

## **CABINET**

Minutes of a hybrid webcast meeting on 28 November 2023 at 10.00 a.m.

### Present

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

### Attending in County

Hall: M. Newall, Chief Executive; L. McRoberts, Depute Chief Executive and Director of Education; J. Bradley, Director of Strategic Change and Communities; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; C. Cox, Assistant Director – Planning and Development; G. Hunter, Assistant Director – Communities; S. Mulholland, Assistant Director – Education Services; G. Hoey, Chief Social Work Officer; K. Anderson, Service Lead – Policy, Performance and Community Planning; Laura Kerr, Service Lead, Destination South Ayrshire; J. Tait, Service Lead – Thriving Communities; G. Farrell, Service Lead – Organisational Development and Customer Services; G. Cockburn, Service Lead – Education Support Services; P. Bradley, Service Lead – Professional Design Services; K. Braidwood and D. Manson, Ayrshire Roads Alliance; K. Mullen, Service Lead – ICT Operations; C. McPhail, Co-ordinator (Economic Development); A. Gibson, Committee Services Officer; and E. Moore, Committee Services Assistant.

### Also

### Attending In County

Hall: D. Gemmell, I. Gall; H. McGuire; G. Laird, N. Fullard, A. Allan; M. Gibson (in attendance for items 4 and 5).

### **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. He also welcomed Mike Newall to his first meeting of the Cabinet in his new role as Chief Executive.

### **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 31 October 2023 were submitted and approved.

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

The Cabinet

#### **Decided:**

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

## **Education**

### 4. **Revised Devolved School Management Scheme.**

There was submitted a report (issued) of 17 November 2023 by the Director of Education seeking approval to implement a revised Devolved School Management (DSM) Scheme.

The Cabinet

#### **Decided:**

- (1) to approve the revised, 2024, Devolved School Management Scheme, as detailed in Annex 1 of the report; and
- (2) to delegate authority to the Director of Education to amend the Devolved School Management Scheme to take account of any future Council decisions that impacted on it.

### 5. **Update on Pupil Equity Fund and Scottish Attainment Challenge.**

There was submitted a report (issued) of 16 November 2023 by the Director of Education requesting that the Cabinet confirm if they were content with the current approach to the use of Pupil Equity Fund and Attainment Challenge Scotland funding and to inform Cabinet of the progress made by schools during 2022-23 in improving equity in educational outcomes.

Following discussion on the impact of the funding, the Cabinet

#### **Decided:**

- (1) to agree the current approach taken to the use of Pupil Equity Fund;
- (2) to agree the current approach taken in the use of Strategic Equity Funding; and
- (3) to note the progress made in achieving equity in educational outcomes during session 2022-23 in relation to South Ayrshire's stretch aims and the plans for the future, as detailed in paragraphs 3.12 to 3.15 of the report.

**The Education representatives left the meeting at this point.**

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

### **6. Biodiversity Duty Report 2021 to 2023.**

There was submitted a report (issued) of 16 November 2023 by the Director of Strategic Change and Communities seeking approval of the third South Ayrshire Council progress report in relation to our public sector biodiversity duties, attached as Appendix 1 to the report.

Following discussion regarding engagement and how the message was portrayed, the Cabinet

#### **Decided:**

- (1) to approve the publication of the third South Ayrshire Council Biodiversity Duty Report 2021-2023, as detailed in Appendix 1 of the report; and
- (2) to continue to support the conservation of biodiversity as part of the Council's Biodiversity Duty.

### **7. South Ayrshire Council Public Bodies Climate Change Duties Annual Report 2022-23.**

There was submitted a report (issued) of 17 November 2023 by the Director of Strategic Change and Communities requesting approval of the Council's statutorily required Public Bodies Climate Change Duties Annual Reporting for 2022-23

Having noted that this Council was on track to meet its targets, the Cabinet

#### **Decided:**

- (1) to approve the annual report, as detailed in Appendix 1 of the report and to agree that this annual report be submitted as required by officers to the Scottish Government by 30 November 2023; and
- (2) to note both the progress and challenges faced by the Council in fulfilling its duties and the reductions in the emissions targets summarised in the analysis.

### **8. Redevelopment of Former Hourstons Building and Arran Mall. Ayr.**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities providing an update on progress of the potential redevelopment of the former Hourstons building and Arran Mall, Ayr and seeking approval of a preferred development option and for the next stages.

