

County Buildings
Wellington Square
AYR KA7 1DR
Tel. No. 01292 612169

3 October 2024

Dear Councillor

SOUTH AYRSHIRE COUNCIL

You are requested to participate in a meeting of South Ayrshire Council to be held **on Thursday 10 October 2024 at 10.00 a.m.** for the purpose of considering the undernoted business.

This meeting will be held in the County Hall, County Buildings, Ayr on a hybrid basis for Elected Members, will be live-streamed and available to view at <https://south-ayrshire.public-i.tv/>

Yours sincerely

CATRIONA CAVES
Chief Governance Officer

B U S I N E S S

1. Provost.
2. Sederunt and Declarations of Interest.
3. Minutes of meetings of the Council and Panels.

(a) Minutes of previous meetings.

Submit for approval as a correct record and authorise to be signed:-

- (i) 21 June 2024; and
- (ii) 19 August 2024 (Special).

(b) Minutes of Panels.

The minutes (copies previously issued) of the undernoted meetings are for noting:-

- (i) Appeals Panel of [9 May 2024](#), and [10 May 2024](#)
- (ii) Audit and Governance Panel of [29 May 2024](#), [26 June 2024](#) and [4 September 2024](#).
- (iii) Cabinet of [21 May 2024](#), [18 June 2024](#) and [27 August 2024](#).
- (iv) Local Review Body of [30 April 2024](#) and [25 June 2024](#).
- (v) Regulatory Panel – Licensing of [2 May 2024 \(Special\)](#), [15 May 2024 \(Special\)](#), [23 May 2024](#), [12 June 2024 \(Special\)](#), [20 June 2024](#), [29 August 2024](#) and [5 September 2024 \(Special\)](#).

(vi) Regulatory Panel – Planning of [3 June 2024](#) (Site Visit) and [6 June 2024](#)

(vii) Service and Partnerships Performance Panel of [11 June 2024](#) and [20 August 2024](#).

4. Appointments to Panel – Submit report by Chief Governance Officer (copy herewith).
5. Live Webcasting of Meetings – Submit report by Chief Governance Officer (copy herewith).
6. Standing Orders Relating to Contracts – Submit report by Chief Financial Officer (copy herewith).
7. Treasury Management Annual Report 2023/24 – Submit report by Chief Financial Officer (copy herewith).
8. Local Development Plan 3 Governance Arrangements and Planning Liaison Group – Submit report by Director of Housing, Operations and Development (copy herewith).
9. Proposed Ward Capital Projects – Update 2023 to 2025 and Approval of New Capital Projects 2024 to 2026 – Submit report by Director of Housing, Operations and Development (copy herewith).
10. Notice of Motion

(a) Moved by Councillor Julie Dettbarn, seconded by Councillor Laura Brennan-Whitefield:

“Council notes that:

- In the 1995 Pensions Act, the Government increased State Pension age for women from 60 to 65, with a further increase to 66 in the 2011 Pensions Act.
- This change was not properly communicated to 3.8m women born in the 1950s until 2012, giving some only one year's notice of a six year increase in their anticipated retirement age. Approximately 6,000 of the affected women are in the Central Ayrshire constituency alone which includes Troon, Prestwick and Kyle. We can deduce that there will be at least similar numbers in the Ayr, Carrick & Cumnock constituency which covers the remainder of South Ayrshire.
- The Parliamentary and Health Service Ombudsman (PHSO) has found that the Department for Work and Pensions was guilty of maladministration in its handling of the State Pension Age increase for women born in the 1950s.
- The All Party Parliamentary Group on State Pension Inequality for Women has concluded that “the impact of DWP maladministration on 1950s-born women has been as devastating as it is widespread. The APPG believes that the case for Level 6 compensation is overwhelming and clear given the scale of the injustice”.
- Research commissioned by campaign group WASPI has found that by the end of 2022, more than 220,000 1950s born women will have died waiting for justice since the WASPI campaign began in 2015.
- The PHSO has recommended a Level 4 pay-out, which falls between £1,000 and £2,950 to symbolise the "significant" and "lasting impact" experienced by many women. However, given that the average individual loss is IRO £50,000 this level of compensation is inadequate. This motion supports the position of the All Party Parliamentary Group in calling for Level 6 compensation which would result in a pay-out of between £10,000 - £20,000.

Council believes this injustice has had a profound effect on the individuals involved, on the wider community in South Ayrshire, and on local government, not least because:

- Our local economy is negatively affected by the reduced spending power and disposable income the uncommunicated State Pension Age changes has brought about among women born in the 1950s.
- There is a broader impact on voluntary services of all kinds locally, which are missing out on able, active volunteers who would otherwise have been able to retire from full-time work as planned.
- Women who would have retired and engaged in caring responsibilities for grandchildren, other family members etc are having to continue working – with a knock-on effect for Council services.
- Women who have been left in poverty are struggling to meet their housing costs.

Council supports:

- The conclusion of the All Party Parliamentary Group on State Pension Inequality that women born in the 1950s have suffered a gross injustice, affecting their emotional, physical and mental circumstances in addition to causing financial hardship.
- A swift resolution to this ongoing injustice before more women die waiting for compensation.
- An immediate Level 6 compensation payment to those affected, with the most going to women who were given the shortest notice of the longest increase in their state pension age.

Council requests:

- The Chief Executive to write to the Secretary of State for Work and Pensions, the Chancellor of the Exchequer and the Prime Minister to outline the effects of the injustice to 1950s women and on the community of South Ayrshire and to request their support for an immediate Level 6 compensation package and that this be addressed in the new Government's first Budget on 30th October."

11. Formal Questions.

For more information on any of the items on this agenda, please telephone Janice McClure, Committee Services on at 01292 612169, at Wellington Square, Ayr or
e-mail: janice.mcclure@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

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SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 21 June 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, Mark Dixon, Martin Dowe, William Grant, Hugh Hunter, Martin Kilbride, Mary Kilpatrick, Alan Lamont, Lee Lyons, Bob Pollock, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson and George Weir.

Present Remotely: Councillors Ian Cochrane, Stephen Ferry and Craig Mackay.

Apology: Councillor Brian McGinley.

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, Chief Governance Officer; T. Baulk, Chief Financial Officer; L. Kerr, Service Lead – Destination South Ayrshire; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; K. Hancox, Committee Services Officer; R. Anderson, Committee Services Assistant; and C. McCallum, Committee Services Assistant.

Attending Remotely: K. Dalrymple, Assistant Director – Housing and Operations.

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 apologies had been received from Councillor McGinley; and
- (3) advised that he had written, on the Council's behalf, to express the Council's warmest congratulations to the following who had received Honours in the King's Birthday Honours List:
 - (i) Dr Ann Wilson Moulds of Ayr who received a CBE for services to the victims of stalking; and
 - (ii) Robert Stanley Lawrence Woodward of Maybole who received a CBE for services to Public Sector Development.

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) The Chief Governance Officer advised that a matter had been raised with her regarding page 6, paragraph (xvi) in the Minutes of 29 February 2024 when the third line should read “when he advised that the Labour budget had not included the charge for emptying brown bins and he was now Leader of the Labour Group and would not support this charge”

Provost Iain Campbell, seconded by Councillor Mary Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 29 February 2024 as a correct record subject to the amendment as outlined above.

The Council

Decided: to approve the Minutes of 29 February 2024 subject to the above amendment 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 6 March 2024 as a correct record.

The Council

Decided: to approve the Minutes of 6 March 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 [22 February 2024](#) and [20 March 2024](#).
- (ii) Cabinet of [14 February 2024](#), [12 March 2024](#) and [23 April 2024](#)
- (iii) Chief Officers Appointments/Appraisal Panel of [17 October 2023](#), [9 November 2023](#) and [17 April 2024](#).
- (iv) Local Review Body of [20 February 2024](#) and [19 March 2024](#)
- (v) Regulatory Panel – Licensing of [15 February 2024](#), [14 March 2024](#) and [25 April 2024](#).
- (vi) Regulatory Panel – Planning of [28 February 2024](#), [22 March 2024](#), [28 March 2024](#), [30 April 2024](#) and [9 May 2024](#).
- (vii) Service and Partnerships Performance Panel of [9 January 2024](#), [5 March 2024](#), [16 April 2024](#) and [14 May 2024](#).
- (viii) Ayrshire Shared Services Joint Committee of [9 June 2023](#), [1 September 2023](#), [1 December 2023](#) and [1 March 2024](#)

4. **Schedule of Meetings**

There was submitted a [report](#) (issued) of 13 June 2024 by the Chief Governance Officer seeking approval of a proposed timetable of meetings from August 2025 to June 2026.

The Chief Governance Officer referred to a typographical error within the timetable of meetings where the Local Review Body of Tuesday 9 September 2025 should be deleted.

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

The Council

Decided:

- (1) to approve the timetable of Council, Cabinet and Panel meetings from August 2025 to June 2026 as detailed in Appendix 1 to the report subject to the amendment as outlined above; and
- (2) to request the Chief Governance Officer to submit a timetable of meetings from August 2026 onwards to a future meeting of the Council.

5. **Audit and Governance Panel – 2023/24 Annual Report**

There was submitted a [report](#) (issued) of 13 June 2024 by the Chief Financial Officer providing the Audit and Governance Panel annual report for 2023/24, attached as Appendix 1 to the report.

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

Councillor Dettbarn, as Chair of the Auditor and Governance Panel welcomed this report; outlined that it was important that the Panel presented this report and was held accountable by the Council; thanked the relevant officers for their support; referred to the Panel's journey of continuous improvement and outlined that all training and briefings requested had been carried out timeously which had been beneficial to the Panel; advised that, along with the Vice-Chair, she had met with the external auditors which had been beneficial and that future meetings with the external auditors would include all Panel members; and thanked all Panel Members for their contributions over the past year.

Comments were made by Members in relation to:

- (1) the positive feedback received from the annual survey, however, the number of Members who had responded was disappointing; and
- (2) thanking the relevant officers and the Members of the Audit and Governance Panel for the work undertaken over the past year.

The Council, having considered the Audit and Governance Panel annual report for 2023/24,

Decided: to approve the report.

6. **Financial Regulations Review**

There was submitted a [report](#) (issued) of 13 June 2024 by the Chief Financial Officer seeking approval of the revised Financial Regulations following review.

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

A comment was made by a Member in relation to welcoming that the report specified what the Transformation Budget was utilised for; and a question was raised asking why there had been an increase in the Transformation Budget from £50,000 to £100,000 that the Chief Executive could allocate; and the Chief Financial Officer advised that this was due to inflation and also bringing this budget in line with other matters within the document.

The Council

Decided: to approve the revised Financial Regulations, as outlined at Appendix 1 to the report, to be effective from 22 June 2024

7. **Notices of Motion**

In accordance with Council Standing Order No. 18, three Notices of Motion were submitted.

- (1) Submitted by Councillor Chris Cullen, seconded by Councillor Hugh Hunter, as follows:

“After over 30 years of success the historical Ayr Holy Fair was dropped from the Council’s events programme with no consultation having taken place with elected members or the general public. What was a renowned traditional family event that attracted thousands to the town, has been unceremoniously dropped.

While the longstanding event may have been replaced by the Summer Family Festival, this in no way conveys the history and tradition of the event. Council requests the Chief Executive to reverse the name change and bring back the historic Holy Fair to the Low Green for future years.”

Councillor Laura Brennan-Whitefield, seconded by Councillor William Grant, moved as an Amendment:

“To change the name of the event taking place on 22 June 2024 under the name “Summer Family Fest with Armed Forces and Pipes in the Park” to “Summer Family Festival with the Holy Fair, Armed Forces and Pipes in the Park” going forward in future years.”

Adjournment

The time being 10.25 a.m. the Council adjourned for ten minutes.

Resumption of Meeting

The Council resumed at 10.35 a.m.

Following the adjournment, Councillor Laura Brennan-Whitefield, seconded by Councillor William Grant, edited their Amendment as follows:

“To agree that the leaders of the parties, a representative agreed by the independents and the relevant Portfolio Holder meet to agree the name of the 2025 event taking cognisance of the historic traditions of the name Holy Fair and the Armed Forces whilst recognising the event should be inclusive of non-secular members of the public and report back to Council with this proposal.”

Councillors Cullen and Hunter, as the Mover and Seconder of the Motion agreed to accept the terms of the edited Amendment above which then became the Substantive Motion.

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

Decided: unanimously to agree the terms of the Substantive Motion as follows:-

“To agree that the leaders of the parties, a representative agreed by the independents and the relevant Portfolio Holder meet to agree the name of the 2025 event taking cognisance of the historic traditions of the name Holy Fair and the Armed Forces whilst recognising the event should be inclusive of non-secular members of the public and report back to Council with this proposal.”

Provost advised that, in order to consider the following Motion, as this referred to a decision taken within the last six months the Council would, in accordance with Standing Order No. 22.1, require to agree to do so by a two thirds majority of those present and voting.

- (2) Submitted by Councillor Chris Cullen, seconded by Councillor Duncan Townson, as follows:

“Brown bin charge reversal - since the passing of the budget the lack of public support for this taxation has been widespread throughout all local media channels and my own inbox. This motion calls for Council to request that the Chief Executive bring forward one or more replacement saving proposals to Council in October in order to scrap the previously approved brown bin charges savings proposal going forward.”

Point of Order

A point of order was raised by Councillor Martin Dowe regarding the competence of this Motion as the Council was in the period of purdah, therefore it was not appropriate for this Motion to be on the agenda; and the Chief Governance Officer advised that the Council was able to continue with its business during the pre-election period.

Point of Order

Councillor Julie Dettbarn raised a point of order stating that she had been advised that she could not submit a Notice of Motion due to the pre-election period; and the Chief Governance Officer noted this and advised that she would take this forward.

A Member requested a roll-call vote and this was agreed by Provost. Another Member subsequently advised that the Chief Governance Officer had commenced the vote, therefore a roll-call vote could not take place and the Chief Governance Officer agreed that this was the case.

On a vote being taken by electronic means, twelve Members voted in favour of Suspending Standing Orders, fifteen Members voted against Suspending Standing Orders and, therefore, in terms of Standing Order No. 21.1(5), the following Motion could not be considered as a two thirds majority was not achieved.

- (3) Submitted by Councillor Chris Cullen, seconded by Councillor William Grant, as follows:

“The A77 runs alongside and through 7 out of South Ayrshire’s 8 wards. Each of these wards experience different consequences from issues both rural and urban, relating to this Major Arterial Route. Currently there is an A75/A77 Lobbying Action Group which is attended at present by two administration councillors.

This motion calls on Council to adjust the South Ayrshire Council membership in the A75/A77 Lobbying Action Group to allow cross party representation to reflect the concerns of the various wards along the A77 route. This is in addition to Councillors Pollock and Clark who already represent SAC.”

Point of Order

A point of order was raised by Councillor Grant that the vote should be re-taken by means of a roll call as the vote was inconclusive due to a Member changing their vote; and this was agreed by Provost.

The Chief Governance Officer took the vote For or Against the Motion by calling the roll as follows:-

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

Fourteen Members voted against the Motion and thirteen Members voted for the Motion, therefore, the Council

Decided: not to agree the terms of the Motion.

Adjournment

The time being 11.20 a.m. the Council adjourned for ten minutes.

Resumption of Meeting

The Council resumed at 11.30 a.m.

8. Formal Question.

In terms of Council Standing Order No. 26.2, there were submitted [Formal Questions](#) from Councillors Weir, Brennan-Whitefield, Saxton, Grant and Mackay, along with the responses, which were made available to all Members.

Point of Order

A point of order was raised by Councillor Bell regarding whether those Councillors who had not submitted Formal Questions could raise a question on the responses; and the Provost advised that they could not.

Councillor Saxton raised a supplementary question in relation to why the Ark was not guaranteed a space in the Citadel once the refurbishment had been completed; and the Director of Communities and Transformation advised that commercially lettable spaces had been built into the proposed design and that she would be happy to discuss this with representatives of the Ark.

Councillor Grant raised supplementary questions in relation to:-

- (1) tendering for food and bars at the Ayr Show, why the tender had gone outwith South Ayrshire; and why Quick Quote had been used; and the Service Lead – Destination South Ayrshire advised that a Prior Information Notice had been issued via Public Contract Scotland in response to a business engagement event held for local South Ayrshire businesses as concerns had been raised that only certain businesses had been invited to bid to be the Local Village Manager; that responses had been received from local and national companies, however, enough responses were received from South Ayrshire companies, therefore only local companies were being invited to return the quick quote for the Food Village Manager and the successful bidder would be from South Ayrshire; and that, in relation to the bar suppliers, this was tendered via quick quote and assessed on quality and income for the Council and a company outside South Ayrshire was the highest scoring through the quick quote process; and
- (2) seeking clarification on whether the Battle of Britain Memorial Flights would be in attendance at the Ayrshow as it was rumoured that these were grounded due to the Trooping of the Colour; and the Service Lead – Destination South Ayrshire advised that she was currently liaising with the strategic partner, Skylab who were working closely with the team to ascertain if they could attend and, if they could fly, they would attend the Ayrshow.

Councillor Mackay raised supplementary questions in relation to:-

- (1) did the Chief Executive agree that ease of access to a busy library was vital, that Building Standards were there for good reason, and that having an access ramp that was too long, too steep, too narrow and relied on applying for relaxations of the current building standards was neither in the interests of library users or in keeping with the condition approved at October Council; and the Chief Executive advised that he would respond to this question in writing; and
- (2) did the Chief Executive agree that Council officers did a fantastic job, that the small portion of enquiries that require to be repeatedly chased becomes embarrassing and, having participated in the trial of the new caseload management system, after a month having only had responses to four of the nine enquiries submitted, can assurances be given that a workable way forward can be found in accordance with the Council's "making a difference every day"; and the Chief Executive advised that officers endeavour to reply within the timescales set down, that where this has not occurred he apologised; and that officers would endeavour to ensure that, going forward, the timescales were complied with.

Exclusion of press and public.

Councillor Martin Dowey, seconded by Councillor Lee Lyons, moved that the remaining item 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 four Members voted for the Motion and three Members voted against the Motion and the Council

Decided: to agree to consider the remaining 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 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.

9. Affordable Housing Proposals, Riverside Place, Ayr

There was submitted a report (Members only) of 14 June 2024 by the Director of Housing, Operations and Development advising on the negotiations for the removal of the telecommunications mast from Block 1 Riverside Place, Ayr and the timescales associated with the removal of the mast.

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

Following a full discussion and questions from Members, the Chief Governance Officer advised that she would issue a briefing note to Members outlining the current position.

The Council, having noted the contents of the report,

Decided: to request that officers submit a further report to Council on conclusion of the negotiations.

10. **Consideration of Disclosure of the above confidential report.**

Affordable Housing Proposals, Riverside Place, Ayr

Following advice from the Chief Governance Officer, the Council

Decided: in terms of Standing Order No. 32.4, not to authorise the disclosure of the above report.

The meeting ended at noon

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SOUTH AYRSHIRE COUNCIL (SPECIAL)

Minutes of a hybrid webcast meeting
on 19 August 2024 at 10.00 a.m.

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

Present Remotely: Councillors Kenneth Bell, Ian Cochrane, Chris Cullen and Lee Lyons.

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; C. Caves, Chief Governance Officer; T. Baulk, Chief Financial Officer; C. Cox, Assistant Director – Planning and Development; A. Mutch, Acting Service Lead – Destination South Ayrshire; P. Bradley, Service Lead – Professional Design Services; K. Briggs, Service Lead – Legal and Licensing; G. Farrell, Service Lead – Organisational Development and Customer Services; T. Burns, Service Lead – Asset Management and Community Asset Transfer; C. Neillie, Solicitor; J. Hall, Co-ordinator (Planning Strategy); C. Robertson, Local Heat and Energy Efficiency Strategies Officer; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; K. Hancox, Committee Services Officer; and R. Anderson, Committee Services Assistant.

Present Remotely: K. Braidwood, Director of Housing, Operations and Development; and K. Dalrymple, Assistant Director – Housing and Operations.

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 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.

Following technical issues, Councillor Cochrane confirmed in the "chat box" that he had no Declarations of Interest.

Point of Order

Councillor McGinley raised a Point of Order on why this Special Meeting had been called as the agenda covered a full range of business and he was not aware of the reason for this meeting; and the Chief Executive advised that this meeting had been called to consider proposed changes to Panel appointments.

Councillor McGinley further commented that there were conditions within the Standing Orders for Meetings for calling a Special meeting of the Council, however, the Council was at risk of straying into ordinary business at these Special meetings; and the Chief Governance Officer advised that she was currently examining the frequency of Council meetings with a view to adding additional meetings to the schedule of meetings, following consultation with Members, to allow business to be conducted and to ensure that Special meetings would only be held to consider urgent business.

3. Appointments to Panels

There was submitted a [report](#) (issued) of 13 August 2024 by the Chief Governance Officer seeking approval to make amendments to the membership of Panels.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined within the report with the exception of the proposed alteration to the position on the Licensing Board as follows:

“Council is asked to note that the composition of the Licensing Board was agreed by Council on 26 May 2022 to be made up of four Conservatives members , two SNP members and one Labour member and Council is now asked to agree that the composition of the Licensing Board is changed to be made up of four Conservatives, one SNP member, one Labour member and one Independent member and the Independents members are requested to nominate their representative to the Chief Executive in accordance with the provisions of Standing Order 28.5.”

Questions were raised by Members in relation to:

- (1) the Chief Governance Officer also being the Monitoring Officer; and the Chief Governance Officer advised that her title had previously been Head of Legal and Regulatory Services, however this had changed to Chief Governance Officer following a decision taken at a meeting of South Ayrshire Council and that she remained Monitoring Officer by statute; and the Chief Executive further advised that the titles of the Chief Financial Officer and Chief HR Officer had also been amended at that meeting of South Ayrshire Council and that the change of title of the Chief Governance Officer did not change her legal duties as Monitoring Officer;
- (2) the premise of the Motion, whether it was changing the number of Members on the Licensing Board or seeking to define what the positions were; and the Chief Governance Officer advised that, following a change in the numbers of SNP and Independent Councillors, this was a Motion to alter the composition of the Board. The Member then outlined his concerns that that this was not an equitable distribution of Licensing Board Members as this did not reflect the balance of the Council and the Chief Governance Officer advised that the apportionment of members had been altered to take account of the present number of Independent Councillors;
- (3) whether the Group Leaders had been consulted on the proposed changes to the membership of the Licensing Board and Councillor Dowey advised that he had consulted with the SNP Group Leader on this matter and following the outcome of this meeting, he had not consulted with the Labour Group; and Councillor Dettbarn further advised that she had met with Councillor Dowey on this matter and that she was happy with an Independent Member taking the position on the Licensing Board;

- (4) the name of the Councillor who had been nominated; and the Chief Governance Officer advised that members of parties were appointed to Panels/Boards initially and the parties were then contacted to provide the name of their appointee, in terms of Standing Order No. 28.5;
- (5) the resolution should none of the Independent Members wish to take up this appointment; and the Chief Governance Officer advised that the name of the Councillor taking up the position was advised to the Chief Executive following the meeting, as outlined in Standing Order No. 28.5; that where this nominee was an Independent Councillor, the appointed Councillor would be agreed by all of the Independent Councillors; and that, should there be no agreement by the Independent Members, this matter would be brought back before Council for a decision; and
- (6) seeking confirmation of the date of the change in the Chief Governance Officer's title; and the Chief Executive advised that he would supply the details of this in writing.

Point of Order

Councillor Mackay raised a Point of Order regarding the reason for this meeting being called as Members had been advised that the meeting was to consider amendments to Panel Membership, however, these changes were due to Councillor Grant's resignation from the SNP Group which was in July 2024 and the notice of meeting had been circulated on 5 June 2024; and the Chief Executive advised that the primary purpose for this special meeting was following intimation from the Administration of changes within the Administration in relation to Councillor Pollock being made Depute Leader of the Council so therefore, the meeting was regarding changes to appointments to Panels and also the make-up of the Administration.

The Chief Governance Officer advised that the Council would firstly vote on the Motion submitted by Councillor Dowey and seconded by Councillor Pollock and, should this Motion be carried, the proposed amendment to the membership of the Licensing Board would then fall.

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 one Members voted for the Motion, one Member voted against the Motion and six Members Abstained; and the Council approved the terms of the Motion submitted by Councillor Dowey and seconded by Councillor Pollock.

Following a request from a Member, it was agreed to vote on each proposed appointment in Appendix 1 to the report individually.

In relation to the alteration to the position of Depute Leader, 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. The Chief Governance Officer advised that she would then undertake all of the remaining votes For or Against the Motion.

In relation to the alteration to the position of Depute Leader, seventeen Members voted for the Motion, one Member voted against the Motion and ten Members abstained.

In relation to the alteration to the position of Portfolio Holder for Education, seventeen Members voted for the Motion, one Member voted against the Motion and ten Members abstained.

In relation to the alteration to the position of Portfolio Holder for Health and Social Care, eighteen Members voted for the Motion, three Members voted against the Motion and seven Members abstained.

In relation to the replacement of Councillor Lee Lyons with Councillor Bob Pollock on the Chief Officers Appointments/Appraisal Panel, twenty Members voted for the Motion, one Member voted against the Motion and seven Members abstained.

In relation to the replacement of Councillor Mary Kilpatrick with Councillor Lee Lyons on the Service and Partnerships Performance Panel, fifteen Members voted for the Motion, two Members voted against the Motion and eleven Members abstained.

In relation to the replacement of Councillor William Grant with Councillor Julie Dettbarn on the Chief Officers Appointments/Appraisal Panel, twenty five Members voted for the Motion, one Member voted against the Motion and two Members abstained.

