

SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 29 February 2024 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, Chris Cullen, Ian Davis, Brian Connolly, Julie Dettbarn, Martin Dowey, Stephen Ferry, William Grant, Hugh Hunter, Martin Kilbride, Mary Kilpatrick, Alan Lamont, Lee Lyons, Craig Mackay, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson.

Present Remotely: Councillors Ian Cochrane, Mark Dixon and George Weir.

Attending in County Buildings: M. Newall, Chief Executive; L. McRoberts, Depute Chief Executive and Director of Education; J. Bradley, Director of Strategic Change and Communities; K. Braidwood, Director of Housing Operations and Development; T. Eltringham, Director of Health and Social Care; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; K. Dalrymple, Assistant Director – Housing and Operations; W. Carlaw, Service Lead – Democratic Governance; W. Andrew, Service Lead – Property Maintenance; J. McClure, Committee Services Lead Officer; and C. McCallum, Clerical Assistant.

Attending Remotely: C. McGhee, Chief Internal Auditor.

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; and
- (2) intimated that no apologies had been received;

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.

Section 112 of the Local Government Finance Act 1992

The Chief Executive

- (1) referred to the note on the agenda calling the meeting, to the effect that Members were subject to the provisions of Section 112 of the Local Government Finance Act 1992 which provided that a Member of the Council could not vote on a range of Council Tax issues, including setting or adjusting the rate of Council Tax, if he or she was three months or more in arrears with payment of Community Charge (Poll Tax) or two months in arrears with Council Tax;

- (2) indicated that if Section 112 applied to any Member, he or she was required to disclose that fact; and
- (3) gave the opportunity to any Member to disclose the fact that Section 112 applied to him or her and indicated that failure to disclose was also an offence.

No Members so declared.

Point of Order

Councillor McGinley raised a Point of Order regarding the reason for calling this special meeting of South Ayrshire Council; and the Head of Legal and Regulatory Services advised that this was not a Special meeting but had in fact been approved by Council at its meeting of 7 December 2023 when it had been decided to add an additional meeting to the timetable for consideration of the annual budget. Provost further advised that the reason for adding an additional meeting to the timetable for consideration of the budget was to ensure that the meeting did not last for over five hours, as had occurred in 2023 and that the other business for the agenda would be considered at the Council meeting of 6 March 2023.

Councillor McGinley then questioned why there was another item of business on the agenda if this meeting was agreed to consider the budget only; and the Head of Legal and Regulatory Services advised that this paper had been already continued to this date prior to the Council's decision to hold a second Council meeting on 6 March 2024 and additionally, following the statutory consultation, the proposals within the report, if approved, would come into force on 1 March 2024, therefore required to be considered by the end of February 2024; and that in future years the Council meeting would be to consider the budget only, in line with other local authorities.

Councillor McGinley raised a further Point of Order on why Formal Questions were not on the agenda as every Council meeting over the past five years had Formal Questions on the agenda, he had submitted time sensitive Formal Questions to the Chief Executive and they had not been presented at this meeting; and the Head of Legal and Regulatory Services advised that she had been of the understanding that the Chief Executive had advised members that the Formal Questions would be considered at the Council meeting on 6 March 2024. Councillor McGinley further advised that he did not think this was the correct decision, that this was a formal meeting of the Council and Members should have the opportunity to raise Formal Questions and them being denied from doing so was undermining good governance. The Head of Legal and Regulatory Services advised that the Council decision was that the meeting on Thursday 27 February 2025 would be set aside for the budget setting exercise and financial papers and the meeting on Wednesday 6 March 2024 and the existing meeting on Thursday 6 March 2025 for consideration of general Council business. Council therefore had agreed consideration of formal questions would take place at the Council meeting on 6 March 2024 as an item of general business. Additionally, no issues had been raised before the meeting to question this. The Head of Legal and Regulatory Services advised that she would discuss this approach with the leaders of the parties and the independents prior to next year's budget meeting.