Following discussion regarding a demolition order and having noted that the Head of Legal and Regulatory Services would provide a Note to Members relating to discussions that had taken place with external solicitors in this respect, the Cabinet

**Decided:**

- (1) to approve the user space requirements indicated by South Ayrshire Health and Social Partnership NHS Ayrshire as a basis to inform outline proposals for Hourstons to be prepared for the redevelopment of the property;
- (2) to note the preferred development option for the Hourstons building to comprise conversion of the listed building part of the buildings and one of the extensions and the remaining extension to be demolished as outlined in Appendix 1 of the report, as Blocks A and B;
- (3) to approve the instruction of engineering, structural and condition surveys of the former Hourstons buildings to include costed options appraisals of all development options and which shall be the subject of a report to Cabinet on 23 April 2024;
- (4) to agree that unallocated capital of £2m from 2034/35 (£11.26m) be brought forward, following acquisition of the Arran Mall, to undertake the cost of demolition of the former Hourstons building Block C and the entire Arran Mall involved with the preferred development scheme and the specialised technical work involved in recommendation (3) above;
- (5) to approve the indicative development scheme for the former Hourstons Building and Arran Mall, as set out in Appendix 2 of the report, as the basis for progressing statutory consents and instructing demolition and development works;
- (6) to note the indicative timescale to commence demolition of the Hourstons extension (Block C) and the former Arran Mall of May 2024 and the commencement of new development in April 2025 (subject to conclusion of legal agreements to acquire Arran Mall and required statutory consents being granted);
- (7) to agree that the outline capital cost of the redeveloped Hourstons of £20m, on the basis of the preferred development option, be submitted as a Capital Business Case for consideration by the Capital Asset Management Group as part of the Capital Budget Setting process 2024/25; and
- (8) to note the intention to progress submission of a Planning Permission in Principle to cover the former Hourstons and Arran Mall as a basis to provide a masterplan that would co-ordinate development proposals.

**Buildings, Housing and Environment/Finance, HR and ICT.****9. Affordable Housing – Former St. Ninians Primary School, Adamton Road North, Prestwick.**

There was submitted a report (issued) of 22 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to proceed with the development of affordable housing at the Former St. Ninians Primary School, Adamton Road North, Prestwick and to approve the proposed funding package for the development.

The Cabinet

**Decided:**

- (1) to agree to the development of the former school site at Adamton Road North, Prestwick for the development of 42 new affordable homes;
- (2) to approve the proposed funding package for the project, as set out in paragraph 6.3 of the report; and
- (3) to grant authority to award the contract to Company A to carry out the works, utilising the Scottish Procurement Alliance's framework for Housing Construction and delegate authority to the Chief Executive to sign the contract documentation.

**Economic Development.**

**10. Active Travel Strategy Progress Report.**

There was submitted a report (issued) of 16 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on the progress of the Council's Active Travel Strategy.

Following discussion regarding the Active Travel Member/Officer Working Group and the Alloway to Burton Underpass, the Cabinet

**Decided:**

- (1) to note the contents of this report and to approve supporting Active Travel in South Ayrshire through the Member/Officer Working Group; and
- (2) to otherwise note the contents of this report and the details in Appendices 1 to 6 of the report.

**11. Ayr Town Centre Framework.**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities providing an update on the progress of the development of a Town Centre Framework for Ayr.

The Cabinet

**Decided:**

- (1) to agree to start public consultation between November 2023 and January 2024 on the Draft Town Centre Framework (following recent Members/officers briefings) that set a strategic Delivery and Action Plan for Town Centre Projects and that once complete, the final framework would be presented to Cabinet in March 2024 for approval;

- (2) to agree that officers would prepare a package of works for the development of the Ayr Southern Gateway/Robert Burns Square/ A70 realignment and report back to Cabinet with developed proposals by April 2024; and
- (3) to otherwise note the contents of the report and support the approach to the Town Centre Framework and next steps as set out in this report.

## **12. Business Support – Refreshed AMBITION Programme.**

There was submitted a report (issued) of 17 November 2023 by the Director of Strategic Change and Communities seeking approval for the revision and update to the business support AMBITION Programme funded by the UK Shared Prosperity Fund (UKSPF).