The Council, therefore,

Decided:

- (a) to note the changes in the representatives nominated by the Conservative Group and the SNP Group as identified in Appendix 1 to the report, namely:
 - (i) that Councillor Bob Pollock replace Councillor Lee Lyons as Depute Leader of the Council;
 - (ii) that Councillor William Grant replace Councillor Stephen Ferry as Portfolio Holder for Education;
 - (iii) that Councillor Hugh Hunter replace Councillor Lee Lyons as Portfolio Holder for Health and Social Care;
 - (iv) that Councillor Bob Pollock replace Councillor Lee Lyons on the Chief Officers Appointments/Appraisal Panel;
 - (v) that Councillor Lee Lyons replace Councillor Mary Kilpatrick on the Service and Partnerships Performance Panel;
 - (vi) that Councillor Julie Dettbarn replace Councillor William Grant on the Chief Officers Appointments/Appraisal Panel; and
 - (vii) that Councillor William Grant remain on the Licensing Board as an Independent Member; and
- (b) to request that officers make the required amendments to the list of Panels to reflect these changes.

4. Appointments to Convention of Scottish Local Authorities (COSLA)

There was submitted a [report](#) (issued) of 13 August 2024 by the Chief Governance Officer seeking approval to make alterations to the list of representatives on the Convention of Scottish Local Authorities.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendation as outlined in the report.

The Council, having considered any other amendments which may be required to COSLA representation,

Decided: to note the change in the representative nominated by the SNP Group as outlined in paragraph 4.2 of the report, namely that Councillor Julie Dettbarn replace Councillor William Grant as the representative on COSLA.

5. **Representation on Outside Bodies**

There was submitted a [report](#) (issued) of 13 August 2024 by the Chief Governance Officer seeking approval to make alterations to the list of Outside Bodies.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Comments were made by Members in relation to:

- (1) Councillors being removed from various Outside Bodies and replaced by Officers with no justification or consultation and that Councillors would then be denied the opportunity to have political input; and the Chief Governance Officer advised that the Officers being included as representatives on Outside Bodies were in addition to the Councillors and not in place of;
- (2) the Officer appointment to the Energy Agency and why this was proposed as an Officer had not previously attended this body and this could be a conflict of interest; and the Chief Executive advised that he had previously attended the Energy Agency in his previous roles as Director and Head of Service and that he was confident that the Director of Housing, Operations and Development would not place himself in a situation where there would be a conflict of interest, he was merely attending in a supporting role to Elected Members; and the Chief Governance Officer further advised that it was proposed that Officers be appointed to outside bodies to report back on discussions at these meetings. A Member advised that he was a representative on the Energy Agency many years ago and a Council Officer had been a member of the Agency at that time which was very beneficial and he would be very supportive of an Officer being part of this organisation; and
- (3) a substitute for Councillor Dettbarn on the Community Justice Ayrshire Board not being necessary as the Vice-Chair was a representative from Strathclyde Fire and Rescue.

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 seven Members voted for the Motion and one Member voted against the Motion; and the Council having considered any other amendments which may be required to representation on Outside Bodies,

Decided:

- (a) to approve inclusion of an officer representative or additional officer representative on the outside bodies identified in 4.1 of the report, namely:
 - (i) Clyde Marine Planning Partnership – Director of Housing, Operations and Development;

- (ii) Energy Agency – South Ayrshire - Director of Housing, Operations and Development;
 - (iii) South West Scotland Community Rail Partnership Limited - Director of Housing, Operations and Development;
 - (iv) Strathclyde Concessionary Travel Scheme Joint Committee - Director of Housing, Operations and Development;
 - (v) Strathclyde Partnership for Transport - Director of Housing, Operations and Development; and
 - (vi) West of Scotland Road Safety Forum – Head of Roads, Ayrshire Roads Alliance; and
- (b) to note the changes in the representatives nominated by the Conservative Group and the SNP Group identified in paragraphs 4.3 and 4.5, respectively, namely:
- (i) Councillor William Grant to replace Councillor Stephen Ferry on the Bill Barr South Ayrshire Enterprise Award Trust (as Trustee); and
 - (ii) Councillor William Grant to replace Councillor Stephen Ferry as a Substitute on the Community Justice Ayrshire Board.

6. Representation on Working Groups

There was submitted a [report](#) (issued) of 13 August 2024 by the Chief Governance Officer seeking approval to make alterations to the list of Working Groups.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:

- (1) whether the Gypsy/Traveller Working Group had been disbanded and, if not, what was the membership of this Group; and the Chief Executive advised that he would provide this information in writing;
- (2) how often all of the Working Groups met and what they had achieved; and the Chief Executive advised that he would provide an update in writing on this matter; and
- (3) why Councillor Grant was replacing Councillor Ferry on the Trauma Informed Member/Officer Working Group; and Councillor Dowey advised that this was because the Portfolio Holder for Education sat on this Group and Councillor Grant had now been appointed to this position.

The Council, having considered any other amendments which may be required to representation on Working Groups,

Decided:

- (a) to note the changes in the representatives nominated by the Conservative Group and the SNP Group as outlined in paragraphs 4.2 and 44 of the report, namely:
 - (i) that Councillor William Grant replace Councillor Stephen Ferry on the Trauma Informed Member/Officer Working Group;
 - (ii) that Councillor Julie Dettbarn replace Councillor William Grant on the 1st Tier Joint Consultative Committee;

- (iii) that Councillor Julie Dettbarn replace Councillor William Grant on the Best Value Member/Officer Working Group; and
 - (iv) that Councillor Julie Dettbarn replace Councillor William Grant on the Community Wealth Building Member/Officer Working Group;
- (b) to approve the proposed changes to the officer representation, as outlined in Appendix 1 to the report, namely:
- (i) that the Director of Housing, Operations and Development be added to the 1st Tier Joint Consultative Committee;
 - (ii) that the Director of Housing, Operations and Development be added to the Active Travel Member/Officer Working Group;
 - (iii) that the Director of Housing, Operations and Development be added to the Best Value Member/Officer Working Group;
 - (iv) that the Depute Chief Executive and Director of Education be added to the Community Planning Board;
 - (v) that the Director of Housing, Operations and Development replace the Chief Executive on the External Funding Member/Officer Working Group;
 - (vi) that the Director of Housing, Operations and Development replace the Chief Executive on the Financial Inclusion Member/Officer Working Group;
 - (vii) that the Depute Chief Executive and Director of Education be added to the Financial Inclusion Member/Officer Working Group;
 - (viii) that the Director of Housing, Operations and Development replace the Chief Executive on the Gypsy/Traveller Member/Officer Working Group;
 - (ix) that the Director of Housing, Operations and Development replace the Chief Executive on the Planning Liaison Group;
 - (x) that the Director of Housing, Operations and Development replace the Chief Executive on the Significant Capital Projects Member/Officer Working Group;
 - (xi) that the Assistant Director – Transformation be added to the Significant Capital Projects Member/Officer Working Group;
 - (xii) that the Director of Housing, Operations and Development replace the Chief Executive on the Sounding Board for Ayr Town Centre;
 - (xiii) that the Director of Communities and Transformation be added to the Sustainable Development Member/Officer Working Group; and
 - (xiv) that the Director of Housing, Operations and Development replace the Chief Executive on the Station Hotel Member/Officer Working Group.

7. **Scheme of Delegation**

There was submitted a [report](#) (issued) of 13 August 2024 by the Chief Governance Officer seeking approval to amend the Scheme of Delegation following review.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:

- (1) paragraph 4.1.4 of the report regarding the recommendation to grant delegated powers to Planning Officers to set planning conditions on planning applications as applications submitted to the Regulatory Panel (Planning) presently had conditions outlined; and the Assistant Director – Planning and Development advised that the proposed delegation was specifically for other delegated planning applications which were not submitted to Regulatory Panel for consideration;

- (2) whether it was felt that the line of responsibility was appropriate and officers had suitable delegations in relation to Ayrshire Roads Alliance as it had been difficult to engage with officers at times; and the Chief Executive advised that the Director of Housing, Operations and Development had held the position of Head of Roads, ARA for ten years and, as a result, he was the appropriate officer to be the Council's representative on the ARA;
- (3) the addition of paragraph HOD04 as a delegated power to officers to agree the terms of Section 75 legal agreements and what the current arrangement was; and the Assistant Director – Planning and Development advised that this paragraph was being included for clarity and that, where planning applications involving Section 75 agreements were submitted to Regulatory Panel (Planning), it was usual for the headline terms of the Section 75 agreement to be included within the report and the drafting negotiations of Section 75 agreements then took place under delegated powers; and
- (4) the amendment to paragraph 4.1.2 as officers presently had delegated powers for this; and the Chief Governance Officer advised that this paragraph had been added to clarify that officers had delegated powers for the management of Girvan Harbour as this was not reflected in the current wording within the Scheme of Delegation.

Comments were made by Members in relation to:

- (a) concerns regarding paragraph 4.1.10 of the report in relation to “the granting of delegated powers to officers to suspend taxi or private hire drivers licences with immediate effect where they had failed to complete mandatory training, in breach of their licence” as there were various reasons for Taxi Drivers and Private Hire Drivers not completing this training and there could be legal claims should the Panel not consider these; and the Service Lead – Legal and Licensing advised that this was a proposal to streamline the Regulatory Panel (Licensing) where various licence holders had been cited to attend the Panel for not attending and passing the mandatory training course within six months of being granted their licence following various reminders from the Licensing Team but any licence holder in discussion with the Licensing Team regarding this training would still be submitted to Panel for consideration, however, this was a decision for Members on whether they wished this paragraph included within the Scheme of Delegation; and
- (b) paragraph 4.1.10 and that this paragraph should be removed from the proposed amendments to the Scheme of Delegation as there could be genuine reasons why a driver has not completed the mandatory training and they should have the opportunity to be heard by the Panel; and the Chief Governance Officer advised that, with the approval of the Mover and Seconder of the Motion, she would remove this paragraph from the amendments to the Scheme of Delegation for this matter to be discussed further with Members. Councillors Dowey and Pollock agreed to accept this alteration within their Motion.

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 and twenty eight Members voted for the Motion.

The Council

Decided: to approve the revised Scheme of Delegation (attached as Appendix 1 to the report) with the exception of paragraph 4.1.10, with effect from 20 August 2024; namely:

- (i) an amendment to Directorate names and officer delegations/ job titles as a result of the management structure approved by the Council on 6 March 2024;
- (ii) the addition of paragraph ARA20 as a delegated power to officers for the management of Girvan harbour;
- (iii) the addition of paragraph ED25.1 relating to processing applications for licensing of short term lets and clarifying the process for rejection/ return of incomplete or incompetent applications;
- (iv) the addition of paragraph HOD03 as a delegated power to officers to set conditions relating to planning permissions;
- (v) the addition of paragraph HOD04 as a delegated power to officers to agree the terms of s75 legal agreements;
- (vi) an amendment to paragraph HOD24 (changing to HOD26) to include a delegated power to officers to approve the commencement of public consultations for public access exemption orders where the period of the Order proposed is 6 or more days. This is the initial stage in the process and once such a public consultation has been carried out, a report would still require to be submitted to the Regulatory Panel (Planning), for a decision on the Order itself;
- (vii) the addition of paragraph HOD78 to give delegated powers to officers to declare land and property surplus to requirements where the value of the land/ property is valued at less than £100,000;
- (viii) an amendment to paragraph HOD77 (changing to HOD80) to give delegated powers to officers for a wider range of lets and licences, and to clarify that this includes renewal of same; and
- (ix) the addition of paragraph HOD95 to include a delegated power for management of the roads operation as client of Ayrshire Roads Alliance.

Adjournment

The time being 11.20 a.m., the Council adjourned for ten minutes.

Resumption of Meeting

The Council resumed at 11.30 a.m.

8. South Ayrshire Charitable Trust

There was submitted a [report](#) (issued) of 9 August 2024 by the Chief Governance Officer providing an annual update on the South Ayrshire Charitable Trust and seeking approval to amend the Trust Business Plan for the 2024/25 financial year.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:

- (1) the limitation on grants and on donations; and the Solicitor advised that limits were placed on grants, however, donations could be made with the remaining funds in any particular Trust;

- (2) when the Trustees would be able to access the £13,000 of restricted funds for Girvan; and the Chief Financial Officer advised that this had proved challenging due to third parties not responding to correspondence, however, his officers were striving to conclude this matter; and
- (3) whether the funds were managed by a local broker or by various agencies; and the Chief Financial Officer advised that he did not have that information at present, however, he had been advised that the funding was managed by 'investment houses';

Comments were made by Members in relation to:

- (a) no limitation being placed on donations and the limit being at the discretion of the Trustees; and the Service Lead – Legal and Licensing advised that she would examine the wording within the Business Plan;
- (b) this being a very worthwhile Trust and that further monies should be set aside for this Trust in future budgets;
- (c) the Equalities Impact Assessment (EIA) being a good opportunity to outline the good work undertaken with this Trust and should have been more detailed;
- (d) that Elected Members were aware of the people and groups within their Ward requiring these monies which had been very well received; and that Members required to ensure that local funds were made available in future for those most in need, either by replenishing this fund or by re-establishing a Community Grants Fund;
- (e) that sitting on these Committees of Trustees was enjoyable and fulfilling helping those most in need; and
- (f) that, should this Trust continue, monies would require to be found from other areas.

The Council, as Trustees of South Ayrshire Charitable Trust, having thanked the officers involved in this Trust for the work undertaken,

Decided:

- (i) to note the summary of grant funding made by the trust during 2023/24 as detailed in [Appendix 1](#); and
- (ii) to approve the business plan for the running of the trust for the year 2024/25 as detailed in [Appendix 2](#).

9. Communications Review

There was submitted a [report](#) (issued) of 9 August 2024 by the Director of Communities and Transformation providing Council with a review of activities undertaken by the Communications Team; and seeking approval for revised staffing arrangements to prevent service failure and ensure the continued effective delivery of the service in light of growing demand.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

A question was raised by a Member in relation to the proposed structure and whether, rather than adding one level 10 post to the structure, that two graduate interns could be employed to utilise their skills; and the Chief Executive advised that this was an operational matter and he was pleased that the Director had brought forward these proposals to allow the Team to sustain their output and make any further improvements.

Comments were made by Members in relation to:

- (1) commending the report and the work of the Communications staff members; outlining that it was a priority to impart information to the public to highlight the good work carried out by the Council within communities; and advising that it was important to challenge false posts on social media and provide the proper information;
- (2) the challenges faced by the Communications Team and that Option 2 within the recommendation of the report would greatly assist the Team to meet those challenges; and that senior officers should be liaising with the Team and advising them of any decisions made to enable them to advise staff and the public;
- (3) that the Communications Team in an organisation was a key element and this Council's Team understood the Council, were committed to the Council and understood their roles; and
- (4) that, as social media was evolving so quickly, it would be advantageous to have a graduate intern or modern apprentice within the Team to be more reactive to issues, to reach a bigger audience and to enable succession planning; and the Service Lead – Organisational Development and Customer Services advised that funding had been sourced to appoint a Digital Graduate Intern for a period of 23 months and a Modern Apprentice would also be joining the Communications Team and that both appointments would support workforce planning.

The Council

Decided:

- (a) to note the review of activities and service trends ([Appendices 1 to 3](#));
- (b) having considered the staffing options provided, to agree option (2) - to create 1x level 10 Communications Officer post (£53,600) funded from an employee engagement budget in Organisational Development (OD) and 1 x level 7 Assistant Communications Officer (£39,500) post funded by deleting 1 x vacant Level 7 OD Assistant post, as required to prevent service failure and ensure the continued delivery of the service; and
- (c) to approve minor edits to the Managing Work Related Social Media guidance detailed at [Appendix 4](#) in line with Internal Audit recommendations.

10. Golf South Ayrshire – Golf Development Centre at Belleisle Golf Course

There was submitted a [report](#) (issued) of 9 August 2024 by the Director of Communities and Transformation providing an update on the design proposals for a Golf Development Centre to provide an enhanced practice area at Belleisle Golf Course as part of the approved Golf Course Improvements.

Councillor Brian Connolly, seconded by Councillor Alec Clark, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:

- (1) what high profile tournaments were being considered within South Ayrshire; and the Acting Service Lead – Destination South Ayrshire advised that high profile tournaments and events were being discussed with Scottish Golf and the Royal & Ancient (R&A) about and that these were set out within the Golf Strategy;
- (2) why the term Golf Development Centre was being used and not Golf Academy; and the Acting Service Lead – Destination South Ayrshire advised that this was a Sports Scotland recognised term;
- (3) whether the Council was in danger of over provision on their golf courses; and the Acting Service Lead – Destination South Ayrshire advised that this would require to be considered by Elected Members and by way of public engagement sessions with Golf Clubs;
- (4) whether any holes would be used for a practice area; and the Service Lead – Professional Design Services advised that there would be some changes to Belleisle Golf Course as part of the development of the course and that there would probably be changes to hole one, however, this would remain an eighteen hole course;
- (5) Belleisle House being an important landmark within the course and could an update be given on efforts to bring it back into use; and the Chief Executive advised that it was currently being advertised for sale and any expressions of interest would then determine its future use;
- (6) whether Sports Scotland had offered funding for this initiative; and the Acting Service Lead – Destination South Ayrshire advised that he had been in discussion with Sports Scotland and also with Scottish Golf, the governing body for Golf; and that Sports Scotland were reviewing facility funding and there was an opportunity to apply for additional funding;
- (7) the Equality Impact Assessment and what initiatives were being taken forward to make courses more accessible to those in low income areas; and the Acting Service Lead – Destination South Ayrshire advised that, as part of the wider golf strategy this was being addressed and he would submit a report in due course on proposals on how to develop this;
- (8) whether the Golf Development Centre would be state of the art; and the Service Lead – Professional Design Services advised that this would be a high specification facility with a robot golf ball retriever and digital scoreboard;
- (9) whether there would be a social element to this Centre for groups to practice and then have food and drinks; and the Acting Service Lead – Destination South Ayrshire advised that having catering at the clubhouse was something the Council was looking to provide;
- (10) the current status of this development and whether planning permission was being sought in the near future; and the Service Lead – Professional Design Services advised that this matter was not currently ready to go to tender or for planning permission but would shortly be submitted to Members to examine the initial proposals and where the Centre would be sited on the golf course; and that planning permission would be sought towards the end of this year;

- (11) the process for the consultation and timescales for this; and the Service Lead – Professional Design Services advised that no dates had been agreed as yet for the consultation, however, once the outcome of this report was known, this could be planned; and
- (12) the terms of the consultation; and the Director – Communities and Transformation advised that the Council required to have plans prior to consultation on the appearance of the Centre, where it would be situated, if any holes would be closed, etc and that this would be an extensive consultation with members of golf clubs, those who play on South Ayrshire golf courses and also the wider community in South Ayrshire to ascertain what would encourage them to start playing golf.

Comments were made by Members in relation to:

- (a) welcoming the investment, however, noting that season ticket holders would be at a disadvantage by the Council holding tournaments;
- (b) discussions with the R&A had included the “bounce effect” which was visible within an area for up to three years when a high profile tournament had taken place; that the R&A were of the view that this authority was well situated to benefit from a longer term bounce effect due to the other good private golf courses and the good public courses; and that, by hosting The Open, Royal Troon was on a global stage which attracted thousands of visitors to the area;
- (c) it was concerning that Point 4 within the Equality Impact Assessment regarding “Improve the health and wellbeing of particular communities or Groups” was marked as “low impact”;
- (d) concerns that a lot of money was being spent on a particular initiative with no rationale, sustainability or consultation around this matter; that players had outlined their concerns around there being no clear picture of how the Council wished to use the facilities for the benefit of the people of South Ayrshire; that there had been discussion around visitors, attractions and competitions, however there were a number of courses in South Ayrshire with an older population and reducing number of young people starting to play golf which was concerning for sustainability; that there had been no cogent communications strategy; and that the long-term strategy for golf in South Ayrshire was missing from this report; and the Director – Communities and Transformation advised that the Golf Strategy had been approved in 2022 which set out the aims of the Council and that, in order for the Council to deliver a sustainable facility for the people of South Ayrshire, income required to be generated and if the Council did not invest in courses, the quality of them decreased and the courses would lose members and visitors and income then reduced; that there was an ageing population utilising the courses and, in order to encourage young people and also more females to take up golf, the appropriate practice facilities required to be provided; and that having the facilities provided an opportunity for young people who would not normally access golf through Active Schools to play this sport;
- (e) comments within the report being illegible; and the Service Lead – Professional Design Services advised that she would take this on board for future reports;
- (f) the Council requiring to provide facilities of excellence like this proposal to allow the younger generation to reach their full potential; and

- (g) the Chief Executive of Scottish Golf praising the Council's public facilities; that there were requirements to become a Golf Development Centre and these facilities qualified; that only one hole on the golf course would be affected by this development which would mean minimal disruption and the course would not require to close; that bunkers and greens would be brought up to modern standards; and that, in relation to "over provision", Belleisle would not become the focus of tournaments, however this facility would give the Council the opportunity to bid for these tournaments and there were golf courses nearby for players to utilise during any of these tournaments, should the Council be fortunate enough to be successful in hosting any.

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 and twenty Members voted for the Motion, seven voted against the Motion and one Member abstained.

The Council

Decided:

- (i) to note the progress on the development of design proposals and estimated costs for a Golf Development Centre at Belleisle Golf Course, Ayr;
- (ii) to approve officers progressing designs and submitting a planning application; and
- (iii) to otherwise note the content of the report and support the approaches and activities set out in the report.

Councillor Kilpatrick left the meeting at this point.

11. Proposed Ward Capital Projects – Update 2023 to 2025 and Approval of New Capital Projects 2024 to 2026

The Chief Executive advised that, following concerns from Members on the content of this report, it would be prudent to defer consideration of this report to a future meeting of South Ayrshire Council to allow officers to consider these concerns and submit a revised report.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved that consideration of this report be continued to a future meeting of South Ayrshire Council.

The Council

Decided: to continue consideration of this report to a future meeting of South Ayrshire Council.

Chief Executive

The Chief Executive, as Returning Officer referred to the recent appointment of two new MPs for the South Ayrshire area, namely Alan Gemmell for Central Ayrshire; and Elaine Stewart for Ayr, Carrick and Cumnock.

12. Local Development Plan 3 Governance Arrangements

There was submitted a [report](#) (issued) of 12 August 2024 by the Director of Housing, Operations and Development recommending arrangements for a Member/Officer Working Group (MOWG) to oversee the preparation of LDP3 and providing an update on the engagement arrangements for LDP3.

Councillor Martin Dowey, seconded by Councillor Bob Pollock, moved the recommendations as outlined in the report.

Following discussion and questions from Members in relation to the Planning Liaison Group, with the agreement of the Mover and Seconder who had sought assurances that a delay in considering this report would not have a significant impact on the progress of the LDP3, it was proposed that consideration of this report be continued to a future Council meeting and that the Chief Governance Officer write to the Group Leaders and the Independents seeking the representatives for each of the Groups; and the Council

Decided: to continue consideration of this report to a future meeting of South Ayrshire Council to examine the proposed remits of the Planning Liaison Group and the LDP MOWG; and that the Chief Governance Officer write to the Group Leaders and the Independents for representatives on each of these Groups.

13. South Ayrshire Council Local Heat and Energy Efficiency Strategy (LHEES) 2024 - 2029

There was submitted a [report](#) (issued) of 9 August 2024 by the Director of Housing, Operations and Development seeking approval for the publication of a Local Heat and Energy Efficiency Strategy (LHEES) 2024 – 2029, including Delivery Plan objectives, and Co-ordination group Terms of Reference.

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

Comments were made by Members in relation to:

- (1) commending the Local Heat and Energy Efficiency Strategies Officer for his work on this matter; and requesting that he provide an Elected Members Briefing on this Strategy;
- (2) these being admirable goals within the report, however, it would be a long-term project;
- (3) if a Members' Briefing was carried out, the work of the Energy Agency should be highlighted as they presently had a long-term survey running which was the first authoritative study linking heat improvements and energy efficiency in the home to health benefits; and the Local Heat and Energy Efficiency Strategies Officer advised that there had been significant consultation feedback from the NHS regarding the links between fuel poverty and health and equalities; and that he had worked closely with the Energy Agency and was monitoring the outcome of its research which was very conclusive and built a business case around supporting better insulation in homes for health and wellbeing as well as financial savings; and

- (4) this report mapping out what the Council required to do; that fuel poverty had been ignored for too long; that this was an important area which would be complicated and expensive; that there was no “one size fits all” as there were many different needs and demands especially in relation to rural poverty; and that it was important that the Council played its role appropriately.

Questions were raised by Members in relation to:

- (a) the composition of the Member/Officer Working Group (MOWG); and the Service Lead – Asset Management and Community Asset Transfer advised that establishment of this Group was agreed by Cabinet on 16 January 2024 and that the Officers had been appointed to the Group, however, Elected Members were still to be nominated;
- (b) whether the appointment of Elected Members to this Group would be submitted to a future meeting of the Council; and the Service Lead – Asset Management and Community Asset Transfer advised that was not a decision making Group but to keep Members abreast of the delivery of the actions and he would be happy to report back on the membership of Elected Members;
- (c) whether the Council would continue to monitor the renewables market; and the Local Heat and Energy Efficiency Strategies Officer advised that the MOWG would take hydrogen developments into consideration; that this was a rapidly changing area and biomass was unlikely to be a technical solution; and that one of the main priorities in the strategy was the reduction in fuel poverty; and
- (d) whether this matter should be reported to Service and Partnerships Performance Panel by way of a report for scrutiny; and the Local Heat and Energy Efficiency Strategies Officer advised that report tracking would expand and diversify as the high level action plan was in place and, if appropriate, this could be reported to a Panel of the Council. The Service Lead – Asset Management and Community Asset Transfer further advised that this was the commencement of a complicated, highly ambitious piece of work which would impact people’s lives; that this would be discussed initially at the MOWG to ascertain which actions could be delivered based on the funding and technology available and, once comfortable that these actions were deliverable, they would be put on pentana and submitted to a Panel, if appropriate.