3. Revenue Estimates 2024/25, Capital Estimates 2024/25 to 2035/36 and Carbon Budget 2024/25

There was submitted a [report](#) (issued) of 22 February 2024 by the Head of Finance, ICT and Procurement advising of the issues to be considered in setting revenue budgets for 2024/25, setting capital budgets for 2024/25 to 2035/36 and setting a Carbon Budget for 2024/25; and recommending that the Council

- (1) notes the funding proposal as outlined by the Deputy First Minister's letter of 19 December 2023 (attached as Appendix 1 to the report);

- (2) notes the requirements in relation to protecting Teacher numbers and learning hours as outlined in the letter from the Cabinet Secretary for Education and Skills of 12 February 2024 (attached as Appendix 2 to the report);
- (3) notes that the funding levels included within Finance Circulars 8/2023 and as revised in the draft Finance Order remain provisional until the Finance Order is approved in March 2024;
- (4) notes the additional funding provided to Councils as outlined in the letter from the Deputy First Minister and Cabinet Secretary for Finance of 21 February 2024 and that it was conditional on freezing Council Tax at 2023-24 levels (attached as Appendix 3 to the report);
- (5) presents and approves budget proposals for revenue and capital for 2024/25 taking account of the conditions of the settlement that required to be met and incorporating:
 - (a) planned net revenue expenditure on services for 2024/25;
 - (b) the level of reserves and fund balances held and contributions to/ from these;
 - (c) the appropriate Band D Council tax levy for 2024/25 and associated level of bad debt provision for non-collection of Council tax;
 - (d) the proposed capital programme for 2024/25 and beyond and associated debt charge implications; and
 - (e) consideration of the financial projections for 2025/26 to 2028/29;
- (6) notes the required remuneration for Basic Councillors and the Leader of the Council, as determined by The Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2024, and include appropriate budget provision for all Elected Member remuneration for 2024/25;
- (7) presents and approves proposals for Common Good budgets for 2024/25; and
- (8) presents a Carbon Budget for the period 2024/25 in support of the Council's policies on Climate Change.

Councillor Davis, seconded by Councillor Pollock, moved that the Council approve the General Services Revenue Budget 2024-25 and Capital Investment Programme 2024-25 to 2035-36 proposals of the [Conservative and Independent Members](#) (issued) and accept the recommendations at (1) to (8) above.

By way of Amendment, Councillor Grant, seconded by Councillor Dettbarn, moved that the Council approve the Capital Investment Programme 2024-25 to 2035-36 proposals of the [SNP Group](#) and accept the recommendations at (1) to (4) and (6) to (7) above.

By way of Counter Amendment, Councillor Saxton, seconded by Councillor Townson, moved that the Council approve the Revenue Budget 2024-25 and Capital Investment Programme 2024-25 to 2035-36 proposals of the [Labour Group](#) and accept the recommendations at (1) to (7) above.

Discussion took place in relation to the three budgets submitted including the challenges and substantial budget gaps the Council faced and the substantial amount of savings that required to be made over the next few years and the impact of this; the investments proposed within each of these budgets, especially in relation to sports and leisure; the Council's commitment to all five towns; the freeze on Council Tax; the Council's priorities; the excellent condition of the Council's buildings; the lack of rural housing; Town Centres and the need to increase footfall to these; the need for works on the Citadel to commence timeously; the waiting lists for social housing; the need for ambitious budgeting for the longer term; the proposal for charging for brown bin uplift being counterintuitive as people would no longer recycle their garden waste; thanking officers and Group Leaders for their work in compiling the three budgets; the consensus of all Groups that investment in all towns was required; the similarities in the revenue budgets; the need to protect staff and services; and the recent increase in council house rents.

Various Members referred to engagement between all political groups being welcomed and how advantageous it would be to agree one cross-party budget going forward.