Following discussion on the need for marketing of the Programme, the Cabinet

### **Decided:**

- (1) to approve the revision and update to the business support AMBITION Programme to include three new products:-
  - Green AMBITION;
  - Digital AMBITION; and
  - Productivity AMBITION; and
- (2) to request that a performance update be provided to the Service and Partnerships Performance Panel of 19 November 2024.

## **13. Place Based Investment Programme 2023-2024.**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities providing an update on the Place Based Investment Programme (PBIP) and funding allocation for projects for year 2023 to 2024.

Following discussion regarding funding, and having noted that the Chief Executive would speak to a Member offline regarding the funding of a project that had not been listed, the Cabinet

**Decided:** to approve PBIP funding allocations for 2023 – 2024 and projects, as detailed in Appendix 1 of the report.

## **14. Ayrshire Growth Deal – Roads Enabling Progress.**

There was submitted a report (issued) of 16 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on the Ayrshire Growth Deal Roads Enabling Appraisal.

The Cabinet

**Decided:**

- (1) to approve supporting the development of the Ayrshire Growth Deal Roads Enabling Scottish Transport Appraisal Guidance; and
- (2) to otherwise note the contents of the report.

**15. Regional Economic Strategy – Delivery Plan.**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities providing an update on the approved Regional Economic Strategy Delivery Plan and the resource implications for the Council.

The Cabinet

**Decided:**

- (1) to approve the published Delivery Plan of the Regional Economic Strategy and approve the use of existing resource to deliver the South Ayrshire Council actions, as detailed in paragraph 4.1 of the report; and
- (2) to note the financial resource pressures detailed in paragraph 4.2 of the report and that future reports to Cabinet would detail progress with year one implementation and future actions and any associated resource requirements.

**Economic Development/Finance HR and ICT.**

**16. Business Relief Programme**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities

- (1) noting that a business relief programme to mitigate the impact of the transport restrictions as a result of the former Ayr Station Hotel fire was launched on 20 November 2023 (including direct business support and a package of town centre events, together with a marketing and communications plan); and
- (2) seeking approval to fund this activity from former Covid 19 discretionary funds.

Having welcomed the support this Programme would bring, the Cabinet

**Decided:**

- (a) to note that a business relief programme to deliver support to Ayr town centre had been launched on 20 November 2023;
- (b) to note the funding of a range of activities in the town centre to drive footfall in the weeks up to Christmas, including free parking;
- (c) to note the funding of a marketing campaign branded as 'Ayr is open for business' to further drive footfall;
- (d) to approve that funding for this would be provided by utilising the former Covid 19 discretionary grant fund for businesses which had remained unspent and carried forward since 2022 up to a total value of £389,000; and
- (e) to grant delegated authority to the Director of Strategic Change and Communities to consider any additional actions to support businesses and increase footfall utilising the remainder of this budget to a total value of £361,000 (balance of Covid 19 discretionary funds).

**Corporate and Strategic.****17. Community Councils – Amendments to Scheme for Establishment.**

There was submitted a report (issued) of 16 November 2023 by the Director of Strategic Change and Communities seeking approval for officers to make amendments to the Scheme for Establishment for Community Councils following the recent consultation of the boundaries between Maybole and Crosshill, Straiton and Kirkmichael Community Councils.

The Cabinet

**Decided:**

- (1) to approve the new proposed boundaries following the results of the consultation; and
- (2) to request that officers update the Scheme for Establishment to reflect these boundary changes.



**Corporate and Strategic/Finance, HR and ICT/Buildings, Housing and Environment.**

**C**

**18. Ayr Esplanade Strategy.**

There was submitted a report (issued) of 22 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) recommending a placemaking improvement strategy for Ayr Esplanade;
- (2) advising that the purpose of the strategy was to provide a coherent framework for the undertaking of Capital based improvements and investments in the area; and
- (3) concluding that the strategy followed consideration of the outcome of public consultation on a draft Ayr Esplanade Strategy undertaken in 2020/2021 on parts of the Esplanade area.

Following discussion on the ownership of the nearby watchtower and the need for works required on other promenades within South Ayrshire, the Cabinet

**Decided:**

- (a) to approve the Ayr Esplanade Strategy, as set out in Appendix 1 of the report, as a basis for informing Capital investment in the area to commence in the period 2024/25;
- (b) to note that public feedback on the Esplanade Strategy would be considered in taking forward the longer term potential projects identified in the strategy; and
- (c) to note that the Ayr Esplanade Strategy would form a basis for considering external funding opportunities and for Thriving Communities to take forward further opportunities for Council led community initiatives to make greater use of the spaces and places for events and recreational activities.