The Council

Decided:

- (i) to approve the publication of the South Ayrshire Council LHEES Strategy (**Appendix 1**);
- (ii) to approve the LHEES Coordination group Terms of Reference (**Appendix 2**) to support delivery plan actions; and
- (iii) to agree that a members’ briefing be arranged; and to note that there would be an annual report on progress to Service and Partnerships Performance Panel.

14. Formal Questions.

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

Councillor Townson raised supplementary questions in relation to:-

- (1) the timescale between Members being informed of the security barriers being installed and the barriers being put in place; and the Director of Communities and Transformation advised that Members were advised on 28 June 2024 by way of the Elected Members' Information Note and the barriers were installed on 10 July 2024; and
- (2) what was the current terror threat in Ayr; and the Chief Executive advised that the current terror threat for Ayr was substantial.

Councillor Mackay thanked the Director of Housing, Operations and Development for the detailed response to his questions; and referred to the mindless vandalism of public conveniences which deprived people of these facilities and used monies from an already stretched budget for repairs.

15. Closing Remarks.

The Provost thanked all in attendance for their contribution.

The meeting ended at 1.25 p.m.

South Ayrshire Council

Report by Chief Governance Officer to South Ayrshire Council of 10 October 2024

Subject: Appointments to Panels

1. Purpose

- 1.1 The purpose of this report is to seek approval to make alterations to the membership of Panels.

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 notes the change in the representative nominated by the Conservative Group identified at 4.2 as a Conservative member of the Regulatory Panel and the Local Review Body;
- 2.1.2 appoints a new Chair of the Regulatory Panel and the Local Review Body;
- 2.1.3 requests that officers make the required amendments to the list of Panels to reflect these changes; and
- 2.1.4 considers any other amendments which might be required to membership of Panels.

3. Background

- 3.1 In terms of para 11.1 of the Council's Scheme of Delegation, amendment of the membership of the Cabinet and other Panels, Committees and Sub-Committees is reserved to Council.

4. Proposals

- 4.1 At a special meeting on 26 May 2022, the Council approved a number of appointments.
- 4.2 The Conservative Group has intimated that Councillor Kenneth Bell will stand down as a member of the Regulatory Panel and the Local Review Body, and requests that Councillor Lee Lyons is appointed as one of the Conservative members on the Panel/ Body.

4.3 The Conservative Group has also requested that Councillor Alan Lamont be appointed as Chair of the Regulatory Panel and the Local Review Body.

4.4 Members may wish to consider any other amendments which might be required to membership of Panels.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Not applicable.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

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

11. Options Appraisal

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

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 4 of the Council Plan: Efficient and effective enabling services.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

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

Implementation	Due date	Managed by
Publish details of membership of Panels	18 October 2024	Service Lead – Democratic Governance

Background Papers **Report to South Ayrshire Council (Special) of 26 May 2022 – [Appointments to Panel](#)**
[South Ayrshire Council \(Special\) – 26 May 2022 - Minutes](#)
[Scheme of Delegation](#)

Person to Contact **Catriona Caves, Chief Governance Officer**
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Date: 4 October 2024

South Ayrshire Council Equality Impact Assessment Scoping Template

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

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

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

1. Policy details

Policy Title	Appointments to Panels
Lead Officer (Name/Position/Email)	Catriona Caves, Chief Governance Officer – catriona.caves@south-ayrshire.gov.uk

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

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys)	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-

Community or Groups of People	Negative Impacts	Positive impacts
Thematic Groups: Health, Human Rights & Children's Rights	-	-

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

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

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

General Duty and other Equality Themes Consider the 'Three Key Needs' of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	YES NO
Rationale for decision: This report seeks approval to make alterations to the list of Panels. Their decision on this has no specific equality implications	
Signed : Catriona Caves	Chief Governance Officer
Date: 2 October 2024	

South Ayrshire Council

Report by Chief Governance Officer to South Ayrshire Council of 10 October 2024

Subject: Live Webcasting of Meetings

1. Purpose

- 1.1 The purpose of this report is to seek approval to reduce the number of Council meetings that are live webcast as a result of the re-establishment of in-person access to Council meetings, budget constraints and lower than expected viewing figures.

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 **agrees to reduce the number of Council meetings that are live webcast to cover South Ayrshire Council, Cabinet, Regulatory Panel (Planning) and Audit and Governance Panel; and**
- 2.1.2 **agrees to reduce the period that webcasts of Council meetings are made available for public viewing (archived) from 24 months to 12 months.**

3. Background

- 3.1 As a result of the Covid pandemic, a solution was sought to allow Council meetings to proceed where councillors, officers and members of the public could attend remotely whilst still observing the strict rules governing meetings. Following the successful implementation of the Public i platform, the Council took the decision at its meeting on 24 June 2021 to live stream remote meetings of the Council, the Leadership Panel (now Cabinet) and the Regulatory Panel (Planning) from 21 September 2021.
- 3.2 At the following Council meeting on 7 October 2021, a decision was taken to increase the live webcasting of meetings to include Regulatory Panel (Licensing), Service and Performance Panel, Partnerships Panel and the Local Review Body and to pursue hybrid meetings in line with the Coronavirus (Extension and Expiry) (Scotland) Act 2021. This would allow the return of some members to County Hall for Council meetings on a socially distanced basis. The South Ayrshire Licensing Board also subsequently decided at their meeting of 18 November 2021, to introduce live webcasting of meetings.

- 3.3 It was recognised that extending the live webcasting of hybrid Council meetings would ensure that the Council was able to meet its requirement to allow public access to Council meetings in terms of section 50A (i) of the Local Government (Scotland) Act 1973 during the Coronavirus pandemic when physical public access to meetings was not permitted.
- 3.4 As the initial contract for live webcasting of Council meetings ends early next year, a procurement process has been entered into. A framework option has been identified as the preferred route to market to appoint a supplier for this product and service. This framework is available to local authorities to procure directly from, is fully compliant with the Public Contracts Scotland Regulations 2015 and will avoid any breaks in service delivery.
- 3.5 Upon reviewing the procurement specification document, it was recognised that the situation regarding public access to meetings had fundamentally changed since June/October 2021 as in-person access to meetings had been re-instated. As a result, it was proposed that the number of meetings that are live webcast should be reviewed.
- 3.6 [Table A](#) below lists six authorities and the council meetings they record and make available online and the systems used to achieve this, three of those listed live webcast meetings. [Table B](#) below contains average viewing figures per Council meeting that have been live webcast over the period March 2022 to June 2024. It is not possible to identify those viewings attributable to officers, nor the number of repeated viewings by one individual. Having reviewed the figures, it is proposed that those meetings to be live webcast will be South Ayrshire Council, Cabinet, Regulatory Panel (Planning) and Audit and Governance Panel (chief scrutiny panel). It is expected that the combination of the reduction in live webcast hours(from 100 per annum to 78), and archive period (24 months to 12 months) would realise a small saving.
- 3.7 The intention is to renew the contract for a period of 12 months during which time officers will interrogate alternative solutions to drive out efficiencies and bring a report to Council at that time.
- 3.8 Any decision relating to live webcasting of South Ayrshire Licensing Board meetings would rest with the Board.

Table A

Meetings Recorded

Council	Method	Meetings
East Renfrewshire	Live Webcast	Council
East Ayrshire	Recorded and uploaded	Council; Cabinet; Governance and Scrutiny; and Planning
Moray	Live Webcast	Council; Corporate Committee; Planning and Regulatory Services; Local Review Body; and Police and Fire Rescue Services Committee

Council	Method	Meetings
Angus	Live Webcast	Council; Scrutiny and Audit Panel; IJB; Policy and Resources; and Council Development Standards Committee
West Dunbartonshire Council	Audio recorded and uploaded	Council; Corporate Services Committee; Educational Services Committee; Infrastructure, Regeneration and Economic Development Committee; Housing and Communities Committee; HSCP Board; and HSCP Audit and performance
Falkirk	Recorded and uploaded	Council; Audit Committee; Planning Review; Scrutiny Committee; IJB; Common Good Fund; and Education, Children and Young People Executive

Table B

Viewing Figures

Meeting	Average Viewings	
	Live	Archive
South Ayrshire Council	51	91
Cabinet	23	39
Regulatory Panel – Planning	20	36
Regulatory Panel – Licensing	18	29
Service and Partnerships Performance Panel	9	19
Audit and Governance	8	21
Licensing Board	8	21
Local Review Body	8	16

4. Proposals

4.1 It is proposed that the Council:

- 4.1.1 notes the progress made in the implementation of the webcasting functionality for hybrid meetings since October 2021 set out in paragraphs 3.2 and 3.3 above;
- 4.1.2 notes that members of the public have for some time been able to access Council meetings in person, as before;
- 4.1.3 agrees that, in view of the position as set out in 4.1.2 above, the contents of [Table B](#) in paragraph 3.3 above, and the imperative to identify savings in the current climate:

- (i) the number of live – webcast Council meetings be confined to South Ayrshire Council, Cabinet, Regulatory (Planning) and Audit and Governance Panel; and
- (ii) the archive period for webcast meetings be reduced from 24 months to 12 months.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements .Members should also note that as the Licensing Board is a separate entity from the Council, any proposal to cease live webcasting of these meetings would require to be considered by the Licensing Board itself.
- 5.2 The recommendations in this report are consistent with procurement requirements and reflect appropriate advice

6. Financial Implications

- 6.1 It is anticipated that approval of the report recommendations will result in a small one off saving of £915, when compared to the previous contract, over the 12 month contract duration commencing 22 February 2025

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 Rejecting the recommendations will increase the financial burden on the Council.

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 1](#).

10. Sustainable Development Implications

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

11. Options Appraisal

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

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 4 of the Council Plan: Efficient and effective enabling services.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report

13.2 There has been limited consultation with other Councils on the methods pursued to provide online access to council meetings to members of the public, and on the number of meetings to which this applies. The information is contained within [Table A](#) at paragraph 3.6 above.

13.3 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

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

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Restrict live webcasting of meetings to those outlined at paragraph 2.1.1 of the report	21 February 2025	Service Lead – Democratic Governance
Reduce archiving of webcast meetings from 24 months to 12 months	21 February 2025	Service Lead – Democratic Governance

Background Papers [Report to South Ayrshire Council of 24 June 2021 – Arrangements for Webcasting Meetings](#)

[Report to South Ayrshire Council of 7 October 2021 – Live Webcasting of Meetings](#)

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Date: 3 October 2024

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

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

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

1. Policy details

Policy Title	Live Webcasting of Meetings
Lead Officer (Name/Position/Email)	Catrina Caves; Chief Governance Officer

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

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	-	-
Disability	-	-
Gender Reassignment (Trans/Transgender Identity)	-	-
Marriage or Civil Partnership	-	-
Pregnancy and Maternity	-	-
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	-	-
Religion or Belief (including lack of belief)	-	-
Sex – (issues specific to women & men or girls & boys) α	-	-
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	-	-
α Thematic Groups: Health, Human Rights & Children's Rights	-	-

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

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

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

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low
Increase participation of particular communities or groups in public life	Low
Improve the health and wellbeing of particular communities or groups	Low
Promote the human rights of particular communities or groups	Low
Tackle deprivation faced by particular communities or groups	Low

5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>YES <input type="checkbox"/></p> <p>NO <input checked="" type="checkbox"/></p>
<p>Rationale for decision: This report asks members to approve a reduction in the number of meetings that are live webcast. The numbers involved are low and as such unlikely to have specific equality implications.</p>	
<p>Signed : ...Wynne Carlaw.....Service Lead Date: ...17/09/24.....</p>	

South Ayrshire Council

**Report by Chief Financial Officer
to South Ayrshire Council
of 10 October 2024**

Subject: Standing Orders Relating to Contracts

1. Purpose

1.1 The purpose of this report is to seek approval to amend the Council's Standing Orders Relating to Contracts following their most recent review.

2. Recommendation

2.1 It is recommended that the Council:

2.1.1 considers the revisions proposed to the Standing Orders Relating to Contracts (summary of proposals contained in Appendix 1); and

2.1.2 approves the revised Standing Orders Relating to Contracts (Appendix 2) and the list of delegations (Appendix 3) with effect from 11 October 2024.

3. Background

3.1 It is a requirement of corporate governance that the Council's Standing Orders Relating to Contracts be kept under review. The last update was approved by Council on 29 June 2023.

4. Proposals

4.1 Proposed amendments to the Council's Standing Orders Relating to Contracts for 2024 include revisions reflecting:

4.1.1 Minor updates to job titles to reflect the most recent structure within Appendices 2 and 3;

4.1.2 Addition of a Direct Award approvals process, mentioned within various sections, for all contracts £10,000 and over which means all direct award requests will be subject to a 'best value' procurement strategy/options appraisal process prior to award.

4.1.3 Removal of Exemption Clauses relating to construction procurement meaning that all capital procurement requests will be subject to a 'best value' procurement strategy/options appraisal process prior to award.

- 4.1.4 Addition of clauses to ensure any conflicts of interest are addressed and appropriate action is taken prior to any procurement processes proceeding.
- 4.1.5 Amendment of procurement threshold values. These threshold values are used to determine whether a public contract falls within the scope of the Scottish public procurement regulations. These threshold values are updated every two years to ensure that they remain aligned to the threshold values set by the World Trade Organisation's Government Procurement Agreement.
- 4.1.6 Additional wording to ensure purchase order approvals follow the correct purchase to pay procedures.
- 4.2 The above proposed revisions and any other minor amendments to the Council's Standing Orders Relating to Contracts for 2024 are detailed in a summary table attached as Appendix 1.
- 4.3 The full, proposed, revised Standing Orders Relating to Contracts for 2024 are attached as Appendix 2, with amendments tracked and highlighted in **bold text**.
- 4.4 Subject to approval, it is proposed that the revised Standing Orders Relating to Contracts are adopted with effect from 11 October 2024.
- 4.5 Subject to approval, the revised Standing Orders Relating to Contracts will be published on The Core and the Council's website and will be notified to Council staff by way of the SAC Staff Community Hub.
- 4.6 Subject to approval, Standing Orders Relating to Contracts refresher training sessions will be organised for all relevant Service Leads and Co-ordinators.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will continue to work closely with Procurement colleagues to support appropriate procurement processes and compliance with both Standing Orders Relating to Contracts and all relevant procurement legislation.
- 5.2 The implications of this report for the procurement practices of the Council are considerable and have been fully considered.

6. Financial Implications

- 6.1 Not applicable.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

- 8.2.1 Rejecting the recommendations carries the risk that the Council's Standing Orders Relating the Contracts will fail to properly reflect updated procurement processes.

9. **Equalities**

- 9.1 The proposals in this report have been assessed through the Equalities Impact Assessment Scoping process, and there are no significant positive or negative equality impacts of agreeing the recommendations, therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as Appendix 4.

10. **Sustainable Development Implications**

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

11. **Options Appraisal**

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

12. **Link to Council Plan**

- 12.1 The matters referred to in this report contribute to Priority 2 of the Council Plan: Live Work, Learn in terms of delivering compliant contracts to assist multiple service areas within the Council.

13. **Results of Consultation**

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

14. **Next Steps for Decision Tracking Purposes**

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

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Updated Standing Orders Relating to Contracts to be published and notified to employees	18 October 2024	Chief Financial Officer

Background Papers **Report to South Ayrshire Council of 29 June 2023 – [Standing Orders Relating to Contracts](#)**

Person to Contact **Tim Baulk, Chief Financial Officer**
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Date: 2 October 2024

**Summary of Proposed Revisions from
Revised Standing Orders Relating to Contracts - 2024**

Page Num	SO Reference	SO Title	Proposed Change
5	3.5	Extent and Application	Addition of new Direct Award approvals section.
5	3.5	Extent and Application	Supplies and Services threshold amended from £177,897 to £214,904, Works threshold amended from £4,447,447 to £5,372,609, Social and Other Specific Services (Light Touch Regime (LTR)) amended from £552,950 to £663,540
7	4.2.6	Exemptions and Special Arrangements	Addition of wording ' <i>Any direct award must be processed through the Direct Award Authorisation (DAU) form and the procurement route approved by the Service Lead – Procurement prior to being awarded.</i> '
7	4.2.7	Exemptions and Special Arrangements	Addition of wording ' <i>Any direct award must be processed through the Direct Award Authorisation (DAU) form and the procurement route approved by the Service Lead – Procurement prior to being awarded.</i> '
8	4.5	Exemptions and Special Arrangements	Removal of previous clauses 4.5, 4.5.1 and 4.5.2. renumbering of clause 4.6 to now be 4.5
10	6.4	Delegation of Duties under these Standing Orders	Additional paragraph to state that officers can't ask for a purchase order to be approved by members of staff at the same, or lower level of purchase approval amount than their own.

Page Num	SO Reference	SO Title	Proposed Change
10	6.5	Delegation of Duties under these Standing Orders	Addition of wording added <i>'or Direct Award'</i>
10	6.6	Delegation of Duties under these Standing Orders	New paragraphs added referencing the Conflict of Interest form and examples included of what constitutes a conflict of interest in terms of a Procurement tendering process.
12	9.3	Framework Agreements and Dynamic Purchasing Systems (DPS)	Addition of wording <i>'and approved via the Direct Award Authorisation (DAU) process,'</i>
12	9.4	Framework Agreements and Dynamic Purchasing Systems (DPS)	Addition of wording <i>'and approved via the Direct Award Authorisation (DAU) process,'</i>
18	22.4	Authority to Negotiate Contract without Prior Advertisement	Addition of wording: <i>'A list of such existing ICT contracts shall be provided to Elected Members by the Service Lead – ICT Operations, via a written bulletin on an annual basis. A copy must also be issued to the Service Lead – Procurement for inclusion of Contracts within the Council's corporate Contracts Register.'</i>
	Various	Various	Update of Chief Finance Officer and Chief Governance Officer titles throughout the document
	Appendix 1	Direct Award Process (DAU)	Included the proposed direct award authorisation process/form (DAU)

Standing Orders Relating to Contracts

October 2024



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Introduction

The Standing Orders Relating to Contracts set out how contracts for all supplies, services and works will be made by or on behalf of the Council. For the avoidance of doubt, the term 'contract' includes any form of agreement, written or unwritten, to which the Council is a party which creates rights and responsibilities for any of the parties involved.

The purpose of the Standing Orders is to ensure that contracts are appropriate for their purpose, provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Council's policies.

These Standing Orders apply equally where payment is expected to be received by the Council as where payment is to be made.

In entering contracts for or on behalf of the Council, every Committee, Panel, Officer or such other person as may have the power of entering into contracts on the Council's behalf, regardless of whether any such contracts are otherwise exempted from the application of these Standing Orders, shall be subject to an obligation to seek Best Value for the Council and be able to demonstrate equal treatment, non-discrimination, proportionality and transparency in the process of awarding contracts.

Notwithstanding the provisions and requirements of these Standing Orders, all contracts must comply with:

- (a) The Financial Regulations of the Council;
- (b) The Scheme of Delegation to Officers;
- (c) The requirements of the Public Contracts (Scotland) Regulations;
- (d) The requirements of the Procurement Reform (Scotland) Act; and
- (e) All other relevant legislation including retained EU law.

Due consideration should also be given to all Guidance and Policy Notes issued by the Scottish Government, Scottish Procurement Directorate in respect of procurement matters including the Scottish Procurement Journey. Details can be obtained from the website - [Scottish Procurement Journey](#).

1. Commencement

- 1.1 These Standing Orders relating to Contracts ('Contract Standing Orders') shall apply and have effect as from ~~1 July 2023~~ **11 October 2024** and supersede the Standing Orders Relating to Contracts approved by the Council on 29 June ~~2022~~**2023**.

2. Glossary of Terms

- 2.1 **Best Value** means the optimum combination of price (whole life cost or acquisition cost, as appropriate) and quality for any particular requirement, and which supports the continuous improvement in the performance of the Council's functions having regard to (a) efficiency, (b) effectiveness, (c) economy, (d) equal opportunities and (e) sustainability.
- 2.2 **Call-off Contract** means a contract which is entered into between the Council and a Contractor on a Framework Agreement or Dynamic Purchasing Systems (DPS) to which the Council has access. A Call-off Contract shall be awarded in accordance with the terms of the Framework Agreement or DPS, which may provide for:
- 2.2.1 A direct call-off, Framework Agreement only **for contracts above the £50,000 threshold**, by application of the terms set out in the Framework Agreement (which shall be referred to in these Contract Standing Orders as a Direct Award); or
- 2.2.2 A mini-competition between the Contractors within the Framework Agreement or DPS that are capable of performing the proposed Call-off Contract (which shall be referred to in these Contract Standing Orders as a Mini-Competition).
- 2.3 **Collaboration (or Collaborative Procurement)** is where two or more Contracting Authorities, including the Council, aggregate demand for procurement purposes where it makes logical and commercial sense to do so. This results in the maximisation of procurement skills and resources while leveraging greater purchasing power and encouraging competition or innovation in the market place. For the purposes of these Standing Orders, Collaboration relates only to the procurement exercise and Tendering process up to the point of contract award.
- 2.4 **Contract Documents** means the documents to be used in any procurement exercise and where different those intended to form part of any contract following on from a procurement exercise. It includes, but is not limited to, the Single Procurement Document (SPD), the invitation to either Tender for or negotiate a contract, the proposed conditions of contract, the specifications or the descriptions of the supplies, services or works required by the Council and any bill of quantities, and all supplementary documents.
- 2.5 **Contracting Authority** shall have the same meaning as provided for in the Public Contracts (Scotland) Regulations, which are available at the link provided at Standing Order 2.15 below.

- 2.6 **Contractor** means a Contractor or supplier or service provider (as the case may be) appointed by or on behalf of the Council under a contract to which these Contract Standing Orders apply.
- 2.7 **Executive Officer** means in any case the Chief Executive, the Director, Assistant Director or Head of Service with responsibility for the Council service which has the contract requirement, unless these Standing Orders provide otherwise. Where the contract is required for more than one service, the term shall refer to any one of the relevant Executive Officers.
- 2.8 **Framework Agreement or DPS** means an agreement or other arrangement between one or more Contracting Authorities and one or more Contractors, which establishes the terms under which a Call-off Contract may be agreed in the period during which the Framework Agreement or DPS applies.
- 2.9 **Health or Social Care Services** means a care service within the definition provided in regulation 5 of the Procurement (Scotland) Regulations 2016.
- 2.10 **Most Economically Advantageous Tender** means the Tender offer that is most economically advantageous from the Council's point of view having regard to the subject matter of the contract and may include matters such as quality, price, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date and delivery period or period of completion and other matters (as may be considered appropriate in relation to any particular contract).
- 2.11 **National Advertising Portal** means the national portal for advertising public sector contract opportunities in Scotland, which may be found at the [Public Contracts Scotland](#) website.
- 2.12 **Procurement Exercise** means any procurement process which is subject to these Standing Orders.
- 2.13 **Procurement Reform (Scotland) Act** means the Procurement Reform (Scotland) Act 2014 (as may be amended from time to time). These are available at <http://www.legislation.gov.uk/asp/2014/12/data.pdf>. Any reference to the Procurement Reform (Scotland) Act shall include where the context permits reference to any secondary legislation made and statutory guidance issued under the powers conferred in terms of that Act;
- 2.14 **Procurement Strategy** means a procurement strategy in terms of the Procurement Reform (Scotland) Act, section 15;
- 2.15 **Public Contracts (Scotland) Regulations** means the Public Contracts (Scotland) Regulations 2015 (as may be amended from time to time). These are available at: <https://www.legislation.gov.uk/ssi/2015/446/made/data.pdf>
- 2.16 **Retained EU law** means any retained EU law within the meaning of section 6(7) of the European Union (Withdrawal) Act 2018.
- 2.17 **Scottish Procurement Threshold** means the relevant contract value threshold specified under the terms of the Procurement Reform (Scotland) Act applicable to, as the case may be, contracts for the supply of goods, provision of services or works

(all as may be amended from time to time). The current thresholds are set out under Standing Order 3.5.

2.18 **Tender** means a formal process undertaken during a Procurement Exercise where potential Contractors submit bid proposals for supplies, services or works.

2.19 **UK Find a Tender Service (FTS) Threshold** means the relevant contract value threshold specified under the terms of the Public Contracts (Scotland) Regulations, referred to previously as the EU Threshold, applicable to, as the case may be, contracts for the supply of goods, provision of services or works (all as may be amended from time to time). The current thresholds are set out under Standing Order 3.5.

3. Extent and Application

3.1 These Contract Standing Orders are made under Section 81 of the Local Government (Scotland) Act 1973, as amended.

3.2 The Contract Standing Orders shall be interpreted and applied having regard always to the General Rules of the Public Contracts (Scotland) Regulations and the Principles of equal treatment, non-discrimination, proportionality and transparency. All Council employees shall treat Tenderers equally and without discrimination and shall act in a transparent and proportionate manner at all times.

3.3 Subject to the exemptions contained in Standing Order 4 below and in accordance with the further provision at Standing Order 3.5, these Standing Orders shall apply to all contracts made by or on behalf of the Council with an estimated total price or value (which shall always be calculated excluding VAT and over the entire contract period, including any extension options) of or exceeding £50,000 for the supply of goods and materials and the provision of services or £200,000 for the execution of works.

3.4 These Standing Orders are subject to the over-riding provisions of United Kingdom and Scottish legislation, including the Procurement Reform (Scotland) Act, the Public Contracts (Scotland) Regulations and retained EU law. They are also subject to any UK Government or Scottish Government guidance on public procurement that may be issued from time to time. The rules and procedures that apply to the procurement of any particular contract will depend on the nature of that contract and its estimated total price or value over its duration. In the event of any conflict between these Standing Orders and any provision of United Kingdom or Scottish legislation or retained EU law, the legislative provision(s) shall prevail.