Questions were raised by various Members and responded to:

- (i) by Councillor Davis advising that the four Members of the Independents had submitted the budget proposals with the Conservative Group;
- (ii) by the Assistant Director – Housing and Operations advising that the proposed £50 charge per household for emptying of the brown bins was to allow the Council to maintain this service as there was no legislative requirement for the Council to deliver this service; and that this would remain a four weekly collection with householders also able to book online or by telephone if they required their brown bin emptied between December and the end of February;
- (iii) by the Assistant Director – Housing and Operations in relation to the proposed charge for lost, stolen or damaged bins, who advised that this was an ongoing cost to the Council, that this charge was to allow the Council to provide the appropriate services and was also to bring this authority in line with other Local Authorities;
- (iv) by the Assistant Director – Housing and Operations in relation to the proposals for a £50 charge for emptying brown bins and the cost for replacing lost, stolen or damaged bins and whether these proposals had been means tested to protect those most vulnerable; when he advised that a great deal of work had been carried out on this matter through the Waste Managers' Network which comprised officers from all Scottish Local Authorities, that this was one of the major topics for discussion with over half of Scottish Local Authorities now charging for brown bins to be emptied; and that the vast majority of Local Authorities did not carry out means testing, however, this could be examined to ascertain if this was feasible for future years;
- (v) by the Assistant Director – Housing and Operations in relation to whether the charge was £50 per household or £50 per bin, when he advised that the model was built on every household having one bin, however, if any household had more than one bin they would require to pay an additional £50 for each additional bin;
- (vi) by the Assistant Director – Housing and Operations in relation to whether home owners who were subject to having bins stolen were expected to bear the burden of this; when he advised that if a household or area was having a specific issue regarding continual damage, vandalism or theft, it would not be appropriate to charge them on every occasional a bin was stolen or vandalised, however, where there was no pattern, the charge would be levied;

- (vii) by the Assistant Director – Housing and Operations in relation to those householders who did not wish to make use of this service; when he advised that the option still existed for people to take their garden waste to the recycling centre free of charge and that householders would be signposted to Zero Waste Scotland on how to carry out home composting, however, there was no obligation to undertake this;
- (viii) by the Assistant Director – Housing and Operations in relation to how the payments would be made; when he advised that householders could pay online or by telephone with it hoped that the system would be rolled out by 15 July 2024 following advertisements by the Comms Team which would also advise that there would be no change to the collection dates;
- (ix) by Councillor Davis in relation to the Hourstons Development and whether the £22m allocated for this would be match funded by the Health and Social Care Partnership (H&SCP), whether it could continue to be rolled out without the match funding and if this project could be delayed until it was known if match funding was being provided; when he responded that this would be a matter for the Health and Social Care Partnership to respond to, that this development was included within all three capital budgets presented to Council at this meeting and that works required to be undertaken in the town centre. The Chief Executive further advised that officers were working on plans for the Hourstons site in conjunction with NHS and H&SCP colleagues, however, plans were at an early stage and officers were mindful that they were working with the £22m fund and that, in terms of future developments, these would require to be submitted when available funding was in place to progress;
- (x) by Councillor Davis in relation to whether the Administration’s plan allowed for other options for the Hourstons site and he advised that the current plan was for the H&SCP to utilise this site, however, capital plans were flexible and should any issues arise, this plan may require to take another direction. The Director of Health and Social Care further advised that work was ongoing to develop the scheme for Hourstons examining accommodation for the H&SCP, that the NHS was aware of this work, had agreed to it as a feasibility study at this stage; and that there were no costings at the moment as further discussions required to take place;
- (xi) by the Director of Housing and Operations in relation to whether the home composting bins would incur a cost for residents; and he advised that, as there was no budget set aside for compost bins, there would be a cost to residents for these;
- (xii) by Councillor Saxton in relation to the Labour Group proposals for hydro energy production at South Harbour area who advised that this was currently a proposal however, investigative works would require to be undertaken to ascertain if this was viable in this area;
- (xiii) by Councillor Davis in relation to the proposed works at the old Hourstons building and whether the Administration would agree to defer the commencement of works to ascertain if a contribution would be provided by the NHS, when he advised that it would be desirable to have this project completed as soon as possible, however, this could be reviewed within the quarterly report to Cabinet on the capital spend when projects could be reprofiled due to funding or supply issues and therefore, other projects started earlier;
- (xiv) by Councillor Saxton in relation to the proposed hydro electric scheme in the Labour budget proposals and whether there had been consideration of the environmental impact, costs and the possible energy produced, when he had advised that monies had been set aside in the budget proposals to ascertain the advantages of a hydro electric system at South Harbour, however, this could be sited elsewhere should it not be suitable at South Harbour and that this was a positive step towards net zero;

