

SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 6 March 2024 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, 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 and George Weir.

Present Remotely: Councillors Ian Cochrane, Chris Cullen and Mark Dixon.

Attending in County Buildings: M. Newall, Chief Executive; J. Bradley, Director of Strategic Change and Communities; K. Braidwood, Director of Housing Operations and Development; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; K. Dalrymple, Assistant Director – Housing and Operations; P. Bradley, Service Lead – Professional Design Services; K. Briggs, Service Lead – Legal and Licensing; C. Neillie, Solicitor; J. McClure, Committee Services Lead Officer; and E. Moore, 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.

3. Minutes of previous meetings

(1) Minutes of Previous Meetings of the Council.

- (a) Provost Iain Campbell, seconded by Councillor Mary Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 7 December 2023 as a correct record.

The Council

Decided: to approve the Minutes of 7 December 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 of 17 January 2024 as a correct record.

The Council

Decided: to approve the Minutes of 17 January 2024 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 [8 November 2023](#), [6 December 2023](#) and [24 January 2024](#).
- (ii) Cabinet of [28 November 2023](#), [16 January 2024](#).

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 16 January 2024 entitled "Treasury Management and Investment Strategy Mid-Year Report 2023/24".

The Council

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

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 14 February 2024 entitled "Procurement Strategy Update 2024/25".

The Council

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

- (iii) Local Review Body of [7 November 2023](#)
- (iv) Regulatory Panel – Licensing of [30 November 2023](#) and [18 January 2024](#).
- (v) Regulatory Panel – Planning of [7 November 2023 \(Special\)](#), [16 November 2023](#), [6 December 2023](#) and [1 February 2024](#).
- (vi) Service and Partnerships Performance Panel of [21 November 2023](#).

4. Review of the Byelaws Prohibiting the Consumption of Alcohol in Designated Public Places

There was submitted a [report](#) (issued) of 27 February 2024 by the Head of Legal and Regulatory Services advising the Council of the outcome of the review of the current South Ayrshire Council (Prohibition of the Consumption of Alcohol in Designated Places) Byelaws 2013 and seeking approval of new draft byelaws in relation to the consumption of alcohol in designated public places.

Councillor Martin Dowey, seconded by Councillor Ian Davis, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:

- (1) whether there were exclusion zones, eg fields; and the Service Lead – Legal and Licensing advised that the prohibition of drinking alcohol only applied to designated public spaces;
- (2) the omission of Croy from the list of prohibited areas; and the Solicitor advised that the Scottish Government had advised that the prohibition should only relate to urban areas and should not be authority wide. The Service Lead – Legal and Licensing further advised that Croy had never been raised on previous occasions as an area to be designated, however, should Members wish to include Croy, the list would require to be amended and re-submitted to Council for approval; and
- (3) whether objections to the proposals were expected; and the Solicitor advised that it was not known if objections would be received however, no objections had been submitted during the introduction of this legislation or during the previous review and that the byelaws were not changing significantly.

Comments were made by Members that this legislation was very useful, however, Croy should not be included on the list as there were other types of small areas not included throughout South Ayrshire; and that, had Police Scotland had difficulties with these areas, this would have been raised during the consultation process.

The Council, having thanked the Service Lead – Legal and Licensing and her staff for the work undertaken on this matter,

Decided:

- (1) to approve the new draft byelaws, as outlined in Appendix 2 to the report, to be known as the ‘South Ayrshire Council (Prohibition of the Consumption of Alcohol in Designated Places) Byelaws 2024’;
- (2) to approve the publication of a notice of the Council’s intention to apply to the Scottish Government for confirmation of the new byelaws;
- (3) to seek confirmation in respect of those byelaws from the Scottish Government;
- (4) to approve advertisement of the date the new byelaws coming into effect, once the new byelaws had been confirmed by the Scottish Government;
- (5) to revoke the existing byelaws known as the ‘South Ayrshire Council (Prohibition of the Consumption of Alcohol in Designated Places) Byelaws 2013’ at 11.59 pm on the day prior to the new byelaws coming into effect; and
- (6) to approve the work to be undertaken to promote awareness of the new byelaws.

5. Treasury Management and Investment Strategy 2024/25

There was submitted a [report](#) (issued) of 27 February 2024 by the Head of Finance, ICT and Procurement requesting that Members consider the proposed Treasury Management and Investment Strategy for financial year 2024/25.