3.5 The following table details the different contract thresholds and, as appropriate, the procedures and legislation that apply at each level.

<i>Type of contract</i>	<i>Threshold (excluding VAT)</i>	<i>Applicable procedures / legislation</i>
Best Value Duty		
*All	< £10,000	Follow the relevant Route Zero procurement journey procedure at:

<i>Type of contract</i>	<i>Threshold (excluding VAT)</i>	<i>Applicable procedures / legislation</i>
		https://thecore.south-ayrshire.gov.uk/article/301/Procurement-journey
Direct Awards		
Supplies and Services & Works	£10,000 - £49,999	Follow the Direct Award Authorisation (DAU) process. (Appendix 1)
Supplies and Services & Works	> £50,000	Follow the procedures set out in these standing orders, and comply with any applicable legislation and Follow the Direct Award Authorisation (DAU) process. (Appendix 1)
Quick Quote procedures		
Supplies and Services	£10,000 - £49,999	Follow the relevant Route One procurement journey procedure at:
		https://thecore.south-ayrshire.gov.uk/article/301/Procurement-journey
Works	£10,000 - £49,999	Follow the relevant procurement journey procedure at:
		https://thecore.south-ayrshire.gov.uk/article/301/Procurement-journey
Works	£50,000 - £199,999	Contact the Service Lead - Professional Design Services to progress with your requirement which must be concluded using appropriate construction contract terms and conditions
South Ayrshire Council Standing Orders		
Supplies & Services	> £50,000	Follow the procedures set out in these standing orders, and comply with any applicable legislation as detailed below
Works	£200,000 - £2,000,000	Follow the procedures set out in these standing orders, and comply with any applicable legislation as detailed below
Scottish Procurement Threshold		

<i>Type of contract</i>	<i>Threshold (excluding VAT)</i>	<i>Applicable procedures / legislation</i>
Supplies and Services	> £50,000	Procurement Reform (Scotland) Act
Works	> £2,000,000	Procurement Reform (Scotland) Act
UK Find a Tender Service (FTS) Threshold		
Supplies and Services	> £177,897,214,904 (excluding VAT)	Procurement Reform (Scotland) Act; and the Public Contracts (Scotland) Regulations
Works	> £4,447,4475,372,609 (excluding VAT)	Procurement Reform (Scotland) Act; and the Public Contracts (Scotland) Regulations
Social and Other Specific Services	> £552,950 663,540 (excluding VAT)	Procurement Reform (Scotland) Act; and the Public Contracts (Scotland) Regulations

* 'All' is a reference to a supply, service and/ or works contract

3.6 All Council employees shall comply with the terms of the Contract Standing Orders and any failure to do so may result in disciplinary action.

3.7 The **Chief Financial Officer, in consultation with the ~~Head of Legal and Regulatory Services~~ Chief Governance Officer**, shall have power to vary these Standing Orders but only in the following circumstances:

3.7.1 to reflect changes in job titles, reorganisations of departments and vacancies in posts;

3.7.2 to change references to any piece of legislation where the legislation is repealed, and to insert references to new pieces of legislation where the new pieces of legislation largely re-enact the provisions of the repealed legislation;

3.7.3 to change the financial values of the UK Find a Tender Service (FTS) Threshold or Scottish Procurement Threshold where referred to in these Standing Orders, to implement any changes made to those thresholds.

Any alterations made in terms of this Standing Order 3.7 shall be reported to the next meeting of the Council.

3.8 Other than alterations of a nature which fall within Standing Order 3.7, these Standing Orders may only be varied or revoked by the Council and any motion to vary or revoke these Standing Orders shall conform to the requirements of Standing Orders 18 and 19 of the Standing Orders Relating to Meetings.

3.9 Subject to the modifications contained in Annex 2 below and in accordance with the principles set down in the Statutory Guidance issued by Scottish Ministers in terms of the Procurement Reform (Scotland) Act 2014 as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016 issued in terms of the Procurement Reform (Scotland) Act, these Contract Standing Orders shall

apply to contracts for Health or Social Care Services subject to the special procedures set out in Annex 2.

- 3.10 Any query regarding the application or interpretation of these Contract Standing Orders must be referred in the first instance to the ~~Head of Legal and Regulatory Services~~**Chief Financial Officer**.

4. Exemptions and Special Arrangements

- 4.1 It must be noted that whilst certain categories of contract are exempt from the Contract Standing Orders, they are not exempt from the application of the Procurement Reform (Scotland) Act, the Public Contracts (Scotland) Regulations or retained EU law, where these apply and all stated exemptions from Contract Standing Orders are subject to the proviso that such exemption is within the statutory powers of the Council and does not contravene any retained EU law or UK legislation including, for the avoidance of doubt, any Scottish legislation.

- 4.2 With the exception of Standing Orders 4.1 and 4.3 (which apply in all cases), these Contract Standing Orders shall not apply to:

4.2.1 Any contract for the execution of works, the supply of goods or materials or for the provision of services which, in the opinion of the Executive Officer, is urgently required to address a genuine emergency situation brought about by events which could not have been foreseen by the Council. Lack of forward procurement planning shall not constitute an emergency requirement.

4.2.2 Any contract declared to be exempt by the Cabinet if they are satisfied that the exemption is justified by special and exceptional circumstances, such as where (a) the requirement is not readily obtainable from more than one Contractor and it can be demonstrated that no equivalent is available; or (b) the prices of the supplies, services or works are wholly controlled by trade organisations or government order and it can be demonstrated that no equivalent is available; or (c) the requirements are subject to intellectual property rights and it can be demonstrated that either no suitable alternative is available or that exposure to competition of an item covered by copyright, patent or trademark would breach such rights.

4.2.3 Any contract of direct employment.

4.2.4 Any contract of engagement of consultants (including junior and senior counsel) for the provision of specialist legal or financial advice and skills within the meaning of regulation 11 (1) (e) and (f) of the Public Contracts (Scotland) Regulations, as may be procured on an ad hoc basis on the authorisation of the ~~Head of Legal and Regulatory Services~~**Chief Governance Officer** (for legal advice and skills) or of the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer** (for financial advice and skills).

4.2.5 Any contract for works, supplies or services procured and awarded on the Council's behalf by other Contracting Authorities, in accordance with Standing Order 8.5.

- 4.2.6 Any Direct Award placed in accordance with Standing Order 9.3 under the terms of a Framework Agreement which has been established by the Council; provided always that the terms of the relevant Framework Agreement are complied with. For the avoidance of doubt, these Standing Orders shall apply in respect of any Mini-Competition held under any such Framework Agreement or DPS. **Any direct award must be processed through the Direct Award Authorisation (DAU) form and the procurement route approved by the Service Lead – Procurement prior to being awarded.**
- 4.2.7 Any Direct Award placed in accordance with Standing Order 9.4 under the terms of a Framework Agreement which has been established or is being utilised by any consortium, partnership, company or similar body of which the Council is a member or user, which body exists for the purpose of joint purchasing arrangements, and where such body has invited Tenders for the provision of supplies, services or works; provided always that the terms of the relevant Framework Agreement are complied with. For the avoidance of doubt, these Standing Orders shall apply in respect of any Mini-Competition held by the Council under any such Framework Agreement or DPS. **Any direct award must be processed through the Direct Award Authorisation (DAU) form and the procurement route approved by the Service Lead – Procurement prior to being awarded.**
- 4.3 The foregoing exemptions shall not be deemed in any way to detract from the requirement of the Council and every officer of the Council to ensure that every contract is constituted only after full assessment that:
- 4.3.1 its terms comply with the duty to achieve Best Value;
- 4.3.2 the Financial Regulations have been complied with; and
- 4.3.3 a Request for Procurement Action (RPA) has been submitted in accordance with Standing Order 10.2.2 (except in cases where Standing Orders 4.2.1 or 4.2.3 apply).
- 4.4 ~~With the exception of contracts for demolition works which are deemed to be disposals,~~ These Contract Standing Orders shall not apply to any proposals, transactions or contracts regarding the acquisition or disposal of lands or buildings by the Council.
- 4.5 ~~These Contract Standing Orders shall not apply to any contract for works or services delivered under the South West Territory Hub arrangements. Any such contracts shall be let in accordance with the Council's duty to achieve best value. In advance of procuring and awarding any such contract under this Standing Order, a report shall be submitted in terms of the following:~~
- ~~4.5.1 Where the contract is for works, goods or services up to the value of £500,000, a report on the procurement process followed shall be submitted to the Head of Finance, ICT and Procurement seeking approval to procure and award; or~~

~~4.5.2 Where the contract is for works, goods or services of a value equal to or exceeding £500,000, a report on the procurement process followed shall be submitted to the Council or Cabinet seeking approval to procure and award. Contract details should be submitted to the Service Lead – Procurement so that they can be added to the Council Contract Register.~~

4.65 These Contract Standing Orders shall not apply to any contract entered into on behalf of the Council by Strathclyde Partnership for Transport acting in their capacity as agents of the Council to secure the provision of school transport. All such contracts will be subject to the procedures of Strathclyde Partnership for Transport although the **Depute Chief Executive and** Director of Education shall approve the award of all such contracts on behalf of the Council and shall, as soon as reasonably practicable after the award of the contract, submit a report to be included on the monthly Members' Bulletin and naming the successful tenderer, explaining the evaluation process undertaken and detailing the value of the successful tender. A copy of the report shall be sent by the **Depute Chief Executive and** Director of Education to the Service Lead - Procurement.

5. Disaggregation

5.1 Contracts must not be disaggregated, packaged or split into separate smaller contracts or requirements to avoid the application of any provision of these Standing Orders, the Procurement Reform (Scotland) Act, the Public Contracts (Scotland) Regulations or any other legislative provisions including retained EU law.

5.2 In determining whether either the Scottish Procurement Threshold or UK Find a Tender Service (FTS) Threshold has been exceeded in respect of any single requirement for works, services or supplies, the value of that requirement will be aggregated across the whole Council.

6. Delegation of Duties under these Standing Orders

6.1 No officer may award a contract without written delegated purchasing authority from the Executive Officer.

6.2 Executive Officers may nominate, in writing, such other properly qualified officers as they consider appropriate to undertake any of the general duties set out in these Contract Standing Orders, as more fully detailed in the table at Annex 3 to these Contract Standing Orders, who will then have delegated authority to act in lieu of the Executive Officer in respect of the prescribed duties.

6.3 Delegated purchasing authority must be reflected in the Councils Purchase to Pay hierarchy held within the ORACLE system. Any contract award may only be approved by an officer with the applicable Purchase to Pay limit.

6.4 **Purchase order approvals must follow the Councils Purchase to Pay hierarchy. Purchase order requestors must seek approval of purchase orders from a staff member with a higher Purchase to Pay approval limit than their own.**

6.54 No officer who has a potential conflict of interest or a direct or indirect pecuniary interest in any Tender is permitted to be involved in the Tendering **or Direct Award**

process. **Examples of Conflicts of Interest include members of the evaluation panel or Corporate Procurement Service processing the Procurement Exercise, having a financial interest or having a relationship (spouse, partner, family member, close friend etc.) with someone in the bidder's organisation. Failure to declare a conflict of interest in advance of any involvement in a Procurement Exercise may result in disciplinary action.**

6.6 If any officer has a conflict of interest in any aspect of the procurement process, they must declare this interest as soon as it arises. The interest must be declared to the line manager and the Service Lead - Procurement using the Confidentiality and Conflict of Interest declaration form. No Officer will be given access to any submitted tenders prior to the Confidentiality and Conflict of Interest form being completed and submitted to the Service Lead – Procurement.

7. Maintenance and Repair of Council Buildings

7.1 Subject to Standing Order 7.2, all planned maintenance and/ or responsive repairs to buildings or property owned by the Council shall be undertaken under the direction of the Asset Management service. Such work may, at the direction of the Director of Housing, Operations and Development, be undertaken either by the Council's Property Maintenance service in accordance with plans agreed with that service, or by external Contractor(s). No external Contractor(s) shall be appointed, to undertake any planned maintenance and/ or responsive repairs to buildings or property owned by the Council, by any officer other than the Director of Housing, Operations and Development or his/ her delegate.

7.2 All planned maintenance and/ or responsive repairs to Council houses shall be undertaken under the direction of the Housing service. Such work may, at the direction of the Director of Housing, Operations and Development, be undertaken either by the Council's Property Maintenance service in accordance with plans agreed with that service, or by external Contractor(s). No external Contractor(s) shall be appointed, to undertake any planned maintenance and/ or responsive repairs to Council Houses by any officer other than the Director of Housing, Operations and Development or his/ her delegate.

8. Collaborative Procurement

8.1 The powers set out in this Standing Order 8 shall be exercised by the Executive Officer through the Council's Procurement Service.

8.2 Following consultation with the Council's Procurement Service, where an Executive Officer considers that there is no suitable existing contract, Framework Agreement or DPS to meet the particular requirements of the Council, he/ she may seek to enter into a Collaboration with one or more other contracting authorities provided that it would be in the best interests of the Council and in accordance with Best Value to do so. The provisions of this Standing Order 8 shall apply.

8.3 A contract strategy shall be prepared in respect of every proposed Collaboration and shall detail the justifying reasons for the Collaboration. The contract strategy shall be approved by the Executive Officer.

- 8.4 Where it is proposed that the Council shall act as 'lead authority' in a Collaborative Procurement, the terms of these Contract Standing Orders shall apply to the Procurement Exercise and the written agreement of the other parties to the Collaboration shall be obtained to this effect.
- 8.5 Where another Contracting Authority acts as 'lead authority' in a Collaborative Procurement, the procurement and award process shall be conducted in accordance with the Standing Orders of the 'lead authority'. In every such case, the Executive Officer must first be satisfied (after consultation with the Service Lead - Procurement) that the procurement and award of any such contract shall be carried out in accordance with Standing Orders equivalent in all material respects to and no less robust than these Standing Orders such that the principles of Best Value are adhered to and the best interests of the Council are served at all times in the Collaboration.
- 8.6 Prior to commencing any Collaborative Tender exercise, the Executive Officer shall agree the parameters for the Collaboration with the appropriate officers in the other Contracting Authorities and shall record this in writing. Appropriate monitoring arrangements shall be put in place to ensure the agreed terms for the Collaboration are adhered to by all parties.

9. Framework Agreements and Dynamic Purchasing Systems (DPS)

- 9.1 The powers set out in this Standing Order 9 shall be exercised by the Executive Officer through the Council's Procurement Service.
- 9.2 Where there is likely to be a repeated requirement for a particular supply, service or works, an Executive Officer may seek to establish or participate in a Framework Agreement or DPS in line with Standing Orders 9.3 or 9.4, where he/ she deems that offers Best Value. Before doing so, the Executive Officer shall consult with the Service Lead - Procurement.
- 9.3 The Executive Officer may elect to establish a Framework Agreement or DPS to provide for agreement on the terms for future call-off contracts (whether through Direct Award, **approved via the Direct Award Authorisation (DAU) process**, in the case of a Framework Agreement only, or by the acceptance of a Tender following a Mini-Competition) where permitted in accordance with the terms of that Framework Agreement or DPS. Standing Order 4.2.6 will apply to Call-off Contracts awarded in such circumstances.
- 9.4 The Executive Officer may elect to participate in an existing Framework Agreement or DPS that has been properly constituted by Scotland Excel, the Scottish Procurement and Commercial Directorate, another local authority, the Crown Commercial Service or any other public sector procurement agencies and may enter into Call-off Contracts (whether through Direct award **approved via the Direct Award Authorisation (DAU) process**, in the case of a Framework Agreement only, or by the acceptance of a Tender following a Mini-Competition) where permitted in accordance with the terms of that Framework Agreement or DPS. Standing Order 4.2.7 will apply to Call-off Contracts awarded in such circumstances.
- 9.5 Where, in order to participate in an existing Framework Agreement or DPS of the type described in Standing Order 9.4, the Council is required to enter into a

participation agreement or other similar agreement regulating the use of the Framework Agreement or DPS by the Council, the ~~Head of Legal and Regulatory Services~~ **Chief Governance Officer** shall have the authority to enter into that agreement on behalf of the Council.

- 9.6 Any Mini-Competition run by the Council shall be conducted by means of electronic tendering for the purposes of Standing Order 13, and shall run in accordance with the procedures set out therein, unless contrary to any provisions set out in the relevant Framework Agreement or DPS (in which case, the terms of the Framework Agreement or DPS will have precedence).

10. Procedures Prior to Commencing Procurement Exercise

- 10.1 Prior to commencing with a Procurement Exercise, the Executive Officer shall check the Council's contract register to establish whether any existing contracts, Framework Agreements or DPS accessible to the Council might fulfil their requirement.

- 10.2 No Tender shall be invited or any contract negotiations commenced, unless:

10.2.1 The estimated expenditure thereon is within the budgetary provision previously approved by the Council and in compliance with the Council's Financial Regulations. The Executive Officer shall be responsible for ensuring that sufficient funds are available prior to the commencement of any Procurement Exercise;

10.2.2 A Request for Procurement Action (in the form made available on the Procurement page on the intranet) has been completed by the Executive Officer and returned to the Service Lead - Procurement for all requirements above £50,000;

10.2.3 In cases of Collaborative Procurement, the terms of Standing Order 8 have been complied with;

10.2.4 Where the estimated expenditure of goods, services and works contracts is above £50,000, or of works contracts is above £200,000, consultation with the relevant Portfolio Holder(s) has taken place; and

10.2.5 In cases of procurement that will involve the evaluation of both price and quality criteria, to determine the Most Economically Advantageous Tender, advice must be sought in advance from the Council's Procurement Service on the weighting of such criteria.

11. Advertising of Contracts

- 11.1 In terms of the Procurement Reform (Scotland) Act, the Public Contracts (Scotland) Regulations and retained EU law, the Council has a duty to ensure that contracts are procured in accordance with the principles of non-discrimination on grounds of nationality, equal treatment and transparency.

- 11.2 Contract opportunities that are subject to the requirements of the Procurement Reform (Scotland) Act or the Public Contracts (Scotland) Regulations must comply with the provisions relating to advertising of contracts set out in that legislation.

- 11.3 In relation to contract opportunities that are outside the scope of the requirements of the Public Contracts (Scotland) Regulations, and which therefore fall outside the scope of Standing Order 11.2, the Executive Officer (in consultation with the Service Lead - Procurement) must assess, on a case by case basis, the degree of advertising necessary to ensure that the contract opportunity will be subject to open competition, will satisfy the requirements of the principles of non-discrimination on grounds of nationality, equal treatment and transparency, and will achieve best value for the Council.
- 11.4 All contract opportunities shall be advertised using the National Advertising Portal; unless a decision has been reached by reason of either Standing Order 3.9 or Standing Order 22 that the contract opportunity is to be awarded without advertising.

12. Tendering Procedures

- 12.1 Procurement exercises shall be carried out by electronic means, unless the ~~Head of Finance, ICT and Procurement~~ **Chief Financial Officer** considers that there are substantial reasons for not doing so (in which case Standing Order 12.2 shall apply).
- 12.2 The procedures set out in Annex 1 to these Standing Orders shall apply in place of Standing Orders 13 to 17 (*Submission of Tenders to Post Tender Negotiations*) in respect of the submission, opening and acceptance of non-electronic Tenders and communication with Tenderers in respect of any Procurement Exercise undertaken by the Council by hard copy means.

13. Submission of Tenders

- 13.1 Every set of Contract Documents shall state:
- 13.1.1 the nature and purpose of the contract for which Tenders are invited;
 - 13.1.2 that electronic tendering will be used in the procurement and that submission of Tenders will be subject to the Tenderer registering as a user of the particular e-tendering platform chosen to host the process;
 - 13.1.3 the last date and time (in all cases being twelve noon) when Tenders will be received (noting in particular that any such timeous submission of an electronic Tender requires the Tender to have been submitted and uploaded in full onto the electronic tendering platform before the closing date and time; partial submissions will not be accepted);
 - 13.1.4 the website/ system details/ electronic address through which the electronic Tender is to be submitted;
 - 13.1.5 the period during which Tenders must remain open for acceptance;
 - 13.1.6 the format in which Tenders are to be submitted;
 - 13.1.7 the award criteria and weightings to be used in the evaluation of Tenders received, which shall be based on the Most Economically Advantageous

Tender, as assessed on the basis of criteria linked to the subject-matter of the contract and appropriate to securing Best Value for the Council. The award criteria and weightings must not be changed once agreed and published in the Contract Documents.

13.1.8 that the Council is not bound to accept the Most Economically Advantageous Tender received;

13.1.9 any specific requirements regarding verification and authentication of the Tender submission and the signature of the person making that submission, as the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer** may direct as being necessary and appropriate;

13.1.10 the contact details and method of submitting all Tenderer queries during the Tender period; and

13.1.11 the duration of the contract period (including any extension options).

13.2 Every set of Contract Documents shall state that no Tender will be considered unless it is received at the website/ electronic address notified before the last date and time specified and is submitted in the format specified.

14. Late Tenders

14.1 No Tender submitted using electronic means will be considered unless it is received in the format and at the website/ electronic address specified in the contract documents and unless it is received prior to the deadline for the receipt of Tenders, all as stated in the Contract Documents.

14.2 Where a Tender is late due to a failure or lack of availability of the electronic tendering platform, and which is not attributable to the Tenderer or as the case may be their agent, the express approval of the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer** shall be required to admit the Tender for consideration.

14.3 Late Tenders, save where these have by exception been admitted for consideration in accordance with Standing Order 14.2 above, must remain unopened. The Tenderer must be advised as soon as possible (and in any event within 2 working days of all other Tenders being opened) that if the late Tender is not re-called within 14 days it will be deleted. At the same time, the Tenderer should be informed why the Tender is not being considered.

15. Opening and Recording Tenders

15.1 Tenders shall be kept unopened in a single secure electronic mailbox until after the expiry of the time limit for the receipt of Tenders.

15.2 All Tenders relating to the same contract shall be opened immediately one after the other during one session, as soon as practicable after the time and date specified for return of Tenders, and shall be opened by an officer from Procurement authorised and nominated by the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer**.

16. Checking, Clarification and Evaluation of Tenders

- 16.1 All Tenders shall be subject to checking for completeness and errors by the Executive Officer. Any arithmetical errors that result in a change to the pricing submitted should be documented.
- 16.2 Between the last date and time for the receipt of Tenders and the date on which a decision is taken as to which, if any, Tender is to be accepted, the Executive Officer may instruct members of his/ her staff or consultants to contact a Tenderer in respect of any Tender submitted in cases where such contact may be necessary to clarify the terms of the Tender or to effect any necessary adjustments but not otherwise for any reason.
- 16.3 Where any factor giving rise to post Tender communications is not specific to one tenderer, all Tenderers must be invited to participate in such communications. There must be no material change to the specification(s) and/ or criteria on which Tenders are to be assessed. If it becomes apparent that a material change is required, the Tender process must be recommenced with a revised specification or award criteria.
- 16.4 A full record of any contact between the Council and Tenderers (which shall include copies of all written communications) shall be kept and retained with each tenderer's original Tender.
- 16.5 This Standing Order shall not be used in any way to permit any Tenderer to amend their bid in a manner that allows them to improve their offer, nor to put other Tenderers at a disadvantage nor to distort competition. All Tenderers must be treated at all times equally and in an open, transparent and fair manner.
- 16.6 Tenders shall be evaluated strictly in accordance with the award criteria or price/ quality weighting agreed at the commencement of the Procurement Exercise and detailed in the Contract Documents.

17. Post Tender Negotiations

- 17.1 Once the evaluation of Tenders has been completed in accordance with Standing Order 16.6, the Executive Officer may instruct members of his/ her staff or consultants to enter into post Tender negotiations. Such negotiations shall take place only in circumstances where the Executive Officer:
- 17.1.1 has identified the Tenderer who has submitted the Most Economically Advantageous Tender for a contract; and
 - 17.1.2 is satisfied that there is scope for improvement in the Tender received and that such negotiations will be in the best interests of securing Best Value and improved terms and conditions for the Council.
- 17.2 Post Tender negotiations may only be used with the Tenderer identified in terms of Standing Order 17.1.1.
- 17.3 Where it is considered possible that post Tender negotiations might apply, a clear indication will be given to prospective Contractors in the instructions to Tenderers that post Tender negotiations might be considered.

17.4 A full record (which shall include copies of all written communications) shall be kept by Procurement of all contracts where post Tender negotiations have been used and the written record will be retained with the original Tender. The written record will include the justification for authorising post Tender negotiations, the nature of the negotiations undertaken, the outcome of such negotiations and shall detail any additional terms agreed by the Council.

17.5 This Standing Order 17 shall not be used in any way to put any Tenderer at a disadvantage or to distort competition, and it shall not be used to make any change to the specification(s) and/ or criteria on which the identified Tender is to be assessed.

18. Acceptance of Tenders

18.1 Contracts shall be awarded subject to Standing Order 18.2 in accordance with the evaluation of award criteria.

18.2 Without prejudice to the specified award criteria for any Tender, authority to accept Tenders may be given by:

18.2.1 the Executive Officer in the case of Tenders for the supply of goods or materials and the provision of services (valued in excess of £50,000) or the execution of works (valued in excess of £2,000,000) where the value or amount is within the budgetary provision approved previously by the Council and the Tender to be accepted is the lowest priced and Most Economically Advantageous Tender received (after checking); or

18.2.2 the Executive Officer in the case of Tenders for the execution of works (valued below £2,000,000) where the value or amount is within the budgetary provision approved previously by the Council and the Tender to be accepted is the lowest priced (after checking) received; or

18.2.3 the Executive Officer on the authority of the Council or Cabinet in the case of Tenders which exceed the budgetary provision approved previously by the Council; or

18.2.4 the Executive Officer on the authority of the Council or Cabinet in any case where the Tender evaluated as the Most Economically Advantageous Tender is not the lowest priced tender received (after checking) by an amount exceeding 10 per cent of the lowest priced tender received.