- (xv) by Councillor Dowey in relation to monies in the administration budget for Prestwick and whether these monies would be utilised for the Freemans Hall and to reinstate the Steeple at the Freemans Hall, when he confirmed that monies were set aside for this purpose and that officers would progress this matter;
- (xvi) by Councillor Townson in relation to why the Labour Group had voted for the SNP Group budget in 2023 which included charging for the emptying of brown bins when the Labour Group stated that they were against this charge, when he advised that he was now Leader of the Labour Group and would not support this charge;
- (xvii) by the Director of Strategic Change and Communities in relation to the increase in golf fees and the funding within the budget for Belleisle Golf Course, when she advised that part of the Council's Golf Strategy was the development of golf courses to generate additional income by increasing costs to play at these golf courses and that an area for further development was the creation of a golf driving range and a training area for young people to attract them to play golf; and that the money allocated was to allow the Council to carry out an options appraisal to identify potential business benefits, in line with the proposals in the approved Golf Strategy. Councillor Connolly further advised that the Strategy had been compiled by a cross-party Member/Officer Working Group;
- (xviii) by the Chief Executive in relation to the consultant's report regarding the condition of the Citadel Leisure Centre, when he advised that he would circulate the most up-to-date report to all members;
- (xix) by the Director of Strategic Change and Communities in relation to the plan for the Citadel, when she advised that extensive condition surveys had been carried out by specialists following concerns regarding the fabric of the building to have a good understanding of the condition of the building; that initial plans had been drawn up which had been shared with the Council Leader; and that it was hoped not to close the Citadel during works to maintain services for users; and
- (xx) by the Director of Housing, Operations and Development regarding road resurfacing works when he advised that he was currently compiling a road resurfacing plan which would be submitted to Cabinet for approval in April 2024.

Point of Order

Following a Point of Order from Councillor Dowey in relation to comments made by Councillor Saxton on The Citadel, Councillor Saxton apologised for his comments.

A Member requested a roll-call vote.

Prior to undertaking the vote, a Member requested clarification as the SNP Group had submitted a Capital Investment Programme but no Revenue Budget; and the Head of Finance, ICT and Procurement advised that the SNP Group would require to accept one of the Revenue Budgets, either the Conservative and Independent Group or Labour Group Revenue Budget. Councillor Grant then requested an adjournment to discuss this matter with his Group members.

Adjournment

The time being 11.35 a.m., the Council adjourned for 10 minutes.

Resumption of Meeting

The Council resumed at 11.45 a.m.

Following the adjournment, Councillor Grant confirmed that the SNP Group would be supporting the Labour Group Revenue Budget.

Following a question from a Member, the Head of Finance, ICT and Procurement advised that, as the SNP Group had agreed to support the Labour Group Revenue Budget, this vote was for the SNP Group Capital Budget against the Labour Group Capital Budget only and that, following this vote, the Group with the most votes would be voted against the Conservative and Independent Group Budget.

In accordance with the terms of the Council's Standing Orders, the Council then firstly proceeded to vote on the terms of the Counter-Amendment moved by Councillor Saxton and seconded by Councillor Townson and the Amendment moved by Councillor Grant and seconded by Councillor Dettbarn.

