion or backstop position. This has been the case with Ayr Station Hotel, in dealing with an absentee landlord, and with significant expense being incurred by the Council and in turn its taxpayers over several years.

Quite rightly Councils have duties to protect public safety from dangerous buildings, but it is an invidious position that the Council has limited powers to ensure in so doing that their costs are met. With many of our historic buildings reaching an age where, without adequate maintenance, they could become a danger to the public, I have a real concern that in the near future we will see many more problems arising similar to that of the Ayr Station Hotel, with the Council and the public purse having to deal with the situation. I am also aware that this is a concern shared by other public rescue services.

My motion is to request that Council asks the Chief Executive to formally write to the Scottish Government, seeking a review of the legislative powers under the Building (Scotland) Act 2003 relating to dangerous buildings. The specific review that is being requested relates to circumstances where a property owner fails to maintain their building in a safe manner. In these circumstances when carrying out their statutory obligations, appropriate financial protection should be provided to Councils to enable us to carry out our duties, but with protection over the scale of costs and also easier and quicker means of Compulsory Purchase of the building when appropriate.”

Councillor Laura Brennan-Whitefield moved that the following be added to the terms of the Motion: “that the Council acknowledges and thanks Transport Scotland via Network Rail for its ongoing financial support”.

Councillor Bob Pollock as Mover of the Motion and Councillor Martin Dowey as seconder, agreed to accept this additional sentence into the terms of the Motion.

Adjournment of Meeting

The time being 12.10 p.m., the Council adjourned for fifteen minutes.

Resumption of Meeting

The meeting resumed at 12.25 p.m.

Councillor Brian McGinley, moved that the following be added to the terms of the Motion:-

“That the Chief Executive writes to UK Government to use the Station Hotel as an example of how the decisions taken by a National Body can lead to an adverse impact on local authorities and to ask the UK Government to use this as a case example to consider whether national legislation is required to afford protection in such circumstances to local authorities, recognising always that the existing Building (Scotland) Act 2003 is devolved legislation”.

Councillor Bob Pollock as Mover of the Motion and Councillor Martin Dowey as seconder, agreed to accept this addition into the terms of the Motion.

A full debate took place regarding the terms of the Motion and the Council

Decided: unanimously to agree the terms of the Motion with the two additions moved by Councillor Laura Brennan-Whitefield and Councillor Brian McGinley.

Councillor Mark Dixon left the meeting during consideration of the above item.

10. **Formal Question.**

In terms of Council Standing Order No. 26.2, there was submitted a **Formal Question** from Councillor Duncan Townson, along with the response which was made available to all Members.

Councillor Townson thanked the Chief Executive for the detailed response and referred to the modernisation of within schools which had been carried out throughout years of numerous Council Administrations and advised that he had wished to raise this question to raise awareness to members of the public of the works which had been carried out.

Exclusion of press and public.

Following a vote, the Council

Decided: to agree to consider the following item of business in private.

The Council 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 paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

11. **Affordable Housing Proposals, Ayr**

There was submitted a report (issued – members only) of 5 October 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to develop proposals for affordable housing at Block 1 Riverside Place and to realign the Housing Revenue Account (HRA) Business Plan.

Councillor Martin Kilbride, seconded by Councillor Bob Shields, moved the recommendations as outlined in the report.

A full discussion took place in relation to this report and questions were raised and responded to by the Assistant Director – Housing and Operations.

Adjournment of Meeting

The time being 1.05 p.m., the Council adjourned for ten minutes.

Resumption of Meeting

The meeting resumed at 1.15 p.m.

Upon reconvening, Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved that this matter be continued to a Special Meeting of South Ayrshire Council to allow further information to be sought.

The Council

Decided: to continue this matter to a Special Meeting of South Ayrshire Council to allow further information to be sought.

12. Consideration of Disclosure of the above confidential report.

As no decision had been taken on item 11 of the minutes, this item subsequently fell.

13. Closing Remarks.

The Provost thanked all in attendance for their contribution.

The meeting ended at 1.20 p.m.

DRAFT