18.3 If the Executive Officer recommends that none of the Tenders submitted should be accepted, he/ she shall notify all Tenderers accordingly, providing justification as to why the decision has been taken.

19. Contracts Register

19.1 The ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer** shall keep and maintain a register of all awarded contracts having an estimated price or value of or exceeding £50,000. Services must inform the Service Lead – Procurement of any changes or missing information in regard to data held within the contracts register pertinent to the service or contract. The register shall be compliant with the

Public Contracts (Scotland) Regulations and the Procurement Reform (Scotland) Act and shall be referred to in these Standing Orders as the 'Contracts Register'.

20. Nomination of Sub-Contractor

- 20.1 Where a contract provides for the nomination by the Executive Officer of a Sub-Contractor or supplier for the execution of works or supply of goods or materials or for the provision of services, the provisions of these Contract Standing Orders shall apply, (with the necessary changes having been made), to the procurement, Tender and award process.
- 20.2 The Executive Officer is hereby authorised to nominate the Tenderer of the Most Economically Advantageous Tender (as appropriate in accordance with the award criteria stated in the invitation to Tender documentation) as Sub-Contractor.

21. Serial and Phased Works Contracts

- 21.1 Where the Executive Officer considers that Tenders should be obtained for a series of related works projects or for phased works projects, he/ she shall first obtain the approval of the appropriate Panel to that course of action both in respect of the execution of the works and the proposed serial Tender process.

22. Authority to Negotiate Contract without Prior Advertisement

- 22.1 If, after consultation with the ~~Head of Legal and Regulatory Services~~**Chief Governance Officer**, the Executive Officer decides that, in accordance with the terms of either the Procurement Reform (Scotland) Act or the Public Contracts (Scotland) Regulations, for contracts above the threshold at which these Standing Orders Relating to Contracts apply (see table at 3.5), £50,000 for goods and services and £200,000 for works respectively, there are circumstances or reasons which justify the negotiation of a contract with any Contractor, without prior advertisement and competition, he/ she shall, before entering into negotiations, first obtain the approval of the Cabinet in respect of the proposed negotiation of the contract to be awarded and the person with whom the contract is to be negotiated.
- 22.2 In seeking prior approval in terms of Standing Order 22.1, the Executive Officer shall submit to the Panel a report detailing the nature of the contract (including, where appropriate, the identity of any collaborative partners) and the reasons which are considered to justify the proposed negotiation without advertisement and competition, and which shall provide a fully reasoned assessment made in relation to the Council's obligations arising from the Procurement Reform (Scotland) Act and/ or the Public Contracts (Scotland) Regulations and/ or any retained EU law.
- 22.3 If an existing ICT service contract has been determined by the Service Lead - ICT Operations not to be readily obtainable other than from the contracted vendor due to an unavailable equivalence in specific technical, intellectual and licensing nature of the service, the Council shall continue to renew the contract on an annual basis with such support and maintenance cost continuing until the Council no longer requires the said ICT systems or service.
- 22.4 ~~A list of such existing ICT contracts shall be provided to Elected Members via a written bulletin on an annual basis.~~ **A list of such existing ICT contracts shall be provided to Elected Members by the Service Lead – ICT Operations,**

via a written bulletin on an annual basis. A copy must also be issued to the Service Lead – Procurement for inclusion of Contracts within the Council's corporate Contracts Register.

23. Periodic Supplies

23.1 Where a contract is for the supply of goods or services which will require to be delivered from time to time during a specified period the requirements of Standing Orders 8 to 19 shall be carried out only once prior to the commencement of such period. This will apply to term contracts and Framework Agreements where Call-off Contracts are ordered throughout the term of the contract.

24. Contractual Matters

24.1 *Form of Contract and Terms and Conditions*

Except where otherwise agreed by the ~~Head of Legal and Regulatory Services~~ **Chief Governance Officer**, every contract shall be in writing, shall be signed by the appropriate Executive Officer or other officer specifically authorised by him/ her for the purpose and shall be subject to the laws of Scotland and the jurisdiction of the Scottish Courts.

24.2 *Equal Opportunity in Employment*

During the Procurement Exercise and before entering into a contract, the Council shall obtain from the Contractor an assurance in writing that, to the best of its knowledge and belief it has complied with all statutory requirements in respect of ensuring equal opportunity in employment; and that it is not unlawfully discriminating within the meaning and scope of the provisions of the on the Equality Act 2010 (or any statutory modification or re-enactment thereof) including but not limited to discrimination on grounds of gender, marital or civil partnership status, race, disability, gender reassignment, religion or belief, sexual orientation, age, pregnancy or maternity leave.

24.3 *Prevention of Collusion and Corrupt or Illegal Practices*

Every contract shall contain a clause entitling the Council to cancel the contract and to recover from the Contractor the amount of any loss resulting from such cancellation if the Contractor or its representative or persons employed by the contractor or acting on behalf of the contractor (whether with or without the knowledge of the Contractor) shall have committed any offence under the Bribery Act 2010 or have given any fee or reward, the receipt of which is an offence under any legislation pertaining to local authorities; or shall have practised collusion in Tendering for the contract or any other contract with the Council or shall have employed any corrupt or illegal practices either in the obtaining or execution of the contract or any other contract with the Council.

24.4 *Assignment and Sub-Contracting*

In every contract, there shall be included a provision whereby:

- 24.4.1 the Contractor shall be prohibited from transferring, assigning or sub-contracting a contract or any part thereof without the prior written consent of the Council; and
- 24.4.2 the Contractor shall be prohibited from changing any Sub-Contractors from those noted in the Contract Documents without the prior written consent of the Council.

24.5 **Industry Standards**

Where there is a recognised international or British Standards Specification or British Standard Code of Practice applicable to any commodity or service at the date of the invitation to Tender, the Contract Documents shall require that, as the case may be, all goods and materials used or supplied, all services rendered, and all workmanship undertaken shall at least meet the requirements of that standard. In the absence of any such recognised standard, the Contract Documents shall require an appropriate equivalent standard be used.

24.6 **Copyright**

The Executive Officer shall, in so far as practicable, ensure that in contracts for the commissioning of reports, research, graphics, design, media and other consultancy services to which copyright applies, that whilst copyright in the work vests in the Contractor, the Council has royalty free rights to utilise the information provided in relation to the continued development of the specific project and subsequent related projects.

24.7 **Health and Safety**

- 24.7.1 Every Contractor appointed by or on behalf of the Council shall be required to comply with current Health and Safety legislation and approved Codes of Practice, as may be applicable to the contract. The Executive Officer will have the ultimate decision as to whether a Contractor's Health and Safety qualification is equal to that required by the Council or in an approved form.
- 24.7.2 In the case of contracts for construction type works, in addition to the aforementioned, Contractors appointed by or on behalf of the Council shall be required to hold either Contractors Health and Safety Scheme (CHAS), Safety Schemes in Procurement (SSIP) or equal and shall be required (prior to entering a contract) to exhibit an approved letter of compliance or accreditation certificate.

24.8 **Insurance**

Every contract shall contain a clause requiring the Contractor to take out and maintain, for the duration of the contract, such insurance cover for such amounts as the Executive Officer may deem relevant to the contract, including, if appropriate, but not restricted to:

- 24.8.1 Employers Liability Insurance;
- 24.8.2 Public (Third party) Liability Insurance;

24.8.3 Professional Indemnity Insurance, which shall remain in force for a period of 6 years beyond the end of the contract;

24.8.4 Other such specialist classes of insurance as advised by the ~~Head of Legal and Regulatory Services~~ **Chief Governance Officer**.

24.9 ***Bonds and Parent Company Guarantees***

Where considered appropriate by the Executive Officer, the Council shall require the Contractor to take out a bond, obtain and deliver a formal parent company guarantee or provide other sufficient security for the due performance of the contract.

24.10 ***Sustainability and Community Benefits***

Where relevant and proportionate and in accordance with the terms of the Procurement Reform (Scotland) Act:

24.10.1 Every contract shall set out the Council's commitment to sustainable development, including sustainability in procurement and that the Contractor or supplier must take all reasonable steps to provide products and services that are designed for sustainability, as well as safety and minimise the environmental impacts that arise from their delivery or use.

24.10.2 Community Benefits clauses, which are mandatory for contracts over £50,000, should be considered to cover, for example, training proposals, intentions regarding the provision of apprenticeships and employment opportunities, local SME, social enterprise and supply chain development, proposals to generate local economic opportunities and development and general investment proposals for local communities. This list of examples is not exhaustive.

24.10.3 Every contract shall set out the Council's commitment to Fair Work First, the Scottish Government's Fair Work framework and that the Council expects Contractors or suppliers to take a similarly positive approach as part of a fair and equitable employment and reward package for their staff. Every contract shall also set out that the Council is committed to proactively vetting our supply chain to ensure no instances of modern slavery are taking place.

24.11 ***Variation and Termination***

Every contract shall contain provisions allowing for the contract to be varied or amended, and allowing for the contract to be terminated in certain circumstances. The Executive Officer may exercise any power on behalf of the Council to:

24.11.1 Vary or amend any terms of a contract, provided: (i) the proposed variation or amendment will not in the view of the Executive Officer constitute a material difference to the terms originally agreed between the Council and Contractor; and (ii) the variation has been approved by the ~~Head of Legal and Regulatory Services~~ **Chief Governance Officer**; and

24.11.2 Terminate any contract or to terminate the Council's participation in a Framework Agreement or DPS, but only following consultation with the ~~Head of Legal and Regulatory Services~~ **Chief Governance Officer** and subject to their being satisfied that it is reasonable and in the interests of the Council to exercise that power.

25. Application to Procurement Consultants

25.1 Any agent or consultant (not being an officer of the Council) who is to be responsible to the Council for the procurement of a contract on its behalf shall, in relation to that contract:

25.1.1 comply with these Contract Standing Orders as though he/ she were an officer of the Council;

25.1.2 at any time during the carrying out of the contract, produce, on request, to the Executive Officer, all records maintained by him/ her in relation to the contract; and

25.1.3 on completion of the contract, transmit all such records to the Executive Officer.

11 October 2024

Procedures for Paper Tendering

A. Introduction

- A.1 In accordance with Standing Order 12.2, the following procedures are to apply in place of Standing Orders 13 to 17 in respect of any Procurement Exercise undertaken by the Council by hard copy means.

B. Submission of Paper Tenders

- B.1 Every set of Contract Documents shall state:

- B.1.1 the nature and purpose of the contract for which Tenders are invited;
- B.1.2 the last date and time (in all cases being twelve noon) when Tenders will be received;
- B.1.3 the address to which Tenders are to be sent;
- B.1.4 the period during which Tenders must remain open for acceptance;
- B.1.5 the award criteria and weightings to be used in the evaluation of Tenders received, which shall be based on the Most Economically Advantageous Tender to secure Best Value for the Council. The award criteria and weightings must not be changed once agreed and published in the Contract Documents.
- B.1.6 that the Council is not bound to accept the Most Economically Advantageous Tender received;
- B.1.7 the contact details and method of submitting all Tenderer queries during the Tender period; and
- B.1.8 the duration of the contract period (including any extension options).

- B.2 Every set of Contract Documents shall state that no Tender will be considered unless it is received at the address notified before the last date and time specified and is submitted in a plain sealed envelope.

C. Late Tenders

- C.1 Tenders received after the closing date and time for submission or received at a place other than as stated in the Contract Documents shall not be opened or considered.

- C.2 Late Tenders shall be marked as late and returned to the Tenderer within 2 working days of receiving it, together with an accompanying letter explaining why the Tender is not being considered. Such Tenders may be opened to ascertain the name of the tenderer, but no details of the Tender shall be disclosed, and a statement to this effect shall be included in all Contract Documents.

D. Opening and Recording Tenders

- D.1 All Tenders relating to the same contract shall be opened immediately one after the other during one session, as soon as practicable after the time and date specified for return of Tenders, and shall be opened in the presence of:
- D.1.1 in the case of contracts where the estimated value or amount is below the relevant UK Find a Tender Service (FTS) Threshold, two officers nominated by the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer**, at least one of whom shall be an authorised officer from Procurement; and
- D.1.2 in the case of contracts where the estimated value or amount equals or exceeds the relevant UK Find a Tender Service (FTS) Threshold, any member of the Council and an officer duly nominated by the ~~Head of Finance, ICT and Procurement~~**Chief Financial Officer**.
- D.2 The Tender Record Sheet (which shall be in the format of the template form available on the Procurement page of the intranet) shall be completed and signed by both officers or the Elected Member and officer, as the case may be at the time of opening the Tenders.
- D.3 In cases of urgency (during Council recess periods or otherwise), the Chief Executive shall be authorised to act in the absence of a member of the Council in terms of Standing Order D.1.2.

E. Checking, Clarification and Evaluation of Tenders

- E.1 All Tenders shall be subject to checking for completeness and errors by the Executive Officer. Any arithmetical errors that result in a change to the pricing submitted should be documented, signed and dated.
- E.2 Between the last date and time for the receipt of Tenders and the date on which a decision is taken as to which, if any, Tender is to be accepted, the Executive Officer may instruct a member of his/ her staff or consultants to contact a Tenderer in respect of any Tender submitted in cases where such contact may be necessary to clarify the terms of the Tender or to effect any necessary adjustments but not otherwise for any reason.
- E.3 Where any factor giving rise to post Tender communications is not specific to one tenderer, all Tenderers must be invited to participate in such communications. There must be no material change to the specification(s) and/ or criteria on which Tenders are to be assessed. If it becomes apparent that a material change is required, the Tender process must be recommenced with a revised specification or award criteria.
- E.4 A full record of any contact between the Council and Tenderer (which shall include copies of all written communications) shall be kept and retained with the tenderer's original Tender.
- E.5 This Standing Order shall not be used in any way to permit any Tenderer to amend their bid in a manner that allows them to improve their offer, nor to put other

Tenderers at a disadvantage nor to distort competition. All Tenderers must be treated at all times equally and in an open, transparent and fair manner.

- E.6 Tenders shall be evaluated strictly in accordance with the award criteria or price/ quality weighting agreed at the commencement of the Procurement Exercise and detailed in the Contract Documents.

F. Post Tender Negotiations

- F.1 Once the evaluation of Tenders has been completed in accordance with paragraph E.6 above, the Executive Officer may instruct a member of his/ her staff or consultants to enter into post Tender negotiations. Such negotiations shall take place only in circumstances where the Executive Officer has:

- F.1.1 identified the Tenderer who has submitted the Most Economically Advantageous Tender for a contract; and

- F.1.2 is satisfied that there is scope for improvement in the Tender received and that such negotiations will be in the best interests of securing Best Value and improved terms and conditions for the Council.

- F.2 Post Tender negotiations may only be used with the Tenderer identified in terms of Standing Order F.1.1.

- F.3 Where it is considered possible that post Tender negotiations might apply, a clear indication will be given to prospective Contractors in the instructions to Tenderers that post Tender negotiations might be considered.

- F.4 A full record (which shall include copies of all written communications) shall be kept by Procurement of all contracts where post Tender negotiations have been used and the written record will be retained with the original Tender. The written record will include the justification for authorising post Tender negotiations, the nature of the negotiations undertaken, the outcome of such negotiations and shall detail any additional terms agreed by the Council.

- F.5 This Standing Order shall not be used in any way to put any Tenderer at a disadvantage or to distort competition, and there must be no material change to the specification(s) and/ or criteria on which the identified Tender is to be assessed.

Procedures for Commissioning of Health or Social Care Services

A. Introduction

- A.1 In accordance with Standing Order 3.9, the Contract Standing Orders shall apply to the procurement of contracts for Health or Social Care Services subject to the special procedures set out in this Annex.
- A.2 These procedures are intended to accord with and reflect the principles set down in the Statutory Guidance issued by Scottish Ministers in terms of the Procurement Reform (Scotland) Act 2014 as well as the Best Practice Guidance on the Procurement of Care and Support Services 2016 issued in terms of the Procurement Reform (Scotland) Act.
- A.3 The term 'Executive Officer' means in the context of these Annex 2 procedures either the **Depute Chief Executive and** Director of Education, the Director of Health and Social Care, the Director of Housing, Operations and Development, the Director of ~~Strategic Change and~~ **Communities and Transformation**, or the ~~Head of Finance, ICT and Procurement~~ **Chief Financial Officer**.

B. Governing Bodies (Care Inspectorate)

- B.1 **Where it is a mandatory requirement to a service provision, all Service Providers providing such Health or Social Care Services under a contract with the Council must be registered with Care Inspectorate (or its statutory successor(s)) or any other relevant regulatory bodies unless the Executive Officer approves otherwise on a case by case basis. ~~Unless the Executive Officer approves otherwise on a case by case basis, all Contractors providing Health or Social Care Services under a contract with the Council must be registered with Care Inspectorate (or its statutory successor(s)) or any other relevant regulatory bodies that are a mandatory requirement to the service provision.~~**

C. Procedures for Procuring Contracts for Health or Social Care Services

- C.1 In accordance with Standing Order 11.2, a contract for Health or Social Care Services that has an estimated value in excess of the UK Find a Tender Service (FTS) Threshold for Social and Other Specific Services must be procured by following a procedure that satisfies the Council's duties set out in the Public Contracts (Scotland) Regulations.
- C.2 In cases of procuring a contract for Health or Social Care Services that has an estimated value below the UK Find a Tender Service (FTS) Threshold for Social and Other Specific Services, the Executive Officer shall be responsible for deciding whether the particular contract is one which may be awarded without advertisement and competition, in accordance with section 12 of the Procurement Reform (Scotland) Act.
- C.3 In determining whether a contract for Health or Social Care Services may be awarded without advertisement and competition in terms of paragraph C.2, the

Executive Officer shall take account of the individual circumstances of the contract, including the subject matter and estimated value of the contract, the specifics of the service sector concerned and the geographic location of the place of performance of the contract to identify firstly whether there is likely to be a cross-border interest in the contract. The Executive Officer, following consultation with the Service Lead - Procurement, may determine that there is no cross-border interest in the contract where:

- C.3.1 it can be demonstrated that the contract is of no interest to cross-border Contractors; and/ or
- C.3.2 the total sum to be paid under the contract is so low that cross-border Contractors would not be interested in bidding for the contract; and/ or
- C.3.3 the service is of such a specialised nature that no cross-border market of suitable Contractors exists; and/ or
- C.3.4 advertising the contract would result in the loss of a linked service.

C.4 Where the Executive Officer decides under paragraphs C.2 and C.3 above that a contract is likely to attract a cross-border interest, it should be procured by way of a competitive process and it will be advertised in accordance with Standing Order 11 unless the Executive Officer decides that there are special circumstances justifying a departure from that requirement. Such decisions will be taken on a case by case basis and advertising may not be required where, for example:

- C.4.1 the needs of the service user(s) concerned would be best met by a particular Contractor; and/ or
- C.4.2 the existing Contractor(s) are the only Contractor(s) capable of delivering the service to meet the needs of the individual(s) concerned; and/ or
- C.4.3 the nature of the service is such that it should not or cannot be adequately specified in advance because of the nature of the social care needs of the service user(s) concerned; and/ or
- C.4.4 there are special circumstances such as ownership of land or property, geographic locations or particular skills or experience of Contractors of social care which limit the choice to one Contractor; and/ or
- C.4.5 there are reasons of extreme urgency, brought about by unforeseen events which are not attributable to the Council.

C.5 Where the Executive Officer decides under paragraphs C.2 and C.3 above that the principles of procurement from the Public Contracts (Scotland) Regulations do not apply to a contract for Health or Social Care Services, he/ she may also decide that Standing Order 12 shall not apply to that contract.

C.6 The Executive Officer shall be required to maintain a list of all proposed contracts which he/ she decides do not require to be advertised on the basis of the determinations made under paragraphs C.2, C.3, C.4 or C.5 above. He/ she shall provide a copy of that list to the Elected Members once every 6 months. Any decisions taken under paragraphs C.2, C.3, C.4 or C.5, that neither advertising nor

competition will be required for a particular contract shall be subject to review by the Executive Officer at regular intervals (and at least annually).

- C.7 The decisions (and subsequent review of those decisions) taken by the Executive Officer under this Annex 2 will all be fully documented. Any reasons for deciding that a proposed contract will not be advertised must be recorded and included on the list which is to go to the Elected Members under paragraph C.6.
- C.8 In addition to demonstrating how Best Value will have been achieved, the contracting service will be responsible for evidencing the reasons referred to under paragraph C.6.

General Powers of Executive Officers
under these Standing Orders

SO Number	<i>Duty/ Power to...</i>
4.2.1	Determine whether a contract is urgently required to address a genuine emergency situation to prevent or mitigate risk to life or damage
8.2	Determine whether it is in the best interests of the Council and in accordance with best value to enter into a collaborative arrangement, for the purposes of Standing Order 9
8.5	Satisfy themselves that the principles of best value will be adhered to and the best interests of the Council will be served, in entering a collaborative arrangement where another public body takes the role as lead authority
8.6	Agree the parameters for the collaboration with appropriate officers in the other public bodies and to record this in writing
9.2	Seek to establish or participate in a framework agreement or DPS, where he/ she deems that offers best value. Duty to consult with the Service Lead - Procurement prior to acting under Standing Order 10.1
9.3	Establish a framework agreement or DPS and enter into call-off contracts, in accordance with Standing Order 10.2
9.4	Award call-off contracts under framework agreements or DPS to which the Council has access or is utilising
10.1	Consult the Council's contract register in order to establish whether any existing contracts, framework arrangements or DPS are accessible to the Council which would fulfil their requirement
10.2.1	Ensure that sufficient funds are available prior to the commencement of any procurement exercise
10.2.2	Complete a Request for Procurement Action and return the same to the Service Lead - Procurement
11.3	In consultation with the Service Lead - Procurement, assess the appropriate competitive procedure to follow to ensure that the contract opportunity will be subject to open competition, will satisfy the requirements of the principles of non-discrimination on grounds of nationality, equal treatment and transparency, and will achieve best value for the Council

SO Number	Duty/ Power to...
15.2	Nominate officers to open electronic Tenders, at least one of whom shall be an authorised officer from Procurement
16.1	Check all Tenders for completeness and errors
16.2	Instruct officers to contact a Tenderer in respect of any Tender submitted
17.1	Instruct officers to contact the Tenderer identified as offering the most economically advantageous, to enter into post Tender negotiations; where they are satisfied that there is scope for improvement in the price of the tender
18.2.1	Award a contract to the Most Economically Advantageous Tender (after checking)
18.2.2	Award a contract for the execution of works (valued below £2,000,000) to the lowest priced Tender (after checking)
18.2.3	Obtain the approval of the Council or Panel to award a contract in the case of a Tender exceeding the budgetary provision previously approved
18.3	Recommend that none of the Tenders submitted should be accepted, and to notify all Tenderers accordingly in such instances
19.1	Provide information to Procurement for Contracts Register, in relation to all contracts with an estimated price or value of or exceeding £50,000
20.2	Nominate the Tenderer of the Most Economically Advantageous Tender (as appropriate) as Sub-Contractor
21	Obtain the approval of the appropriate Panel before authorising a series of related works projects or phased works projects
22.1	Determine whether there are circumstances or reasons which justify the negotiation of a contract without prior advertising in accordance with law; Obtain the approval of the appropriate Panel before authorising the extension/ award of contract
22.2	Submit a report, to the appropriate Panel, detailing the nature of the proposed award of contract and the reasons for the proposed negotiation without competition
24.1	Sign contracts (subject to the Scheme of Delegation)
24.6	Ensure that, where applicable in relation to contracts for consultancy services, the Council has royalty free rights to utilise information provided in relation to the continued development of the specific project and subsequent related projects

SO Number	Duty/ Power to...
24.8	Determine what insurance cover, if any, is relevant to the contract and which the Contractor will be required to take out and maintain for the duration of the contract
24.9	Determine whether the Council shall require the Contractor to take out a bond, obtain and deliver a formal parent company guarantee or provide other sufficient security for the due performance of the contract
24.11.1	Vary or amend any terms of a contract, if satisfied that the variation or amendment will not constitute a material difference to the original terms
24.11.2	Terminate a contract or the Council's participation in a framework agreement or DPS, following consultation with the Head of Legal and Regulatory Services Chief Governance Officer
25.1.2	Request that any consultant (not being an officer of the Council) produce all records maintained by him/ her in relation to a contract
Annex 1/ B.2	Nominate officers to take custody of returned Tenders
Annex 1/ D.1.1	Nominate officers to open below UK FTS Threshold Tenders, at least one of whom shall be an authorised officer from Procurement
Annex 1/ D.1.2	Nominate an officer to open above UK FTS Threshold Tenders
Annex 1/ E.1	Check all Tenders for completeness and errors
Annex 1/ E.2	Instruct officers to contact a Tenderer in respect of any Tender submitted
Annex 1/ F.1	Instruct officers to contact the Tenderer identified as offering the most economically advantageous, to enter into post Tender negotiations; where they are satisfied that there is scope for improvement in the price of the tender
Annex 2/ C.2 and C.3	Determine whether the proposed contract is one to which the principles of procurement from the Public Contracts (Scotland) Regulations apply and consequently requires advertising and competition
Annex 2/ C.4	Determine whether there are special circumstances justifying departure from requirement to advertise proposed contract

SO Number	<i>Duty/ Power to...</i>
Annex 2/ C.5	Determine whether Standing Order 12 is to apply to the proposed contract
Annex 2/ C.6	<p>Maintain a list of all proposed contracts which he/ she decides do not require to be advertised on the basis of the determinations made under paragraphs C.2, C.3, C.4 or C.5;</p> <p>Provide a copy of that list to the Elected Members on an annual basis</p>
Annex 2/ C.7	Keep full records of decisions taken and reasons, and provide those on list to Elected Members under paragraph C.6



DIRECT AWARD AUTHORISATION (DAU) PROCESS/FORM

- 1.1. This form is to be completed for any procurement requirements requesting a direct award to any supplier. This applies to any total contract value exceeding 10K and ensures evaluation of Procurement options has taken place to confirm best value has been justified.