Councillor Ian Davis, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Comments were made by a Member in relation to the detailed training provided to Members on Treasury Management which allowed members to have the information and knowledge required to scrutinise Treasury Management reports; and that it was important for all Members to have an understanding of this area of finance.

The Council

Decided: approve the draft Treasury Management and Investment Strategy for 2024/25 (attached as Appendix 1 to the report).

6. **Formal Question.**

In terms of Council Standing Order No. 26.2, there were submitted [Formal Questions](#) from Councillors William Grant, Duncan Townson, Brian McGinley Philip Saxton and Craig Mackay, along with the responses which were made available to all Members.

Following a comment from Councillor Mackay that he had submitted five Formal Questions and only two had been responded to within the papers, he requested an adjournment for the responses to be provided.

Adjournment

The time being 10.30 a.m., the Council adjourned for five minutes.

Resumption of Meeting

The Council resumed at 10.35 a.m.

Following the resumption of the meeting, the Head of Legal and Regulatory Services advised that all five responses to Councillor Mackay's questions were included within the papers and that the Council could now proceed.

In relation to the responses received to his questions, Councillor Townson outlined that it was interesting to note the footfall during the period of free parking and the increase in footfall during the January sales.

Councillor McGinley raised supplementary questions in relation to:-

- (1) his question 1 regarding a Plan B for the Arran Mall site and asked, given that the Health and Social Care Partnership was subject to potential national agency reformation, how would that affect the Care Village in terms of ownership and would Council monies be spent on something that belongs to someone else; and Councillor Dowey advised that he would respond to Councillor McGinley in writing.

Declaration of Interest

As Councillor McGinley's next supplementary question was in relation to the Station Hotel, Ayr, Councillor Ferry declared an interest in this matter in terms of Standing Order No. 17 and the Councillors' Code of Conduct and left the meeting during discussion thereof.

- (2) his question 2 regarding works undertaken at the Station Hotel since the fire and asked whether any bills had been paid from Council coffers to these contractors; and the Chief Executive advised that they had.

Councillor Ferry re-joined the meeting at this point.

Councillor Saxton advised that, as his question related to a report later on the agenda, he would raise his supplementary question at that time.

Councillor Mackay raised supplementary questions in relation to:-

- (1) his question 1 on school streets and why the two schools in his ward had not been contacted regarding road safety improvements being undertaken when schools in Ayr had been contacted; and the Director of Housing, Operations and Development advised that he would respond to Councillor Mackay in writing;
- (2) his question 2 on a constituent's boundary wall when he asked for an agreed timetable to be put in place for responding to enquiries, while accepting that complex issues would take longer than routine ones; and the Chief Executive advised that he would discuss this matter with officers and respond to Councillor Mackay in writing; and
- (3) his question 4 regarding Advisory Disabled Bays and complaints he had received from constituents regarding non-blue badge holders using disabled bays and the enforcement of this; and whether it was acceptable to disadvantage blue badge holders in this way; and the Director of Housing, Operations and Development advised that he would respond to Councillor Mackay in writing.

In response to Councillor Mackay's question regarding the responses to his Formal Questions not providing ample detail, the Head of Legal and Regulatory Services advised that Standing Order No. 26.4 outlined that, arising from each answer given, one supplementary question, for clarification of the answer given, may be put by the Councillor who asked the original question; and that this question was not a supplementary question to the Formal Question asked, however, she would discuss this matter with Councillor Mackay outwith this meeting.

Exclusion of press and public.

Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved that the remaining items of business on the agenda be considered in private.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Panel moved to a vote undertaken for or against the Motion. Twenty two Members voted for the Motion, three Members voted against the Motion and three Members Abstained and the Council

Decided: to agree to consider the remaining items 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 items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1, 6 and 13 of Part 1 of Schedule 7A of the Act.

7. **Affordable Housing Proposals, Riverside Place, Ayr**

There was submitted a report (Members only) of 29 February 2024 by the Director of Housing, Operations and Development presenting two proposals to Council for consideration for affordable housing at Block 1 Riverside Place, Ayr.

Councillor Martin Kilbride, seconded by Councillor Lee Lyons moved Option 1 as the preferred option and the recommendations as outlined in the report.

Discussion took place in relation to Best Value, the consultation responses, the consensus of Councillors on the way forward, the very detailed report and the reasons for the report being confidential.

Following a question on Members being regularly updated on this matter, the Head of Legal and Regulatory Services advised that she would update Members by way of the monthly Bulletin.