**Corporate and Strategic/Finance, HR and ICT**

**C**

**19. Communications Strategy 2023-28 and Communications Team Staffing Proposals.**

There was submitted a report (issued) of 22 November 2023 by the Director of Strategic Change and Communities seeking approval for: the Communications Strategy 2023-28; the Communications Team staffing required to deliver the service and the strategy; and for approval for revised guidance on Managing Work Related Social Media and Media Relations.

The Cabinet adjourned for five minutes to allow a Member of the Cabinet to consider a Motion he was proposing. Upon reconvening, the Cabinet

**Decided:**

- (1) to approve the Communications Strategy 2023-28 as detailed in Appendix 1 of the report;
- (2) to approve the conversion of two temporary Communications Assistant posts to permanent posts to support the delivery of this strategy and to ensure the continued delivery of the service;
- (3) to approve the Managing Work Related Social Media Guidance for Employees, as detailed in Appendix 4 of the report;
- (4) to approve the Media Relations Guidance, as detailed in Appendix 5 of the report; and
- (5) to agree that officers conduct a Review of the activities undertaken by the Communication Team and the evaluation of them, engage with Members and report back to Cabinet with the results of this Review within six months.

**Tourism, Culture and Rural Affairs/Sport and Leisure.**

**20. The International Ayr Show – Festival of Flight 2023.**

There was submitted a report (issued) of 16 November 2023 by the Director of Strategic Change and Communities providing an update regarding the delivery of the International Ayr Show – Festival of Flight 2023.

Having noted the success of the Show, the benefits it brought to South Ayrshire and the one-off cost for signage, the Cabinet

**Decided:**

- (1) to note the progress made by officers in the delivery of The International Ayr Show – Festival of Flight 2023; and
- (2) to request that officers bring an annual report to the Service and Partnerships Performance Panel to provide an overview of delivery each year.

**Health and Social Care .**

**21. Chief Social Work Officer Annual Report.**

There was submitted a report (issued) of 16 November 2023 by the Chief Social Work Officer providing an update Cabinet on the performance of statutory social work services for 2022 - 2023.

The Cabinet, having considered the performance of statutory social work services, as summarised in paragraph 4.1 of the report

**Decided:** to agree that the report was submitted to the Office of the Chief Social Worker Advisor in the Scottish Government.

The time being 12 noon, the Cabinet decided to adjourn for lunch. The meeting re-adjourned at 12.30 p.m.

### **Finance, HR and ICT.**

#### **22. Budget Management – Revenue Budgetary Control 2023/24 – Position as at 30 September 2023.**

There was submitted a report (issued) of 22 November 2023 by the Head of Finance, ICT and Procurement providing a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2023/24 as at 30 September 2023.

Following questions from Members of the Cabinet, the Head of Finance, ICT and Procurement agreed to circulate to Members, information relating to increased spending on ash dieback activity. After discussion relating to various other matters arising from the report including energy costs, the Cabinet

#### **Decided:**

- (1) to note the revised Directorate budgets following the budget movements, as outlined in paragraphs 3.3 and 3.4 of the report;
- (2) to approve the requested draw of £1.926m. from the Council's inflation reserve as detailed in 4.1.5 of the report;
- (3) to approve the budget transfers as outlined in the Directorate financial performance reports, as detailed at Appendix 1 and summarised in 4.1.6 of the report;
- (4) to note the projected in year over-spend of £3.762m. after earmarking which reduced to £1.836m. following approval of the inflation reserve draw, as requested in paragraph 2.1.2 of the report; and
- (5) to require Directors/Assistant Directors and Heads of Service to continue to take steps to ensure that Directorate/Services were not overspent against budget by 31 March 2024 as per Section 5.3 of the Financial Regulations.

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

There was submitted a report (issued) of 21 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development Chief providing an update on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30 September 2023 (Period 6) and seeking agreement to the changes to budgets in 2023/24, 2024/25 and 2025/26.

Following questions and having noted that there would be a report to a meeting of the Cabinet in January 2024 relating to the Levelling-Up Fund; and the current position with regards to Girvan Primary School, the Cabinet

**Decided:**

- (1) to note the progress made on the delivery of the General Services Capital Programme to 30 September, resulting in spend of £26,192,735 or 26.28%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments, as contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2023/24 at £73,634,117, and in-year adjustments in 2024/25 and 2025/26, as highlighted in Appendix 2 of the report.