Completion of this form is not a guarantee that a direct award procurement route will be approved. A member of the Procurement team will respond either confirming approval or provide reasons for rejecting the request and suggest an alternative procurement option if available.

- 1.2. Any direct award requirements with a total contract value of over 50K must also comply with the Standing Orders for Contracts and either be awarded via a compliant framework or meet the criteria regarding circumstances in which a contract can be awarded without competition as per Public Contracts Scotland Regulations 2015.

If you are in doubt about any of the points above please contact your aligned procurement officer prior to completing this form.

Subject to approval your aligned Procurement Officer will be in touch regarding timescales for the direct award.

(this form will be available online via the CORE and will be processed electronically)

1.Service details	
Service:	Service Lead name:
Email:	Date of request:
Contract Administrator's Name:	

2.Contract Title Please provide a short specific title e.g. Supply and Delivery of power supplies for ICT servers.	
2.1 Description Please provide a comprehensive description of the requirement.	
2.2 Recurring Please select if this is a one-off requirement or a recurring requirement.	
One-off requirement <input type="checkbox"/>	Recurring requirement <input type="checkbox"/>

3. Budget details	
Budget allocated for this contract (excluding VAT)	£
Type of expenditure:	
Capital <input type="checkbox"/>	Revenue <input type="checkbox"/>
Both <input type="checkbox"/>	
GL Code:	

4.1 Supplier details	
Name:	
Street:	
Town:	Postcode:
Telephone number:	Email address:
4.2 Quote Please confirm you have a valid quote from the supplier/contractor/service provider in writing. If yes, a copy must be attached.	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
4.3 Reason for requesting this DAU. Please confirm the reason for requesting a DAU.	
4.4 Provide justification to demonstrate why a competitive quote / tender is not possible. If in doubt please contact your aligned Procurement Officer.	
4.5 Best Value Please confirm how you have evidenced Best Value for money in the absence of competition.	
4.6 Has a Framework option been identified? yes/no	

5.1 Information governance	
Please provide a yes or no reply to each question. If you answer yes to any of the questions, you will have to check with Information Governance colleagues prior to progressing as you may need to complete a DPIA.	

1. Will the service or product include the sharing and/or processing of personal information?	
2. Will the service or product include the sharing and/or processing of business sensitive information?	

3. Will the successful supplier/contractor/service provider create and/or manage Council records as part of delivering a Council function?	
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5.2 ICT security

Please provide a yes or no reply to each question. If you answer yes to any of the questions, you will have to confirm with ICT colleagues prior to proceeding.

1. Will the service or product being procured include any IT related services or data hosting solutions?	
2. Will the service or product being procured include a requirement for remote network access to the Council's PSN accredited network?	
3. Will the service or product being procured include a requirement for non-Council owned equipment to be connected to the Council's PSN accredited network?	

6. Timetable

Contract start date	
Contract end (if it's a one off purchase select N/A)	
Maximum extension date (if it's a one off purchase select N/A)	

7. Conflict of interest

Examples of a conflict of interest include having a financial interest or having a relationship (spouse, partner, family member, friend etc) with someone in the organisation you are requesting a contract with. (see also Standing Orders clause 6.4) - If you are unsure please contact Procurement to discuss.

Are there any conflicts of interest?

Yes No

If yes, please confirm you have completed the conflict of interest declaration form and notified the Service Lead - Procurement.

Yes No

Procurement use only

8. Is there an existing contract/supplier to the Council who could fulfil this requirement and at what cost?

Yes/No

If yes please note the details below including any CSM scorecards and any issues, if any, with the current supplier:

9. Is there an appropriate framework that allows a direct award to be completed for this requirement including any Light Touch Regime options?

Yes/No

If yes please confirm the framework operator name, framework name and reference number, end date of the framework and lot number if applicable.

10. Are there options for running a tender or mini competition exercise to ensure best value?

Yes/No

Please describe the options and approximate timescales:

11. If the answer to Q10 is No are the answers to Q4 suitable for justifying a direct award?

12. Can an exemption be applied for this request?

Yes/No

If Yes then a reason must be selected from the options below:

Exemption reason for requirements over £50,000 if no framework option is available. Please select the exemption reason(s) below from the [Procurement \(Scotland\) Regulations 2016](#) by selecting the relevant tick box below (other options must not be deleted). Note that for all direct award requirements not covered by an appropriate framework an option must be selected.

1.Where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to the publication of a contract notice, provided that the initial conditions of the contract are not substantially altered

2.Where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons: but only where no reasonable alternative or substitute exists, and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement

(i) the aim of the contract is the creation or acquisition of a unique work of art or artistic performance

(ii) competition is absent for technical reasons

(iii) the protection of exclusive rights, including intellectual property rights

<p>3.Where (but only if it is strictly necessary) for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the authority considers it must proceed to award a contract without delay</p>	<input type="checkbox"/>
<p>4.Where the products involved are manufactured purely for the purpose of research, experimentation, study or development, but a contract awarded under this sub paragraph shall not include quantity production to establish commercial viability or to recover research and development costs</p>	<input type="checkbox"/>
<p>5.For additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance; the duration of such a contract, as well as that of recurrent contracts must not, save in exceptional circumstances, exceed three years</p>	<input type="checkbox"/>
<p>6.For supplies quoted and purchased on a commodity market</p>	<input type="checkbox"/>
<p>7.For the purchase of supplies on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors, or a similar procedure under national laws or regulations</p>	<input type="checkbox"/>
<p>13.1 Conditions of contract</p> <p>Please select which conditions of contract will apply to this contract.</p> <p>If you wish to use alternative conditions of contracts, these must be approved by Legal Services in advance of any award and written evidence must be attached to this request.</p>	
<p>Conditions of contract for the purchase of services <input type="checkbox"/></p> <p>Conditions of contract for the purchase of goods <input type="checkbox"/></p>	
<p>13.2 Model form contract</p> <p>Please provide the name of the model form contract to be used e.g. SBCC Minor Works Building Contract for use in Scotland 2016 Edition.</p>	
<p>New Engineering Contract (NEC):</p> <p>Scottish Building Contract Committee (SBCC):</p>	

14. Decision/Recommendation (Procurement use only)	
Approved with no conditions <input type="checkbox"/> Reason for approval:	
Approved subject to conditions <input type="checkbox"/> Condition details:	
Rejected <input type="checkbox"/> Reason for rejection:	
CreditSafe Check (must be attached)	
Alternative Recommendation if rejected:	
Approval of Procurement Route authorisation:	
Service Lead - Procurement:	
Signature:	
Date:	
Director/Chief Officer:	
Signature:	
Date:	

Standing Orders Relating to Contracts – Executive Officer Delegations

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
4.2.1	Determine whether a contract is urgently required to address a genuine emergency situation to prevent or mitigate risk to life or damage.	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
6.1	Award a contract without written delegated purchasing authority	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit
7.1	Award external Contractor(s) to undertake any planned maintenance and/ or responsive repairs to buildings or property owned by the Council	Professional Design Services Manager and Asset Manager	N/A	N/A	N/A	N/A

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
7.2	Award external Contractor(s) shall be appointed, to undertake any planned maintenance and/ or responsive repairs to Council Houses	Property Repairs and Maintenance Manager	N/A	N/A	N/A	N/A
8.1	Determine whether it is in the best interests of the Council and in accordance with Best Value to enter into a collaborative arrangement, for the purposes of SO 8.	All Assistant Directors and Service Leads in the Directorate	All Assistant Directors and Service Leads in the Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
8.5	Satisfy themselves that the principles of Best Value will be adhered to and the best interests of the Council will be served, in entering a collaborative arrangement where another public body takes the role as Lead Authority.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
8.6	Agree the parameters for the Collaboration with the appropriate officers in the other Contracting	All Assistant Directors and	All Assistant Directors and	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	Authorities and record this in writing.	Service Leads in Directorate	Service Leads in Directorate			
9.2	Seek to establish or participate in a Framework Agreement or DPS, where he/ she deems that offers Best Value. Duty to consult with Procurement Manager prior to acting under SO 9.1.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
9.3	Establish a Framework Agreement and enter into Call-off Contracts, or a DPS in accordance with SO 9.2.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
9.4	Participate in an existing Framework Agreement.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
9.5	Enter into a Participation Agreement to participate in an existing Framework Agreement.	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
10.1	Consult with the Service Lead Procurement in order to establish whether any existing contracts or framework arrangements are accessible to the Council which would fulfil their requirement.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in the Service	All Service Leads and 4th tier co-ordinators in the Service
10.2.1	Ensure that sufficient funds are available prior to the commencement of any procurement exercise.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
10.2.2	Complete a Request for Procurement Action and return the same to the Procurement Manager.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in the Service	All Service Leads in the Service
11.3	Assess the degree of advertising necessary to ensure that the contract opportunity will be subject to open competition, will satisfy the requirements of the principles of non-discrimination on grounds of nationality, equal treatment and	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	transparency, and will achieve Best Value for the Council.					
16.1	Check tenders for completeness and errors.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate & Procurement Team	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
16.2	Instruct officers to contact a tenderer in respect of any Tender submitted.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead -Procurement & Procurement Team	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead Procurement	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead - Procurement	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead – Procurement.	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead - Procurement
17.1	Instruct officers to contact the tenderer identified as the lowest or offering the most economically advantageous, to enter	All Assistant Directors and Service Leads and 4th tier co-ordinators in	All Assistant Directors and Service Leads and 4th tier co-ordinators in	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead - Procurement

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	into post Tender negotiations; where they are satisfied that there is scope for improvement in the price of the Tender.	Directorate, in conjunction with the Service Lead - Procurement	Directorate, in conjunction with the Service Lead - Procurement	Service Lead - Procurement	Service Lead - Procurement	
18.2.1	Award a contract for goods or services (over £50K) and works (over £2m) to the lowest priced Tender or MEAT (after checking).	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit
18.2.2	Award a contract for works (less than £2m) to the lowest priced Tender & MEAT (after checking).	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit
18.2.3	Obtain the approval of the Council or Panel to award a contract in the case of a Tender exceeding the budgetary provision previously approved, or where the Tender proposed for acceptance is not the lowest by an amount exceeding 10 percent of the lowest	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	priced tender received (after checking).					
18.3	Recommend that none of the Tenders submitted should be accepted, and to notify all tenderers accordingly in such instances.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
20.2	Nominate the tenderer of the Most Economically Advantageous Tender (as appropriate) as sub-contractor.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
21	Obtain the approval of the appropriate Panel before authorising a series of related works projects or phased works projects.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
22.1	Determine whether there are special and exceptional circumstances or reasons which justify the extension or negotiation of a contract without prior advertising;	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in Service	All Service Leads in Service

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	Obtain the approval of the appropriate Panel before authorising the extension/award of contract.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in Service	All Service Leads in Service
22.2	Submit a report, to the appropriate Panel, detailing the nature of the proposed extension/award of contract and the reasons for the proposed negotiation without competition.	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	All Service Leads in Service	All Service Leads in Service
24.1	Sign contracts.	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit	Contracts must only be awarded up to each Officer's Oracle Fusion P2P limit
24.6	Ensure that, where applicable in relation to contracts for consultancy services, the Council has royalty free rights to utilise information provided in relation to the continued development of the specific project and	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	subsequent related projects.					
24.8	Determine what insurance cover, if any, is relevant to the contract and which the Contractor will be required to take out and maintain for the duration of the contract.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
24.9	Determine whether the Council shall require the contractor/supplier/service provider to take out a bond, obtain and deliver a formal parent company guarantee or provide other sufficient security for the due performance of the contract.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
24.11.1	Vary or amend any terms of a contract, if satisfied that the variation or amendment will not constitute a material difference to the original terms and is first approved by the Head of	All Assistant Directors and Service Leads in Directorate	All Assistant Directors and Service Leads in Directorate	All Heads of Service and Service Leads in Directorate	Head of Services and Service Leads in Directorate	Head of Services and Service Leads in Directorate

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
	Legal, HR and Regulatory Services.					
24.11.2	Terminate a contract or the Council's participation in a Framework Agreement or DPS, following consultation with the Head of Legal, HR and Regulatory Services.	Not Delegated	Not Delegated	Not Delegated	Not Delegated	Not Delegated
25.2	Request that any consultant (not being an officer of the Council) produce all records maintained by him/ her in relation to a contract.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
Annex 1/ E.1	Check all tenders for completeness and errors.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate	All Service Leads and 4th tier co-ordinators in Service	All Service Leads and 4th tier co-ordinators in Service
Annex 1/ E.2	Instruct officers to contact a tenderer in respect of any Tender submitted.	All Assistant Directors and Service Leads and 4th tier co-ordinators in	All Assistant Directors and Service Leads and 4th tier co-ordinators in	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead - Procurement

SO Number	Duty/ Power to...	Director of Housing, Operations and Development	Director of Communities and Transformation	Director of Health and Social Care Partnership	Chief Financial Officer	Chief Governance Officer
		Delegation	Delegation	Delegation	Delegation	Delegation
		Directorate, in conjunction with the Service Lead - Procurement	Directorate, in conjunction with the Service Lead Procurement	Service Lead – Procurement.	Service Lead – Procurement.	
Annex 1/ F.1	Instruct officers to contact the tenderer identified as the lowest or offering the most economically advantageous, to enter into post Tender negotiations; where they are satisfied that there is scope for improvement in the price of the Tender.	All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead - Procurement (All Assistant Directors and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead - Procurement	All Heads of Service, and Service Leads and 4th tier co-ordinators in Directorate, in conjunction with the Service Lead – Procurement.	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead – Procurement.	All Service Leads and 4th tier co-ordinators in Service, in conjunction with the Service Lead - Procurement

South Ayrshire Council Equality Impact Assessment Scoping Template

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

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

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

1. Policy details

Policy Title	Standing Orders for Contracts 2024
Lead Officer (Name/Position/Email)	David Alexander, Service Lead – Procurement – david.alexander3@south-ayrshire.gov.uk

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

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	n/a	n/a
Disability	n/a	n/a
Gender Reassignment (Trans/Transgender Identity)	n/a	n/a
Marriage or Civil Partnership	n/a	n/a
Pregnancy and Maternity	n/a	n/a
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	n/a	n/a
Religion or Belief (including lack of belief)	n/a	n/a

Community or Groups of People	Negative Impacts	Positive impacts
Sex – (issues specific to women & men or girls & boys)	n/a	n/a
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	n/a	n/a
Thematic Groups: Health, Human Rights & Children’s Rights	n/a	n/a

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

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

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

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

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low impact
Increase participation of particular communities or groups in public life	Low impact
Improve the health and wellbeing of particular communities or groups	Low impact
Promote the human rights of particular communities or groups	Low impact
Tackle deprivation faced by particular communities or groups	Low impact

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Rationale for decision: This report proposes approval of an annual procurement report relating to delivery of the Council’s Procurement Strategy. This has no specific equality implications	
Signed : David Alexander Date: 18 September 2024	Service Lead Procurement

South Ayrshire Council

**Report by Chief Financial Officer
to South Ayrshire Council
of 10 October 2024**

Subject: Treasury Management Annual Report 2023/24

1. Purpose

- 1.1 The purpose of this report is to present, in line with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management, the annual report of treasury management activities for 2023/24 (as attached at [Appendix 1](#)) and seek Members' consideration of its contents.

2. Recommendation

- 2.1 **It is recommended that the Council approves the Annual Treasury Management Report 2023/24, as attached at [Appendix 1](#).**

3. Background

- 3.1 The Council is required through regulations issued under the Local Government in Scotland Act 2003 to produce an annual treasury report reviewing treasury management activities and prudential and treasury indicators. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 3.2 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.
- 3.3 The Chief Financial Officer also confirms that the Council has complied with the requirements under the Code, to give prior scrutiny of treasury management reporting to the Council's Audit and Governance Panel prior to submitting the report to Council.
- 3.4 Treasury management in this context is defined as:

'The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'

3.5 The Audit and Governance Panel of 26 June 2024 considered the Annual Treasury Management Report 2023/24 (attached at [Appendix 1](#)) and agreed that it be remitted to the Council for approval.

4. Proposals

4.1 The Treasury Management Annual Report for 2023/24 is submitted to the Council for approval in accordance with the requirements of the CIPFA Code of Practice on Treasury Management.

4.2 *Executive Summary*

During 2023/24, the Council complied with its legislative and regulatory requirements. The key prudential indicators detailing the impact of capital expenditure activities during the year, with previous year comparators, are shown below.

<i>Actual Prudential and Treasury Indicators</i>	<i>2022/23 Actual £'000</i>	<i>2023/24 Actual £'000</i>
Capital Expenditure	119,064	99,362
Total Capital Financing Requirement (including other long-term liabilities)	484,608	534,483
PPP and Finance Lease	(91,951)	(88,023)
Underlying Borrowing Requirement	392,657	446,460
Gross External Debt	355,385	387,659
Under (Over) Borrowed	37,272	58,801
Cash/Investments	(43,155)	(26,384)
Net External Debt	312,230	361,275

4.3 The table above shows that the Council has an under-borrowed position on 31 March 2024 of £58,801m, c13.17%. This means the Council has used internal borrowing from cash/reserves to fund an element of its current capital expenditure requirements. It does not indicate that borrowing for the capital programme has not been undertaken; only that internal cash resource has been used as funding, opposed to external borrowing.

4.4 Although this is a prudent position in the current interest rate environment given the cost of external borrowing compared with cash investment rates, the Council's under-borrowed position is 13.17% of its overall under-lying borrowing requirement and is therefore manageable within the current strategy. The strategy for 2024/25 is expected to maintain an under-borrowed position whilst closely monitoring longer term PWLB and market rates in considering new borrowing.

4.5 Other prudential and treasury indicators are included in [Appendix 1](#) to this report. The Chief Financial Officer also confirms that any borrowing was only undertaken for capital purpose and the statutory borrowing limit (the authorised limit) was not breached during 2023/24.

4.6 The financial year 2023/24 remained a challenging environment due to volatile interest rates with several rate increases in the first two quarters and then remained at a high level for the rest of the year.

5. Legal and Procurement Implications

5.1 There are no legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 General Services

6.1.1 **Interest on Revenue Balances Held** – the Council originally budgeted to receive £0.965m in interest income (based on a return of 4.00%) to the General Fund in 2023/24. Interest rates for investment increased throughout 2023-24, with the strategy outperforming budget return resulting in an investment surplus.

Investment income to the General Fund out turned at £1.510m, a surplus of £0.546m. Interest was also received to the Council's Repairs and Renewals Fund and Capital Fund to the value of £0.056m.

6.1.2 **Capital Financing Costs** - the Council originally budgeted £15.583m for financing costs and expenses on debt for 2023/24. This budget consisted of £6.271m in loan principal, £9.128m in interest and £0.184m in expenses. During 2023/24, a pragmatic approach was taken when considering the borrowing requirements to fund capital expenditure. However, even with this the borrowing strategy during 2023/24 resulted in an overspend as under-noted:

	Budget £'000	Out-turn £'000	Variance £'000
Principal	6,271	6,261	10
Interest	9,128	11,179	(2,051)
Expenses	184	312	(128)
Capital Financing costs	15,583	17,752	(2,169)
Investment income	(965)	(1,510)	545
Total Debt charges	14,618	16,242	(1,624)

The borrowing strategy undertaken in 2023/24 resulted in an overall overspend to the General Services of £1.624m. This is due to the increase in interest rates throughout 2023/24 due to high inflation rates, cost of living crisis and war in Ukraine and the Middle East. This is discussed further in the Economic Commentary. The overall overspend was reduced due to the investment strategy overperforming.

6.2 Housing Revenue Account (HRA)

6.2.1 **Interest on HRA Revenue Balances Held** – the HRA budgeted to receive investment income of £0.200m on its revenue balances in 2023/24 based on achieving an interest rate of 4.00%. Like the General Fund the

investment strategy was able to out-perform both budget and benchmark resulting in a return of £0.386m in investment income a surplus of £0.186m.

- 6.2.2 **Capital Financing Costs** - the HRA budgeted £4,463m for financing costs on debt for 2023/24. This consisted of £1.674m in loan principal, £2.729m in interest and £0.066m in expenses.

	Budget £'000	Out-turn £'000	Variance £'000
Principal	1,674	1,674	0
Interest	2,729	3,177	(448)
Expenses	60	88	(28)
Capital Financing costs	4,463	4,939	(476)
Investment income	(200)	(386)	186
	4,263	4,553	(290)

The borrowing strategy undertaken in 2023/24 resulted in an overall overspend to the HRA of £0.290m.

- 6.3 In total, net debt financing costs were overspent by £2,646m, and when added to an over achievement in interest income of £0.732m resulted in an overall deficit of £1.914m which was reflected in the Council and HRA financial position at 2023/24.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 **Risk Implications of Adopting the Recommendations**

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 **Risk Implications of Rejecting the Recommendations**

- 8.2.1 If the recommendations are rejected, then the Council will be non-compliant with the requirements contained in both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

9. Equalities

- 9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. Sustainable Development Implications

- 10.1 **Considering Strategic Environmental Assessment (SEA)** - This report does not propose or seek approval for a plan, policy, programme or strategy or document

otherwise described which could be considered to constitute a plan, programme, policy, or strategy.

11. Options Appraisal

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

12. Link to Council Plan

12.1 The matters referred to in this report contribute to Priority 4 of the Council Plan: Efficient and effective enabling services.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Ian Davis, Portfolio Holder for Finance, Human Resources and ICT, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking

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

Implementation	Due date	Managed by
No further action required	Not applicable	Not applicable

Background Papers **CIPFA Code of Practice for Treasury Management in Local Authorities**

Report to South Ayrshire Council of 1 March 2023 - [Treasury Management and Investment Strategy 2023-24](#)

Report to Cabinet of 16 January 2024 – [Treasury Management and Investment Strategy Mid-year Report 2023-24](#)

[Report to Audit and Governance Panel of 26 June 2024 – Treasury Management Annual Report 2023/24](#)

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Date: 27 September 2024

South Ayrshire Council
Treasury Management Annual Report 2022/23

Introduction

In accordance with the requirements of the CIPFA Code of Practice on Treasury Management in the Public Services, this report covers the following:

- Section 1 - The Council's Capital Expenditure and Financing 2023/24.
- Section 2 – The Council's overall borrowing need.
- Section 3 – Treasury Position as of 31 March 2024.
- Section 4 – The Strategy for 2023/24.
- Section 5 – The Economy and Interest Rates
- Section 6 – Borrowing Rates 2023/24
- Section 7 – Borrowing Outturn 2023/24
- Section 8 – Investment Outturn 2023/24
- Section 9 – Other Issues

Section 1 The Council's Capital Expenditure and Financing 2023/24

1.1 The Council undertakes capital expenditure on long-term assets. These activities may either be:

- financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which have no resultant impact on the Council's borrowing need; or
- if insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing requirement.

1.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual expenditure, how this was financed and the resulting borrowing requirement.

Table 1

<i>Item</i>	<i>2022/23 Actual £'000</i>	<i>2023/24 Estimate per Strategy</i>	<i>2023/24 Actual</i>
General Fund capital expenditure	90,749	99,145	53,677
HRA capital expenditure	28,315	75,740	45,685
Total	119,064	174,885	99,362
Resourced by:			
Government Grant & Other	(22,818)	(27,917)	(23,910)
Other funding identified	(23,369)	(38,890)	(15,791)
Borrowing:	72,877	108,078	59,661

1.3 The reason for the movement between planned expenditure/funding and actual out-turns for 2023/24 can be found in the General Services and HRA 2023/24 capital monitoring reports presented to Leadership Panel throughout 2023/24. The largest examples (by value) of reprofiling of spend in to 2024/25 being:

- Troon Early Years – £1.75m
- Girvan P.S. - £1.5m
- Girvan PS and All-Weather Pitch - £1.75m
- Green Waste/Household Recycling - £0.750m
- Cemeteries/Crematoria - £0.775m
- Girvan Regeneration - £0.750m
- Hourstons Development - £2m
- Citadel Refurbishment – £1.2m
- Ayrshire Growth Deal - £23.6m
- Various Ward Projects - £1.97m
- Hangar Space - £2.7m
- End User Computing - £1m
- HRA Major component replacement programme - £8.5m
- HRA Structural & Environmental - £3.4m
- HRA New Builds – Various sites - £16.3m
- HRA Window Replacement Programme - £0.75m

Section 2 The Council's overall Borrowing Need

2.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2023/24 unfinanced capital expenditure (Table 1), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

2.2 Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service manages the Council's cash position to ensure that sufficient cash is available to meet not only the capital plans but also to manage the daily cash flow requirements of funding its revenue commitments of payroll, suppliers, benefits etc.

2.3 This borrowing for capital expenditure may be sourced through external bodies such as the Government, through the Public Works Loan Board [PWLB] or the money markets) or utilising temporary cash resources within the Council (internal borrowing).

2.4 **Reducing the CFR** – the Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the scheduled debt amortisation as a loan

repayment, to reduce the CFR. This is effectively a repayment of the borrowing need and differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge. The Council's 2023/24 prudent repayment policy, (as required by Scottish Government), was approved as part of the Treasury Management Strategy Report for 2023/24 on 4 March 2023.

2.5 The Council's CFR for the year is shown below and represents a key prudential indicator. It includes PFI and leasing schemes on the balance sheet, which increase the Council's borrowing need. No borrowing is actually required against these schemes as a borrowing facility is included in the contract.

On 15 December 2022, the Council agreed a report on PPP Service Concession Arrangement Flexibilities.