The Head of Legal and Regulatory Services took the vote by calling the roll as follows:-

Iain Campbell	Abstain
Mary Kilpatrick	Abstain
Kenneth Bell	Abstain
Laura Brennan-Whitefield	Amendment
Ian Cavana	Counter Amendment
Alec Clark	Abstain
Ian Cochrane	Amendment
Brian Connolly	Abstain
Chris Cullen	Amendment
Ian Davis	Abstain
Julie Dettbarn	Amendment
Mark Dixon	Abstain
Martin Dowey	Abstain
Stephen Ferry	Abstain
William Grant	Amendment
Hugh Hunter	Counter Amendment
Martin Kilbride	Abstain
Alan Lamont	Abstain
Lee Lyons	Abstain
Craig Mackay	Amendment
Brian McGinley	Counter Amendment
Bob Pollock	Abstain
Cameron Ramsay	Counter Amendment
Philip Saxton	Counter Amendment
Gavin Scott	Abstain
Bob Shields	Abstain
Duncan Townson	Counter Amendment
George Weir	Amendment

Six Members voted for the Counter-Amendment and seven Members voted for the Amendment with fifteen Members abstaining. The Amendment was accordingly declared to be carried and became the substantive Amendment.

The Council then proceeded to vote on the terms of the Motion moved by Councillor Davis and seconded by Councillor Pollock and the substantive Amendment moved by Councillor Grant and seconded by Councillor Dettbarn.

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

Iain Campbell	Motion
Mary Kilpatrick	Motion
Kenneth Bell	Motion
Laura Brennan-Whitefield	Amendment
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Amendment
Brian Connolly	Motion
Chris Cullen	Amendment
Ian Davis	Motion
Julie Dettbarn	Amendment
Mark Dixon	Abstain
Martin Dowey	Motion
Stephen Ferry	Motion
William Grant	Amendment
Hugh Hunter	Motion
Martin Kilbride	Motion
Alan Lamont	Motion
Lee Lyons	Motion
Craig Mackay	Amendment
Brian McGinley	Amendment
Bob Pollock	Motion
Cameron Ramsay	Amendment
Philip Saxton	Amendment
Gavin Scott	Motion
Bob Shields	Motion
Duncan Townson	Amendment
George Weir	Amendment

Twelve Members voted for the Amendment, fifteen voted for the Motion and one Member abstained and the Council, having thanked all officers involved in the budget setting process,

Decided: to accept the recommendations in the report by the Head of Finance, ICT and Procurement and to approve the proposals of the Conservative and Independent Members.

4. **Review of Polling Arrangements**

There was submitted a [report](#) (issued) of 16 February 2024 by the Chief Executive seeking approval of the scheme of polling arrangements for parliamentary and local elections following review.

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

Questions were raised by Members in relation to:

- (1) an alternative site for the election count, should the Citadel be undergoing renovation works; and the Chief Executive advised that it was hoped to undertake the count in the Citadel, however Queen Margaret Academy was the alternative property should works be taking place at the Citadel;

- (2) parking at Kyle Academy; and the Service Lead – Property Maintenance advised that a member of his staff would be in attendance from the opening of the poll until the end of the school day which occurred at all schools; and
- (3) where the voters who previously voted at the former John Pollock Centre would now vote; and the Service Lead – Democratic Governance advised that this was outlined on the plan attached to the report.

The Council, having thanked the Service Lead – Democratic Governance and Service Lead – Property Maintenance for the work undertaken on this matter,

Decided:

- (a) to approve the scheme of polling arrangements for parliamentary and local elections as detailed in [Appendix 1](#) to the report;
- (b) to agree to the publication of the polling arrangements and the responses to the Consultation; and
- (c) to grant delegated authority to the Chief Executive, in his role as Returning Officer, to amend the scheme of polling arrangements for parliamentary elections in the event of unforeseen circumstances, where such amendments, if not made, would impede the process of voting for electors.

6. Closing Remarks.

The Provost thanked all in attendance for their attendance and contribution.

The meeting ended at 12.05 p.m.