**24. ICT Support and Maintenance Contracts.**

There was submitted a report (issued) of 17 November 2023 by the Head of Finance, ICT and Procurement to request that the Cabinet reviewed and agreed the ongoing contractual obligations in respect of the support and maintenance of key ICT systems for the 2024/25 financial year.

Following a question from a Member of the Cabinet and having noted the effects inflation had on contracts in this area, the Cabinet

**Decided:** in accordance with paragraph 22.1 of the Standing Orders relating to Contracts, to approve the annual renewal of the support and maintenance contracts for 2024/25 which were necessary to access support, maintenance and in some instances, system upgrades of ICT systems, as detailed in Appendix 1 of the report.

**C**

**25. Medium Term Financial Plan 2024-25 to 2028-29.**

There was submitted a report (issued) of 17 November 2023 by the Head of Finance, ICT and Procurement seeking approval of the Council's updated Medium Term Financial Plan.

Having noted that the Council's Financial Plan had been praised by the Audit Commission and the ongoing challenges this Council faced, the Cabinet

**Decided:**

- (1) to approve the Medium-Term Financial Plan (MTFP), attached as Appendix 1 to the report;
- (2) to note that the potential cumulative five-year budget gap based on the assumptions contained in the plan was £45.9m.; and
- (3) to note the budget strategy, as contained in Section 4 of Appendix 1, developed to address the anticipated cumulative budget gap.

**26. Organisational Development – Review of Staffing Arrangements.**

There was submitted a report (issued) of 28 November 2023 by the Director of Strategic Change and Communities seeking approval to create an additional Level 7 OD Assistant.

The Cabinet

**Decided:**

- (1) to note the work and focus of the Organisational Development Team; and
- (2) to approve the creation of 1 x Level 7 OD Assistant post.

**27. Financial Inclusion Strategic Development**

There was submitted a report (issued) of 21 November 2023 by the Director of Strategic Change and Communities seeking approval to advance work for the progression of activity supporting Financial Inclusion, culminating in a Financial Inclusion Strategy.

Following discussion on the Financial Inclusion Member/Officer Working Group, the Cabinet

**Decided:** to agree

- (1) that the unallocated funds from the Covid 19 Recovery project (£1.055m) and LACER funding were utilised to support Financial inclusion activity across a range of Council Service Departments and key partners via the Financial Inclusion Strategic Development Partnership;
- (2) that the Council's financial inclusion work was strategically aligned to the new Local Outcomes Improvement Plan and delivered through the Financial Inclusion and Growth Strategic Delivery Partnership; and
- (3) that, subject to meeting the assessment criteria, identified projects will be considered for support with the Financial Inclusion MOWG and a report will be brought back to the Cabinet for final approval and endorsement.

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

**28. Housing Capital Programme 2023/24: Monitoring Report as at 30 September 2023.**

There was submitted a report (issued) of 21 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 30 September 2023 (Period 6); and to agree the changes to budgets in 2023/24, 2024/25 and 2025/26.

The Cabinet

**Decided:**

- (1) to note the progress made on the delivery of the Housing Capital Programme to 30 September, resulting in spend of £19,108,384 or 24.88%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments, as contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2023/24 at £72,047,503, and in-year adjustments in 2024/25 and 2025/26, as highlighted in Appendix 2 of the report.

**Finance, HR and ICT/Economic Development/Tourism, Culture and Rural Affairs/Sports and Leisure.**

**29. Thriving Communities Service Review and Funding available in 2023/24.**

There was submitted a report (issued) of 20 November 2023 by the Director of Strategic Change and Communities providing an update on Thriving Communities Service Review 2023/24; and details of the overall funds available to Thriving Communities during 2023/24.

The Cabinet

**Decided:**

- (1) to approve the proposals, as outlined at paragraph 4.1 of the report, to ensure Thriving Communities met their Service Review savings target of £300,000;
- (2) to note the intended use of Thriving Communities funding for 2023/24 (Appendix 2 of the report); and
- (3) to note that Thriving Communities would undertake a further Service Review in 2025/26 to identify further savings opportunities.