Finance Circular 10/2022 (FC 10/2022) replaces the 2010 version that covered this area and permits the authority to apply a temporary flexibility for service concession arrangements entered prior to April 2022. The Circular sets out the accounting requirements and the options permitted for the recognition of repayments of the principal element of the lease component or the lease liability for the year and the temporary flexibility for SCAs entered prior to 1 April 2022.

The reprofiling of the debt liability repayments increased the Capital Financing Requirement (CFR) by £21.718m as at 1 April 2022. The Council made this adjustment in the financial year 2022/23. The increase in the CFR will continue to be reduced by the revised repayments after each SCA contract has expired until the end of the revised period. This has now been incorporated into the revised Prudential indicators as appropriate.

The undernoted table shows the Council's underlying borrowing requirement, inclusive of PPP and Finance lease arrangements, as of 31 March 2024.

Table 2

<i>Capital Financing Requirement</i>	31 Mar 2023 £'000	31 Mar 2024 £'000
<i>Opening Balance</i>	399,006	484,608
Add unfinanced capital expenditure	72,877	59,661
Add new OLTL obligations (PPP)	0	0
Retrospective PPP adjustment	21,718	0
Less loans fund repayment	(7,238)	(7,935)
Less PPP/ finance lease repayment	(1,755)	(1,851)
<i>Closing Balance</i>	484,608	534,483

The borrowing activity is constrained by prudential indicators for gross borrowing, CFR, and by the authorised limit. The increasing CFR position reflects the Council's capital programme expenditure in 2023/24 and the resulting borrowing requirements to fund this investment.

- 2.6 **Gross Borrowing and the CFR** - to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2023/24) plus the estimates of any additional capital financing requirement for the current (2024/25) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure.

This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs 2023/24. The table below highlights the Council's gross borrowing position against the CFR.

Table 3

<i>Item</i>	31 March 2023 <i>£'000</i>	31 March 2024 <i>£'000</i>
Capital Financing Requirement (CFR)	484,608	534,483
Gross External Borrowing Position (including PPP and finance Lease)	447,336	475,682
Net Under/ (Over) Borrowed Position	37,272	58,801

The table above shows the CFR in an under-borrowed position on 31 March 2024 of £58,801m. This means the Council has used internal borrowing from cash/ reserves to fund an element of its current capital expenditure requirements.

This is a prudent position in the current interest rate environment given the cost of external borrowing compared with cash investment rates. The current strategy for 2023/24 is expected to maintain this under-borrowed position whilst closely monitoring longer term PWLB and market rates and consideration of potentially re-financing some of the temporary loan debt with longer term.

2.7 **Borrowing Prudential Indicators**

- **The Authorised Limit – Table 4** - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2022/23 the Council has maintained gross borrowing within its authorised limit.
- **The Operational Boundary – Table 4** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

- **Actual Financing Costs as a Proportion of Net Revenue Stream – Table 5** - this indicator identifies the cost of capital (borrowing and other long-term obligation costs net of investment income) against the net revenue stream of the Council.

Table 4

<i>Item</i>	2022/23 £'000	2023/24 £'000
Authorised Borrowing Limit External Debt	635,929	600,336
Borrowing	355,385	387,659
Other Long-Term Liabilities	91,951	88,023
Total	447,336	475,682
Operational Boundary External Debt	511,125	547,683
Borrowing	355,385	387,659
Other Long-Term Liabilities	91,951	88,023
Total	447,336	475,682

Table 5

<i>Ratio of Financing Costs to Net Revenue Stream</i>	Actual 2022/23	Estimated 2023/24
General Services	5.44%	6.48%
HRA	10.97%	12.99%
Total	6.04%	7.26%

Section 3 Treasury Position as of 31st March 2024

3.1 The Council's treasury management debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices.

At the end of 2023/24 the Council's treasury, (excluding borrowing by PFI and finance leases), position was as follows:

Table 6/

Table 6

	Borrowing position as at 31 March 2023		Borrowing position as at 31 March 2024		Change in year
	£'000	Average interest rate %	£'000	Average interest rate %	£'000
Long Term Borrowing					
Public Works Loans Board	211,185	3.13	239,459	3.64	28,274
Market – Fixed	28,000	2.33	44,000	3.72	16,000
LOBO (Option Loans)	41,200	4.52	33,200	4.52	(8,000)
Total Long-Term Borrowing	280,385		316,659		36,274
Short Term Borrowing	75,000	2.36	71,000	4.92	(4,000)
Total External Borrowing	355,385	3.09	387,659*	3.96	32,274
CFR (underlying borrowing need)	392,657		446,460		53,616
Over (Under) Borrowing	(37,272)		(58,801)		21,342
Investments	(43,155)	1.35	(26,384)	5.37	

* The carrying amount of loans on the Council's balance sheet as of 31 March 2024 is £388.472m. The difference between this figure and the external borrowing shown in Table 6 above is £0.813m of equivalent interest rate accounting adjustments required by the Code of Practice on local authority accounting.

3.2 **Table 7** below details the profile of the Council's loan maturity periods as of 31 March 2024.

Table 7

Maturity analysis of Debt Outstanding at 31 March 2024	PWLB £'000	Market £'000	LOBO (Option) £'000	Temp Borrowing	Total £'000
Maturing within 1 year	1,986	10,000	0	71,000	82,986
Maturing 1 to 2 years	2,419	29,000	0	0	31,419
Maturing 2 to 5 years	7,160	5,000	0	0	12,160
Maturing 5 to 10 years	33,587	0	3,000	0	36,587
Maturing 10 to 20 years	43,637	0	5,500	0	49,137
Maturing 20 to 30 years	44,004	0	10,000	0	54,004
Maturing 30 to 40 years	39,166	0	9,700	0	48,866
Maturing 40 to 50 years	67,500	0	0	0	67,500
Maturing > 50 years	0	0	5,000	0	5,000
Total	239,459	44,000	33,200	71,000	387,659

3.3 **Loans fund** - where a local authority has a Housing Revenue Account, the HRA should be reported separately from the General Fund. The reporting on the commitment to repay loans fund advances is for repayments only and does not include any interest costs. The Loans Fund balances are set out in Table 8 and Table 8(a) below:

Table 8 – Loans Fund Advances to General Fund

Loans Fund	31 March 2023 (£'000)	31 March 2024 (£'000)
Opening Balance	226,125	289,526
Add advances	69,290	31,501
Less repayments	(5,889)	(6,261)
Closing Balance	289,526	314,766

Table 8(a) – Loans Fund Advances to HRA

Loans Fund	31 March 2023 (£'000)	31 March 2024 (£'000)
Opening Balance	74,601	76,839
Add advances	3,587	28,160
Less repayments	(1,349)	(1,674)
Closing Balance	76,839	103,325

Section 4 Strategy for 2023/24

4.1 Investment returns picked up throughout the course of 2023/24 as central banks, including the Bank of England, continued to respond to inflationary pressures that were not transitory, and realised that tighter monetary policy was called for.

Starting in April at 4.25%, Bank Rate moved up in stepped increases of either 0.25% or 0.5%, reaching 5.25% by August. By the end of the financial year, no further increases were anticipated. Indeed, the market is pricing in a first cut in Bank Rate in the summer of 2024.

The upward yield curve that continued throughout 2023/24 meant that local authorities continued to be faced with the challenge of proactive investment of surplus cash, while balancing this with the need to maintain cashflow for liquidity purposes.

With bond markets selling off, UK equity market valuations struggled to make progress, as did property funds, although there have been some market rallies from time to time including in November and December 2023. However, the more traditional investment options, such as specified investments (simple to understand, and less than a year in duration), have continued to be at the forefront of most local authority investment strategies, particularly given Money Market Funds have also provided decent returns close to Bank Rate for liquidity purposes. In the latter part of 2023/24, the local authority to local authority market lacked any meaningful

measure of depth, forcing short-term investment rates above 7% in the last week of March.

While the Council has taken a prudent approach to investing surplus monies, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the Global Financial Crisis of 2008/09. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with a stressed market and economic conditions.

Section 5 Economy and Interest Rates

5.1 UK. Economy

Against a backdrop of inflationary pressures, the Russian invasion of Ukraine, and war in the Middle East, UK interest rates have continued to be volatile right across the curve, from Bank Rate through to 50-year gilt yields, for all of 2023/24.

Markets have sought an end to central banks' on-going phase of keeping restrictive monetary policy in place on at least one occasion during 2023/24 but to date only the Swiss National Bank has cut rates and that was at the end of March 2024.

United Kingdom (UK), Euro-Zone (EZ) and United States (US) 10-year yields have all stayed stubbornly high throughout 2023/24. The table below provides a snapshot of the conundrum facing central banks: inflation is easing, albeit gradually, but labour markets remain very tight by historical comparisons, making it an issue of fine judgment as to when rates can be cut.

	UK	Eurozone	US
Bank Rate	5.25%	4%	5.25%-5.5%
GDP	-0.3%q/q Q4 (-0.2%/y/y)	+0.0%q/q Q4 (0.1%/y/y)	2.0% Q1 Annualised
Inflation	3.4%/y/y (Feb)	2.4%/y/y (Mar)	3.2%/y/y (Feb)
Unemployment Rate	3.9% (Jan)	6.4% (Feb)	3.9% (Feb)

The Bank of England made no changes in their March meeting, leaving interest rates at 5.25% for the fifth time in a row and, despite no Monetary Policy Commission (MPC) members no longer voting to raise interest rates, it retained its relatively cautious guidance. The Bank's communications suggest the MPC is gaining confidence that inflation will fall sustainably back to the 2.0% target. However, although the MPC noted that "the restrictive stance of monetary policy is weighing on activity in the real economy, is leading to a looser labour market and is bearing down on inflationary pressures", conversely it noted that key indicators of inflation persistence remain elevated, and policy will be "restrictive for sufficiently long" and "restrictive for an extended period".

Of course, the UK economy has started to perform a little better in Q1 2024 but is still recovering from a shallow recession through the second half of 2023. Indeed, Q4 2023 saw negative Gross Domestic Product (GDP) growth of -0.3% while y/y growth was also negative at -0.2%.

It is a recession with varied characteristics. Unemployment is currently sub 4%, against a backdrop of still over 900,000 of job vacancies, and annual wage inflation is running at above 5%. With gas and electricity price caps falling in April 2024, the Consumer Price Index (CPI) measure of inflation - which peaked at 11.1% in October 2022 – is now due to slide below the 2% target rate in April and to remain below that Bank of England benchmark for the next couple of years, according to Capital Economics. The Bank of England is awaiting upcoming inflation and employment releases before taking further decisions on interest rate decreases. It is noted that core CPI was still at 4.5% in February and, ideally, needs to fall further.

Consumer spending was reasonable despite the unusually wet weather in February, whilst rising real household incomes should support retail activity throughout 2024. Furthermore, the impact of higher interest rates on household interest payments is getting close to its peak, even though fixed rate mortgage rates on new loans have shifted up a little since falling close to 4.5% in early 2024.

From a fiscal perspective, the further cuts to national insurance tax (from April) announced in the March Budget will boost real household disposable income by 0.5 - 1.0%. After real household disposable income rose by 1.9% in 2023, Capital Economics forecast it will rise by 1.7% in 2024 and by 2.4% in 2025. These rises in real household disposable income means GDP growth of 0.5% is envisaged in 2024 and 1.5% in 2025. The Bank of England is less optimistic than that, seeing growth struggling to get near 1% over the next two to three years.

As for equity markets, the Financial Times Stock Exchange (FTSE) 100 has risen to nearly 8,000 and is now only 1% below the all-time high it reached in February 2023. The modest rise in UK equities in February was driven by strong performances in the cyclical industrials and consumer discretionary sectors, whilst communications and basic materials have fared poorly.

Despite its performance, the FTSE 100 is still lower than the Standard & Poor's 500 (S&P 500), which has been at an all-time high for several weeks.

USA Economy.

Despite the markets willing the Federal Open Market Committee (FOMC) to cut rates as soon as June 2024, the continued resilience of the economy, married to sticky inflation, is providing a significant headwind to a change in monetary policy. Markets currently anticipate three rate cuts this calendar year, but two or less would not be out of the question. Currently, policy remains flexible but primarily data driven.

In addition, the Federal Reserve (Fed) will want to reduce the \$16 trillion balance sheet in the future. The \$ is the world's foremost reserve currency (China owns over \$1 trillion) but the US must deal with the budget deficit. The mix of inflation and significant treasury issuance is keeping treasury yields high. The 10 year stands at 4.4%.

As for inflation, it is currently a little above 3%. The market is not expecting a recession, but whether rates staying high for longer is uncertain, hence why the consensus is for rate cuts this year and into 2025.

EZ Economy.

Although the Euro-zone inflation rate has fallen to 2.4%, the European Central Bank (ECB) will still be mindful that it has further work to do to dampen inflation expectations. However, with growth moving slowly (GDP flatlined in 2023), a June rate cut from the current 4% looks probable.

Section 6 Borrowing Rates in 2023/24

6.1 PWLB Borrowing Rates -

HIGH/LOW/AVERAGE PWLB RATES FOR 2023/24

	1 Year	5 Year	10 Year	25 Year	50 Year
Low	4.65%	4.13%	4.20%	4.58%	4.27%
Date	06/04/2023	27/12/2023	06/04/2023	06/04/2023	05/04/2023
High	6.36%	5.93%	5.53%	5.96%	5.74%
Date	06/07/2023	07/07/2023	23/10/2023	23/10/2023	23/10/2023
Average	5.54%	4.99%	4.97%	5.34%	5.08%
Spread	1.71%	1.80%	1.33%	1.38%	1.47%

PWLB rates are based on gilt (UK Government bonds) yields through HM Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. Indeed, in recent years many bond yields up to 10 years in the Eurozone turned negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10-year yields have fallen below shorter-term yields. In the past, this has been a precursor of a recession.

However, since early 2022, yields have risen dramatically in all the major developed economies, first as economies opened post-Covid, then because of the inflationary impact of the war in Ukraine in respect of the supply side of many goods. In particular, rising cost pressures emanating from shortages of energy and some food categories have been central to inflation rising rapidly. Furthermore, at present the FOMC, ECB and Bank of England are all being challenged by levels of persistent inflation that are exacerbated by very tight labour markets and high wage increases relative to what central banks believe to be sustainable.

Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

Link Group Interest Rate View	24.05.23												
	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26
BANK RATE	4.75	5.00	5.00	4.75	4.50	4.00	3.50	3.25	2.75	2.50	2.50	2.50	2.50
3 month ave earnings	4.80	5.00	5.00	4.80	4.50	4.00	3.50	3.30	2.80	2.50	2.50	2.50	2.50
6 month ave earnings	5.10	5.20	5.10	4.90	4.50	3.90	3.40	3.20	2.90	2.60	2.60	2.60	2.60
12 month ave earnings	5.40	5.40	5.30	5.00	4.50	3.90	3.40	3.20	2.90	2.70	2.70	2.70	2.70
5 yr PWLB	5.00	5.00	5.00	4.80	4.50	4.10	3.70	3.50	3.30	3.20	3.20	3.10	3.10
10 yr PWLB	5.00	5.00	5.00	4.80	4.40	4.10	3.80	3.60	3.50	3.40	3.30	3.30	3.30
25 yr PWLB	5.30	5.30	5.20	5.10	4.80	4.50	4.20	4.00	3.80	3.70	3.60	3.60	3.60
50 yr PWLB	5.10	5.10	5.00	4.90	4.60	4.30	4.00	3.80	3.60	3.50	3.40	3.40	3.40

Link Group Interest Rate View 08.01.24		Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
BANK RATE		5.25	5.25	4.75	4.25	3.75	3.25	3.00	3.00	3.00	3.00	3.00	3.00	3.00
3 month ave earnings		5.30	5.30	4.80	4.30	3.80	3.30	3.00	3.00	3.00	3.00	3.00	3.00	3.00
6 month ave earnings		5.20	5.10	4.60	4.10	3.70	3.30	3.10	3.10	3.10	3.10	3.10	3.10	3.10
12 month ave earnings		5.00	4.90	4.40	3.90	3.60	3.20	3.10	3.10	3.10	3.10	3.10	3.20	3.20
5 yr PWLB		4.50	4.40	4.30	4.20	4.10	4.00	3.80	3.70	3.60	3.60	3.50	3.50	3.50
10 yr PWLB		4.70	4.50	4.40	4.30	4.20	4.10	4.00	3.90	3.80	3.70	3.70	3.70	3.70
25 yr PWLB		5.20	5.10	4.90	4.80	4.60	4.40	4.30	4.20	4.20	4.10	4.10	4.10	4.10
50 yr PWLB		5.00	4.90	4.70	4.60	4.40	4.20	4.10	4.00	4.00	3.90	3.90	3.90	3.90

6.2 Borrowing strategy and control of interest rate risk

During 2023/24, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as although near-term investment rates were equal to, and sometimes higher than, long-term borrowing costs, the latter are expected to fall back through 2024 and 2025 as inflation concerns are dampened. The Council has sought to minimise the taking on of long-term borrowing at elevated levels (>4%) and has focused on a policy of internal and temporary borrowing, supplemented by short-dated borrowing (<5 years) as appropriate.

Interest rate forecasts initially suggested further gradual rises in short, medium and longer-term fixed borrowing rates during 2023/24. Bank Rate had initially been forecast to peak at 4.5% but it is now expected to have peaked at 5.25%.

By January it had become clear that inflation was moving down significantly from its 40-year double-digit highs, and the Bank of England signalled in March 2024 that the next move in Bank Rate would be down, so long as upcoming inflation and employment data underpinned that view. Currently the CPI measure of inflation stands at 3.4% but is expected to fall materially below 2% over the summer months and to stay there in 2025 and 2026. Nonetheless, there remains significant risks to that central forecast, mainly in the form of a very tight labour market putting upward pressure on wages and continuing geo-political inflationary risks emanating from the prevailing Middle East crisis and the Russian invasion of Ukraine.

Section 7 Borrowing Outturn

7.1 During 2023/24 the Council funded part of the capital borrowing requirement in the short-term market, with temporary borrowing of £71.000m, in March 2024. However, additional long-term borrowing (PWLB) of £31.000m was also undertaken, taking advantage of lower interest rates and gaps in the borrowing maturity profile. The Council were in an under-borrowed position of £58,801m for 2023/24. The Council has not borrowed more than, or in advance of its needs, purely to profit from the investment of the extra sums borrowed.

7.2 During 2024/25 focus will be on monitoring longer term rates and looking to borrow longer term to meet the CFR when appropriate and at the same time consider some short-term borrowing where rates are suitable.

7.2 During 2023/24 the actual borrowing and repayments of external debt transacted are shown in Table 10 below. This shows temporary borrowing slightly decreased and

mid-term borrowing has increased. Longer-term borrowing has been undertaken when rates have allowed, a prudent position in the current interest rate environment. The Council's policy is to ensure that not more than 25% of long-term loans are due to mature within any financial year. The indicator for maturing debt of 22% (within one year) is 3% below the maturity limit indicator.

Table 9

Loan Type	Borrowed 2023/24 £'000	Repaid 2023/24 £'000	Net £'000
PWLB	31,000	(725)	30,275
Market Loans	19,000	(3,000)	16,000
Temporary borrowing	71,000	(76,000)	(5,000)
	121,000	(79,725)	41,275

7.3 **Debt Re-scheduling** – no external debt was re-scheduled during 2023/24 as the average differential of 1% between PWLB new borrowing rates and premature redemption rates made early repayment of loans expensive and unviable due to the premiums that would be payable.

Section 8 Investment Out-turn, and Policy in 2023/24

8.1 The Council's investment policy is governed by Scottish Government investment regulations, which have been implemented in the annual investment strategy approved by the Council on 4 March 2024. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data, (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

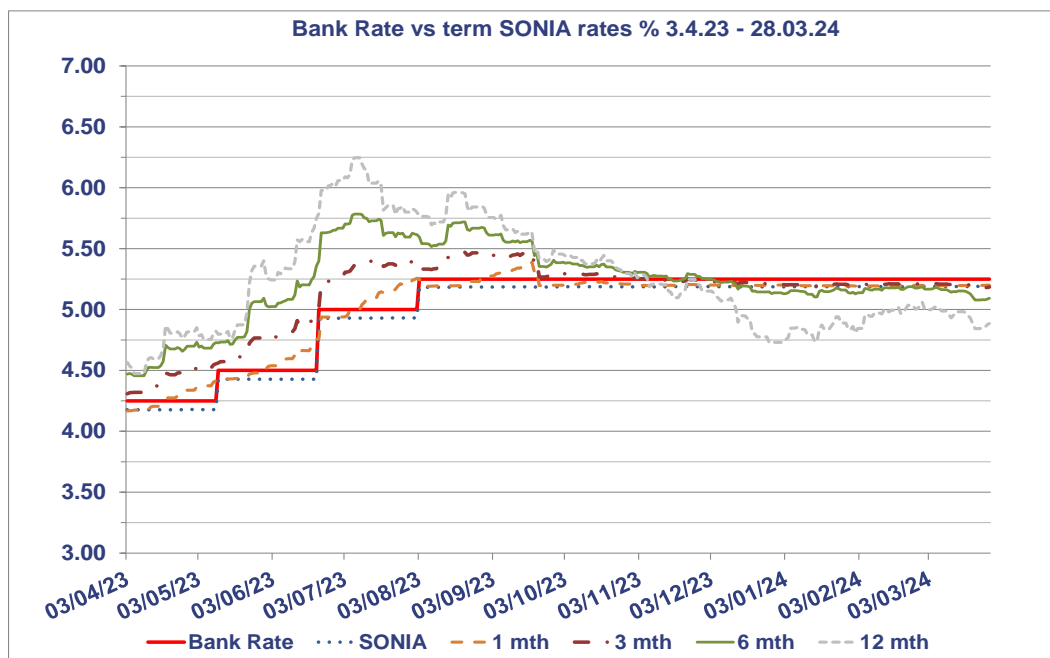
8.3 **Investment Out-turn** – the Council maintained an average balance of £51.506m of internally managed investment funds. The internally managed funds earned an average rate of return of 4.51%.

The comparable performance indicator is the 180d backward Sterling Overnight Index Average (SONIA) compounded rate which was 4.09%.

Table 10

	Average Value of Investments Held	Rate of Return	Benchmark Return*
Investments	£51,506m	4.51%	4.09%

*The benchmark return used is the SONIA compounded rate of 4.09%.



8.4 **Investment Policy** – the Council’s investment policy is governed by Scottish Government investment regulations which have been implemented in the Annual Investment strategy approved by the Council on 4 March 2024. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year met with the approved strategy, and the Council had no liquidity difficulties.

8.5 Current Council Investments held on 31 March 2024

Table 11

Class	Type	Start Date	Maturity Date	Counterparty	Profile	Rate	Principal £000
Deposit	Fixed	08/01/24	06/01/25	Lancashire County Council	Maturity	5.75%	5,000
Fixed Total							5,000
Deposit	MMF	01/12/17	-	Federated Prime Rate Sterling Liquidity 3		5.29%	6,400
Deposit	MMF	30/06/20	-	Aberdeen Liquidity Fund - Sterling Fund Class L-1		5.27%	1,000
MMF Total							7,400
Deposit	VNAV	27/04/23	-	Federated Sterling Cash Plus Fund GBP 3 Acc		5.20%	29
VNAV Total							29
Deposit	Variable	10/05/2016	-	Bank of Scotland (Call A/c)	Variable	5.20%	13,955
Call Total							13,955
Overall Total							26,384

Section 9 Other Issues

- 9.1 **Sources of borrowing** - Although PWLB remains a low-risk source of long-term borrowing, due to recent rate changes and the ongoing consultation with local authorities on the future of PWLB borrowing other borrowing institutions may be looked at to remove the reliance on PWLB for long-term borrowing needs.
- 9.2 **Changes in risk appetite** - The 2018 CIPFA Codes and guidance notes have placed enhanced importance on risk management. South Ayrshire Council has a low-risk appetite and as such would look at all aspects before making any changes to the current strategy and members would be made fully aware of any such changes.
- 9.3 **IFRS 16** - The implementation of IFRS 16 bringing currently off-balance sheet leased assets onto the balance sheet is being implemented during 2024/25. Work has begun in this area in 2023/24 and will be progressing throughout 2024/25.

South Ayrshire Council Equality Impact Assessment Scoping Template

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

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

The Fairer Scotland Duty ('the Duty'), Part 1 of the Equality Act 2010, came into force in Scotland from 1 April 2018. It places a legal responsibility on Councils to actively consider ('pay due regard to') how we can reduce inequalities of outcome caused by socio-economic disadvantage, when making strategic decisions. See information here: [Interim Guidance for Public Bodies](#) in respect of the Duty, was published by the Scottish Government in March 2018.

1. Policy details

Policy Title	Treasury Management Annual Report 2023/24
Lead Officer (Name/Position/Email)	Tim Baulk, Chief Financial Officer Tim.Baulk@south-ayrshire.gov.uk

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

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	No	No
Disability	No	No
Gender Reassignment (Trans/Transgender Identity)	No	No
Marriage or Civil Partnership	No	No
Pregnancy and Maternity	No	No
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	No	No
Religion or Belief (including lack of belief)	No	No
Sex – gender identity (issues specific to women & men or girls & boys)	No	No
Sexual Orientation – person's sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	No	No
Thematic Groups: Health, Human Rights & Children's Rights	No	No

3. What likely impact will this policy have on people experiencing different kinds of social disadvantage? (Fairer Scotland Duty). Consideration must be given particularly to children and families.