In terms of Standing Order No. 21.1(2), Councillor Bob Pollock, seconded by Councillor Stephen Ferry moved that the Council Move to Vote.

Having heard the Head of Legal and Regulatory Services outline the terms of Standing Order No. 21.1(2), Councillor Brian McGinley advised that Councillor Pollock had not quoted "that the question be now put" as outlined in the Standing Orders, therefore, discussions continued.

Councillor Brian McGinley, seconded by Councillor Philip Saxton moved Option 1 as the preferred option, the recommendations as outlined in the report and the addition of an additional recommendation as follows:

"that the Council agrees to instruct an independent investigation, the Chief Executive shall determine who, into the following matters:-

- Why the Council decisions of 2019 and 2022 were not implemented ;
- The reasons why discussion with EE were delayed and inconclusive ; and
- How much the delay has cost in respect of the HRA funds over this period.

and to report back to Council once complete."

The Chief Executive advised that, as Internal Audit had carried out an investigation, he did not see any requirement for this additional recommendation.

Adjournment

The time being 11.20 a.m., the Council adjourned for twenty minutes to allow Councillor Saxton to consider his Amendment and to put it into writing.

Resumption of Meeting

The Council resumed at 11.40 a.m.

Following a vote, eleven Members voted for the Amendment and seventeen for the Motion which was accordingly declared carried and the Council, having considered the options as outlined in the report in terms of best value for the Council and Council tenants, in regard to the Council's Housing Revenue Account (HRA) and having considered the financial implications of both options presented,

Decided:

- (1) to note that Option 1 was the preferred option as it represented best value in accordance with the assessment and criteria summarised at 4.21 of the report;
- (2) to agree that Option 1 be pursued by officers as the preferred option;
- (3) to authorise officers to conclude negotiations with the telecommunications company for early termination of the lease of the telecommunications mast on Block 1, Riverside Place, Ayr in accordance with decision (2) above;
- (4) to approve the recommendations in the Addendum (confidential) to this report; and
- (5) to note that a further report would be brought to Council in June 2024 confirming the outcome of the negotiations with the telecommunications company, the timescales associated with the removal of the mast and any subsequent tender process.

8. Shaping Our Future Council

There was submitted a report (Members only) of 29 February 2024 by the Chief Executive seeking approval for proposals to take forward the Council's approach to Shaping Our Future Council.

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

Discussion took place in relation to the Best Value Audit, timescales, advertising of posts, Succession Planning, the proposed Transformation Board and the updating of Members on the progress of the Transformation Board when the Depute Chief Executive and Director of Education advised that six monthly updates would be submitted to Cabinet.

The Council, having thanked the Chief Executive and Depute Chief Executive and Director of Education for the work undertaken on this matter,

Decided:

- (1) to note the recommendations made in the recent Audit Scotland report on Best Value in South Ayrshire Council;
- (2) to approve the Council approach to developing self-evaluation practice and performance reporting, including engagement with the Improvement Service to support this work (as outlined in Appendix 1a/ 1b to the report);
- (3) to approve an enhanced leadership and management structure to improve the leadership capacity required to drive sustainable change as set out in Appendix 2 to the report;

- (4) to approve the establishment of a Transformation Board focused on four key transformation priorities as set out in Appendix 3 to the report:
 - a. • Our Workforce;
 - b. • Our Technology;
 - c. • Our Assets; and
 - d. • Our Delivery Model;
- (5) to approve the governance and financial proposals for the Transformation Board as outlined in section 4 and detailed in the Terms of Reference at Appendix 4 to the report;
- (6) to approve the transfer of the balance of uncommitted sums of £0.975m currently held in the Efficiency and Improvement Fund to augment the newly established Transformation Fund; and
- (7) to agree that a report be brought to Cabinet by the end of October 2024 detailing progress across the Shaping Our Future Council approach.

9. Consideration of Disclosure of the above confidential reports.

(1) Affordable Housing Proposals, Riverside Place, Ayr

Following advice from the Head of Legal and Regulatory Services, Councillor Hunter, seconded by Councillor Townson, moved that part of the above report be disclosed.

Decided: in terms of Standing Order No. 32.4, to authorise the disclosure of part of the above report,

(2) Shaping Our Future Council

Following advice from the Chief Executive, Councillor Dowe, seconded by Councillor Lyons, moved that the above report be disclosed.

Decided: in terms of Standing Order No. 32.4, to authorise the disclosure of the above report,

The meeting ended at 12.20 p.m.