**30. 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 items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

**Buildings, Housing and Environment/Tourism, Culture and Rural Affairs.**

**31. Girvan Bandstand, Stair Park, Henrietta Street, Girvan – Common Good Consultation.**

There was submitted a report (Members only) of 21 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing the results of the public consultation carried out under section 104 of the Community Empowerment (Scotland) Act 2015 in relation to the disposal of Girvan Bandstand; and

- (2) requesting Cabinet to re-confirm its decision on 25 April 2023 to dispose of the property to Adventure Centre for Education.

The Cabinet

**Decided:**

- (a) to note the results of the public consultation carried out under section 104 of the Community Empowerment (Scotland) Act 2015;
- (b) to agree the responses to the representations received, as outlined in Appendix 1 of the report; to approve publication of the responses on the Council website and notification of those who responded to the consultation;
- (c) to agree, having regard to the outcome of the consultation, to re-confirm the decision of the Cabinet on 25 April 2023 to dispose of Girvan Bandstand, Stair Park, Henrietta Street, Girvan, to Adventure Centre for Education; and
- (d) to agree that, given that confirmation, to grant authority to the Head of Legal and Regulatory Services to submit a Petition to the Sheriff Court to obtain Court authority to proceed with the sale; and
- (e) to agree that if the Court granted authority for the sale, to grant authority to the Head of Legal and Regulatory Services to conclude the transaction on the terms offered by Adventure Centre for Education as contained within the Addendum (confidential) to this report and on terms to be agreed to the satisfaction of the Service Lead- Asset Management and Community Asset Transfer and the Head of Legal and Regulatory Services.

**Buildings, Housing and Environment.**

**32. Lease of Kiosk and Part of Public Convenience at South Beach/St Meddans Street, Troon.**

There was submitted a report (Members only) of 21 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for a 25 year lease for the kiosk and part of the public conveniences situated at South Beach in Troon.

The Cabinet

**Decided:**

- (1) to grant approval to declare part of the toilets surplus to requirements;
- (2) to approve a 25 year lease to the Council's tenant that enabled the conversion to provide café space and refurbished public toilets, subject to statutory permissions and with the cost of works being borne by the tenant in accordance with the Heads of Terms set out in the Addendum (confidential) to this report; and
- (3) to grant authority to the Council's Head of Legal and Regulatory Services to conclude the lease subject to agreed terms and conditions.

### 33. **Lease and Redevelopment of Former Toilet/Shelter at Esplanade, Ayr.**

There was submitted a report (Members only) of 22 November 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for a 25 year lease for the former shelter/toilets at Esplanade Ayr to allow for the redevelopment and change of use of the property into a kiosk, on the basis of the terms and conditions contained in the Addendum (confidential) to this report.

The Cabinet

#### **Decided:**

- (1) to grant approval to declare the former toilets/shelter surplus to requirements;
- (2) to grant authority to the Council's Head of Legal and Regulatory Services to conclude the lease subject to the agreed terms and conditions contained in the Addendum (confidential) to this report, subject to the outcome of the Common Good consultation, as detailed in paragraph 2.1.3 of the report;
- (3) to authorise the Service Lead – Asset Management and Community Asset Transfer to carry out a Common Good consultation under the Community Empowerment (Scotland) Act 2015 section 104 on the proposed lease on the basis of the terms offered by the recommended party and on the terms and conditions contained within the Addendum (confidential) to this report and that the result of the consultation would be reported to the Cabinet;
- (4) to note that a further report would be brought to Cabinet detailing the representations received in response to the consultation in order that the Council may have regard to these in deciding whether to proceed with the proposed lease; and
- (5) to note that, as the property was inalienable Common Good, if, subsequent to a further report being brought to Cabinet, Members decided to proceed with the proposed lease of the former toilets, authority from the Sheriff Court would be required to enable the lease to proceed.

### 34. **Consideration of Disclosure of the above confidential reports.**

**Decided:** that under Standing Order 32.4, to authorise the disclosure of the following reports but that the related addendums referred to in the reports will not be disclosed until the transactions had been concluded.

- Girvan Bandstand, Stair Park, Henrietta Street, Girvan – Common Good Consultation;
- Lease of Kiosk and Part of Public Convenience at South Beach/St Meddans Street, Troon; and
- Lease and Redevelopment of Former Toilet/Shelter at Esplanade, Ayr.

The meeting ended at 1.30 p.m.