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

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

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low Impact
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low Impact
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Impact
Increase participation of particular communities or groups in public life	Low Impact
Improve the health and wellbeing of particular communities or groups	Low Impact
Promote the human rights of particular communities or groups	Low Impact
Tackle deprivation faced by particular communities or groups	Low Impact

5. Summary Assessment

<p>Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)</p>	<p>YES <input type="checkbox"/></p> <p>NO <input checked="" type="checkbox"/></p>
<p>Rationale for decision: This report presents to the Panel the annual report of treasury management activities for 2023/24 Their decision on this has no specific equality implications.</p>	
<p>Signed: Tim Baulk Chief Financial Officer</p> <p>Date: 21 May 2024</p>	

South Ayrshire Council

**Report by Director of Housing, Operations and Development
to South Ayrshire Council
of 10 October 2024**

**Subject: Local Development Plan 3 Governance Arrangements
and Planning Liaison Group**

1. Purpose

1.1 The purpose of this report is to recommend arrangements for a Member/ Officer Working Group to oversee the preparation of LDP3 and for the retention of the Planning Liaison Group with an amended brief.

2. Recommendation

2.1 It is recommended that the Council:

2.1.1 agrees the recommended proposals for a Member/ Officer Working Group (MOWG) to oversee the preparation of LDP3, as set out in [Appendix 1](#);

2.1.2 agrees that the Leader of each of the political groups nominate Elected Member(s) to take up positions on the MOWG and that the Chair of the group will be the Portfolio Holder for Economic Development; and

2.1.3 agrees to the continuation of the Planning Liaison Group (PLG), with an amended remit, as set out in [Appendix 2](#).

3. Background

3.1 At the special meeting on 19 August 2024, the Council considered the matter of establishing a Member/ Officer Working Group (MOWG) for Local Development Plan 3, and the proposed discontinuation of the Planning Liaison Group (PLG). The previous report for this meeting is available within the [Background Papers](#).

3.2 The Council decided to continue the item, pending consultation with Elected Members on alternative options for the retention of PLG alongside the MOWG

3.3 Following consultation with Members, it is recommended that: a) the MOWG is established as previously set out to Council; and b) the PLG is retained, with an amended remit as set out in [Appendix 2](#).

4/

4. Proposals

- 4.1 It is proposed that a MOWG be established to oversee the preparation of LDP3 and to advise and make suggestions on LDP draft documents/ processes. A more detailed explanation of the purpose, remit and operation of the MOWG is set out in [Appendix 1](#).
- 4.2 It is proposed that the MOWG will reflect the current political composition of Elected Members, rather than repeat the existing structure of Council committee. Therefore, based on the current political group representation, it is proposed that the Group will include the following Members:
- 3 Conservative (including Portfolio Holder for Economic Development who will undertake the role of Chair of the group);
 - 1 Labour;
 - 1 SNP; and
 - 2 Independents/ single Councillor Parties.
- 4.3 The PLG is proposed to be retained with a revised remit and to operate separately from the LDP3 Member Officer Working Group. The remit of the PLG has been amended, as set out in [Appendix 2](#), to reflect the separation of LDP oversight to the MOWG, and ensure the PLG remains a relevant forum for discussing current and emerging planning practices, procedure matters, performance related to developing South Ayrshire's National Planning Performance Framework and delivering Member Training where appropriate. The existing remit of the PLG is attached, for comparison, as [Appendix 3](#).
- 4.4 The table below compares the proposed different remits and membership of the two Groups..

Comparison of the MOWG and PLG:

Item	MOWG	PLG
Remit	To seek input and advice from members on key stages of Plan preparation, and to ensure that the views of local communities are effectively communicated and taken into account during the preparation of the various documents.	Forum for discussion on planning procedures relating to the Regulatory Panel (Planning) and Local Review Body, planning performance and for training and other planning related updates.
Membership	<ul style="list-style-type: none">• 3 Conservative• 1 Labour• 1 SNP	Membership of Regulatory Panel (Planning)

Item	MOWG	PLG
	<ul style="list-style-type: none"> • 2 Independents/single Councillor parties 	
Chair	Portfolio Holder for Economic Development	Chair of Regulatory Panel (Planning)
Frequency	Scheduled regularly at key stages of LDP3 process.	6 months

5. Legal and Procurement Implications

5.1 There are no additional legal implications arising from this report.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 There are no financial implications arising directly from this report. The cost of administering the MOWG can be met from existing Planning Service budgets.

7. Human Resources Implications

7.1 There are no human resource implications arising directly from the recommendations of this report. Any additional work arising from the proposed MOWG and PLG will be dealt with within existing staff resources.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There are no significant known risk implications from adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 Without an established group to oversee the preparation of the Local Development Plan there is a risk that Members are not fully informed of, or have chance to advise on, the ongoing key stages and policy direction of the Plan. If there is no PLG then there will be no opportunity for Elected Members to engage on planning procedures at LRB or Regulatory Panel and take a wider view on planning performance and outcomes such as through the National Improvement Performance Framework.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 4](#).

10. Sustainable Development Implications

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

11. Options Appraisal

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

12. Link to Council Plan

- 12.1 The matters referred to in this report contribute to Priority One: Spaces and Places and Priority Three: Civic and Community Pride of the South Ayrshire Council Plan 2023-28.

13. Results of Consultation

- 13.1 There has been no public consultation on the contents of this report.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and Councillor Bob Pollock, Portfolio Holder for Economic Development, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

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

Implementation	Due date	Managed by
Establish the MOWG	October 2024	Coordinator – Planning Strategy
Arrange an initial meeting of the MOWG	November/ December 2024	Coordinator – Planning Strategy
Arrange 6-monthly meetings of the PLG	Winter 2024/25	Service Lead – Planning, Development and Regulation

Background Papers [Planning \(Scotland\) Act 2019](#)

[South Ayrshire Development Plan Scheme \(DPS\) 2023](#)

Report to South Ayrshire Council (Special) of 19 August 2024
– [Local Development Plan 3 Governance Arrangements](#)

Person to Contact **Craig Iles, Service Lead – Planning and Building Standards**
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 616 417
Email craig.iles@south-ayrshire.gov.uk

Date: 2 October 2024

DRAFT

South Ayrshire LDP 3 Member-Officer Working Group:

Proposed Purpose, Remit and Constitution

Purpose and Remit

1. The aim of the Member/Officer Working Group (MOWG) is to help drive forward the preparation of the South Ayrshire Local Development Plan 3 (LDP3) and to ensure that the views of local communities are effectively communicated and taken into account during the preparation of the various documents at key stages.
2. The MOWG will convene throughout the preparation of LDP3, from the Evidence Gathering stage through to adoption of the Plan. LDP3 is being prepared under the new-style development regime stemming from the Planning (Scotland) Act 2019 and will therefore feature new processes and types of documents that were not part of the previous Plan (LDP2). In particular, the new Plan will align with NPF4, which will set much of the strategic policy framework; the role of LDP3 will be to tailor policies and actions at a local level to deliver improved economic, social, environment and placemaking outcomes.

The LDP3 preparation process commenced in December 2023, with the publication of the Development Plan Scheme (DPS)

3. The LDP3 Member/Officer Working Group will be separate to the Planning Liaison Group, which provides a forum to discuss Panel & LRB procedures with the Planning Service.
4. The remit of the MOWG will be as follows:

a. Reporting

Meetings will be scheduled regularly, and at key stages of the Plan process to allow officers to report on findings and work undertaken and seek Member input. Drafts of key documents will be submitted for MOWG consideration/approval, which allow officers to progress to the next stage in the plan preparation.

The working group will not have formal decision-making powers but will be able to advise and make suggestions on LDP draft documents/processes.

Examples of documents and stages that will be taken to the MOWG include:

- Evidence Report
- Feedback from public/stakeholder engagement
- Environmental Report /Revised Environmental Report
- Updates on Local Place Plans prepared by local communities
- Gate Check process
- Call for Ideas
- Proposed Plan
- Representations to the Proposed Plan and implications
- Modified Proposed Plan (if required)
- Progress of LDP Examination
- Delivery Programme

b. Input of Members and Officers

Officers will seek the input from Members and Officers in relation to the following:

Consultation on Evidence Gathering Stage

Officers will seek the input from Members and Officers in relation to the following:

- to discuss the evidence collated to inform the Proposed Plan
- to consider approaches/methods to engagement and consultation at the Evidence gathering and pre-proposed plan stages
- to consider responses to consultation with key agencies and other stakeholders
- discuss the key themes, issues and priorities arising from the collected evidence.

Draft Proposed Plan

- to consider a draft version of the Proposed Plan, including new site allocations

Consultation on Proposed Plan

Officers will seek the input from Members and Officers in relation to the following:

- to consider consultation methods
- to consider representations and responses

Preparation of modified Proposed Plan (if required)

- to consider modifications to proposed plan

At each stage in the process, after discussion with the MOWG, all elected members and other officers will be asked for their feedback.

c. Other Planning Service issues

Updating and consulting Elected Members on other Planning Service issues as necessary.

5. Technical arrangements

An agenda and any consultation documents will be shared ahead of each meeting, and minutes of the meeting will be produced and shared with the group after each meeting. It is proposed that these will be shared only internally.

6. Support and Communications

In order to support the MOWG, Member workshops and/or training can be provided for specific topics and stages to ensure that the required knowledge is achieved.

In addition to, and in-between the meetings of the MOWG, the Planning Strategy team will provide quarterly update briefings to all elected members on progress/key stages with the LDP.

7. Remit Review

This remit will be considered and if necessary altered at regular intervals through the mechanisms of the MOWG. The current remit is therefore not exhaustive. As highlighted under section 2, LDP3 will be following a new and previously untested statutory process, the details and implementation of which are still being clarified by the Scottish Government and other key agencies. It is therefore likely that the detail of the processes/stages set out in the 2023 Development Plan Scheme will be subject to adjustments over the course of the Plan's preparation.

Constitution

1. It is intended that the MOWG will reflect the current political composition of Elected Members, rather than repeat the existing structure of Council committees, and also include the most relevant Portfolio Holder(s). This will help to secure the input of a spectrum of elected members representing the views of communities/wards across South Ayrshire.
2. Based on the current (August 2024) political composition of Members, as such it is proposed that the working group will include 7 Elected Members, broken down on the following group basis:

- 3 Conservative (including Portfolio Holder for Economic Development);
 - 1 Labour;
 - 1 SNP; and
 - 2 Independents/ single Councillor Parties.
3. In addition, officers from other Council services will be invited as required for particular stages, including, but not limited to, the Ayrshire Roads Alliance, Housing, Thriving Communities, Education, Economy and Regeneration and Neighbourhood Services.
 4. A hyperlink of all documents forwarded to the MOWG will be made available to all Elected Members in advance of the MOWG. The MOWG will be minuted and a hyperlink also provided to all Elected Members.

Proposed Draft 2024

The Planning Liaison Group (PLG) is the member group that provides a forum for discussion and feedback between the Elected Members on the Regulatory Panel (Planning) and the Planning Service.

The PLG provides a forum for :

- discussion on planning procedures relating to the Planning Panel,
- discussion on planning procedures relating to the Local Review Body,
- discussion on emerging best practice and issues and other guidance being issued by the Scottish Government.
- discussion on planning performance particularly through the development of South Ayrshire's planning performance report undertaken through the National Planning Performance Framework, and
- Training and other planning related updates.

The PLG does not seek to replace or duplicate established Council governance or delegated schemes of authority or advise on financial matters. The PLG serves an advisory role on procedures which remain operational matters determined by Officers.

Membership

- Membership of the PLG shall reflect the membership of the Regulatory Panel (Planning)
- Council officers, as deemed appropriate by the Service Lead for Planning & Building Standards, shall attend meetings of the group to provide updates in relation to the business of meetings.

Meeting arrangements

The PLG will be chaired by the Chair of the Regulatory Panel (Planning).

The Vice Chair will be the Vice Chair of the Regulatory Panel (Planning).

The quorum of the PLG shall be three elected members.

Secretariat will be provided by Committee Services.

The PLG will meet every 6 months or more frequently if deemed appropriate by the Service Lead for Planning & Building Standards in conjunction with the Chair/Vice of the PLG

The Meetings will be Hybrid

Paper will be issued 3 days before the date of the meeting.

Current Terms of Reference

The Planning Liaison Group (PLG) is the member group that informs the development and delivery of South Ayrshire Council's strategic approach to local development planning.

The PLG provides a forum for elected members to support robust discussion and help steer emerging areas of work including:

- implementation of the 2019 Planning (Scotland) Act;
- development and implementation of the LDP;
- Supplementary Guidance;
- planning procedures; and
- service performance and profile.

It will also assist in advising and making recommendations to the Council on the content and implementation of the Local Development Plan, including its submission to the Scottish Ministers, its final approval and its subsequent monitoring and review.

The PLG will replace the Local Development Plan Board and; does not seek to replace or duplicate established Council governance or delegated schemes of authority or advise on financial matters. The PLG serves an advisory role.

Background

A report of 20 April 2021 by the Assistant Director – Place was submitted to the Leadership Panel seeking approval to agree the implementation of a revised operating model, membership and name for the Local Development Plan Board, with this proposed change allowing the group to provide a more comprehensive contribution towards the development and delivery of key areas of work as set out within the Planning and Building Standards Service Plan.

The Panel agreed to the implementation of the revised operating model, including establishment of a new group called the Planning Liaison Group and its operating arrangements, elected member representation and proposed agenda.

Membership

Membership of the PLG shall comprise cross-party representation of seven elected members with new appointments made subject to the majority vote of the PLG, with the Chair having final vote.

Council officers shall attend meetings of the group to provide updates in relation to the business of meetings.

Meeting arrangements

The PLG will be chaired by the administration's Portfolio holder for the Environment, or the Portfolio holder responsible for planning related matters.

Vice Chair will be nominated by the Chair and approved by the PLG and chair meetings in their absence.

The quorum of the PLG shall be three elected members.

Secretariat will be provided by Committee Services.

Membership of the Planning Liaison Group

Chair	Portfolio holder for the Environment -
Members of the PLG	Councillor Kenneth Bell Councillor Ian Cavana Councillor Alec Clark Councillor Hugh Hunter Councillor Martin Kilbride Councillor Mary Kilpatrick Councillor Craig Mackay Councillor Duncan Townson
Officers in attendance	Assistant Director – Planning and Development Service Lead – Planning and Building Standards Coordinator – Planning Strategy Coordinator – Place Planning And other officers as deemed relevant to the business of meetings.
Specific Roles	Chair of the PLG <ul style="list-style-type: none"> • Chairs the meetings • Sets and manages the meeting agenda Service Lead – Planning and Building Standards <ul style="list-style-type: none"> • Proposes the agenda • Provides progress updates to the group • Accountable for the delivery of the Local Development Plan and the Councils planning service •
Operating arrangements	<ul style="list-style-type: none"> • Meets quarterly • Hybrid – County Buildings/MS Teams • Minuted meeting • Papers to be sent out 3 working days in advance

6 September 2023

South Ayrshire Council Equality Impact Assessment Scoping Template

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

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

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

1. Policy details

Policy Title	Local Development Plan 3 Member-Officer Working Group and Planning Liaison Group remit
Lead Officer (Name/Position/Email)	Craig Iles Service Lead Planning & Building Standards craig.iles@south-ayrshire.gov.uk

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

Community or Groups of People	Negative Impacts	Positive impacts
Age – men and women, girls & boys	N/A	N/A
Disability	N/A	N/A
Gender Reassignment (Trans/Transgender Identity)	N/A	N/A
Marriage or Civil Partnership	N/A	N/A
Pregnancy and Maternity	N/A	N/A
Race – people from different racial groups, (BME) ethnic minorities and Gypsy/Travellers	N/A	N/A
Religion or Belief (including lack of belief)	N/A	N/A

Community or Groups of People	Negative Impacts	Positive impacts
Sex – (issues specific to women & men or girls & boys)	N/A	N/A
Sexual Orientation – person’s sexual orientation i.e. LGBT+, lesbian, gay, bi-sexual, heterosexual/straight	N/A	N/A
Thematic Groups: Health, Human Rights & Children’s Rights	N/A	N/A

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

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

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

General Duty and other Equality Themes Consider the ‘Three Key Needs’ of the Equality Duty	Level of Negative and/or Positive Impact (High, Medium or Low)
Eliminate unlawful discrimination, harassment and victimisation	Low Positive
Advance equality of opportunity between people who share a protected characteristic and those who do not	Low Positive
Foster good relations between people who share a protected characteristic and those who do not. (Does it tackle prejudice and promote a better understanding of equality issues?)	Low Positive
Increase participation of particular communities or groups in public life	Low Positive
Improve the health and wellbeing of particular communities or groups	Low Positive
Promote the human rights of particular communities or groups	Low Positive
Tackle deprivation faced by particular communities or groups	Low Positive

5. Summary Assessment

Is a full Equality Impact Assessment required? (A full Equality Impact Assessment must be carried out if impacts identified as Medium and/or High)	No
Rationale for decision: Not required as there is no specific impact on communities, groups of people, employees or thematic groups. A full EQIA will be carried out for the LDP3 Proposed Plan, when it is published for consultation.	
Signed : Craig Iles Service Lead -Planning & Building Standards Date: 24 September 2024	

South Ayrshire Council

**Report by Director of Housing, Operations and Development
to South Ayrshire Council
of 10 October 2024**

**Subject: Proposed Ward Capital Projects – Update 2023 to 2025
and Approval of New Capital Projects 2024 to 2026**

1. Purpose

- 1.1 The purpose of this report is to provide an update on implementation of capital projects approved by the Council at its meeting of 29 June 2023 and by the Cabinet at its meeting of 26 September 2023 and to recommend further capital projects for initiation and implementation during the financial years 2024/25 and 2025/26.

2. Recommendation

2.1 It is recommended that the Council:

- 2.1.1 agrees the capital investment projects identified in Appendix 1 for initiation and implementation during the financial years 2024/25 and 2025/26;
- 2.1.2 agrees that a report will be brought to Council on 12 December 2024 recommending a costed design plan to redevelop Burns Statue Square and adjacent streets to improve the public realm, and subject to Traffic Regulation Orders, reorientate traffic flows to reduce the circular flow of vehicle traffic in the area and improve placemaking, pedestrian connectivity through the area and visitor use;
- 2.1.3 agrees that a nominal sum of £2m will be retained from the Ayr West Ward Capital to fund recommendation 2.1.2;
- 2.1.4 agrees that the £2m Promenade budget line be split equally between Girvan, Ayr, Prestwick and Troon Wards;
- 2.1.5 agrees the Plan for Girvan Promenade set out in Appendix 2 identifying projects in Appendix 1 as the basis for public consultation on potential Ward and Promenade projects;
- 2.1.6 notes the progress made with the capital investment projects identified in Appendix 1; and
- 2.1.7 notes the intention to provide regular progress updates to all Elected Members on all place projects with the first of these being forwarded by the end of this month.

3. Background

- 3.1 At its meeting on 1 March 2023, the Council approved the General Services Revenue Budget 2023-24 and the Capital Investment Programme 2023-24 to 2034-35. Contained in the Capital Investment Programme 2023-24 to 2034-35 was funding for Place Plans; Place Planning and Community Led Projects; Place Planning and Ayr Ward West/Ayr Town Centre Projects; Girvan Regeneration Projects; and Promenade and Shorefront Enhancement Schemes.
- 3.2 At its meeting on 25 April 2023, the Cabinet approved a process for identifying potential capital investment projects. This involved a review of Place Plans (Community Action Plan), meetings with Elected Ward Members and further consideration by the Capital Asset Management Group (CAMG). The projects in Appendix 2 have been identified through the process agreed by the Cabinet in April 2023.
- 3.3 At its meetings on 29 June and 26 September 2023 the Council and the Cabinet agreed 116 capital investment projects (categorised as green) due for commencement in 2023/24 and 2024/25. These projects are set out in Appendix 1 with green colour, where the project is continuing as intended and approved. A status update has been provided against each of these projects, along with start dates where these remain relevant. A total of 28 projects are now complete. A news release will be posted on the Council's website with before and after photographs of the completed projects and these will also be sent to Community Councils.: .Some of the previously approved projects have now been assessed as either red, where it has been concluded that the project is no longer feasible, or amber as there are substantive feasibility matters still outstanding. Brief notes have been included to explain these conclusions.
- 3.4 Since Council approval of the above projects, the remaining 172 projects that were at that time assessed as amber have undergone further investigation. Two rounds of meetings were held with Ward Members in the Spring of this year. The first round of meetings reported back progress with approved projects and provided updates on the amber projects. Ward Members were also asked for further suggested projects. At the first round of meetings officers were given direction on which projects were considered to be priorities. Following this meeting further work was undertaken to the cost certainty on projects where tenders had been received – this provided some variance from the originally estimated costs. Indicative costs were also provided on the potential new projects. With these indicative costs being provided at the second round of meetings, Members provided further direction on priority projects. A further round of meetings was undertaken in early September to clarify information within the spreadsheets. At the September meetings, Ward Members made a request for more frequent reporting on progress of not only Ward projects but also other place projects such as regeneration projects. Work has since been undertaken to collate all these projects into consolidated lists and it is intended that these be disseminated in the next couple of weeks.
- 3.5 The Ayr East Ward does not have a Place Plan or Community Action Plan in place To enable Ward Capital projects to be identified, the Communities Service met with the local community councils in Summer 2023 to identify their priority actions. A further meeting took place early in 2024 attended by local Ward Councillors. This identified potential projects that have been considered and recommended.

- 3.6 With an allocation of estimated cost against each of the prioritised projects it was clear that for all Wards, except Ayr East and Prestwick, that the cost of the total basket of potential projects was close to the Ward Capital limit for each Ward. Ward members therefore agreed that to ensure a cushion for potential project over-run of costs, that no further new projects would be sought. Projects assessed as having the best deliverability prospects were presented to the Capital Asset Management Group (CAMG) in June 2024 and are being recommended in Appendix 1 for approval. Projects identified in amber have not yet been assessed by CAMG, mainly due to the proposals being at concept stage, and will require business cases to be submitted to CAMG approval before they can be committed. Notes are appended to such projects.
- 3.7 The Cabinet of 12 March 2024 approved a strategy for Ayr Town Centre which included 10 priority projects. One of the projects related to redeveloping Burns Statue Square into a public realm gateway to Ayr town centre, possibly involving the realignment of the A70 and creating an improved public square. Consultants have been appointed to take forward this potential project into a fully designed and costed plan. This will involve improved public realm and public art. It is intended that this plan will be presented to Council at its meeting on 12 December 2024. At this stage the cost of delivering these improvements are not known until this work is complete. In the meantime, it is recommended that a nominal sum of £2m is reserved from the Ayr West Ward Capital to fund delivery of the core elements of this plan.
- 3.8 In addition to the Ward Capital projects £2m has been allocated for Promenade projects across the 4 promenades of South Ayrshire. On 24 November 2023, the Cabinet approved a strategy for Ayr Esplanade and most of these projects have been added to Promenade list for Ayr. Similarly, for Girvan, the Ward budget has been exceeded and the excess identified have been attributed to Promenade budget lines. To assist with budget planning for future projects it is recommended that a decision be made on the allocation of the Promenade budget on an equitable £500,000 basis for each Promenade. All projects identified as promenade within the Ward spreadsheet will then be transferred to the promenade budget and the total anticipated and actual Ward spend will be amended accordingly.
- 3.9 Girvan promenade projects are more advanced following suggestions presented by Ward Members through potential Ward Capital Projects and other projects being developed through Girvan Regeneration. An outline layout plan (Appendix 2) has been developed to provide cohesion to these potential projects and ensure that collectively the potential projects provide for improved placemaking and public realm quality in the area. The plan was displayed at a recent public information session that the Council held in Girvan, but it has not been out for wider public consultation, and it is recommended that this be approved by Council as a basis for public consultation.

4. Proposals

- 4.1 It is recommended that the Council approves the projects set out in Appendix 1.
- 4.2 A status category, together with an estimated start date, has been provided against each of the projects in Appendix 1. Appendix 1 provides for a substantial work programme and delivery is being programmed over 2024/25 and 2025/26. It is recommended that an update report be provided to Council in June 2025 and further projects that have been subject to CAMG clearance are recommended to Council as part of its overall budget setting early in 2025. The report in June next year will

provide more confirmed costs and will recommend if there is potential for further Ward Capital projects being funded and delivered.

- 4.3 It is recommended that the Council approves a nominal sum of £2m towards delivery of improved public realm at Burns Statue Square, the final costing of which will be confirmed through a report to Council on 12 December 2024.
- 4.4 The spreadsheet of projects for each Ward will be shared with respective Community Councils. Feedback will be considered in the update report to Council in June 2025.
- 4.5 It is recommended that, to assist the proper planning and budgeting of promenade projects, the geographical split Promenade budget line of £2m now be determined. It is recommended that this budget is split equitably 4 ways, with £500,000 to the promenades of Girvan, Ayr, Prestwick and Troon
- 4.6 It is recommended that the Council approves the plan in Appendix 2 as a basis for public consultation.

5. Legal and Procurement Implications

- 5.1 Legal advice will be provided as required on the capital improvement projects. In the event that a project involves a disposal or change of use of Common Good, the following provides a summary for Members of the legal processes which will require to be satisfied. Under Section 104 of the Community Empowerment (Scotland) Act 2015 the Council, before making a decision to dispose or change the use of these areas, must:

- Publish details of the proposed disposal or change of use;
- Notify (a) any community council whose area includes all or part of the areas (taking account of the burgh council boundaries) and (b) any community body known by it to have an interest in the areas; and
- Invite representations in respect of the proposals;

and the Council must have regard to any representations made about the proposals in deciding whether to proceed.

- 5.2 If the areas are inalienable Common Good, under Section 75 of the Local Government (Scotland) Act 1973, the Council is also required to obtain authority from the Sheriff Court for any proposed appropriation or disposal of the areas.
- 5.3 Furthermore, under section 15(4) of the Local Government etc. (Scotland) Act 1994, in administering common good property, a Council shall have regard to the interests of the inhabitants of the former burgh area to which the common good related prior to 16 May 1975.
- 5.4 It should be noted that if any development relates to land which is open space and used for public recreation, there may be a requirement under Sections 24(2A) and 27(2A) of the Town and Country Planning Act 1959 that the Council must also:
- Publish a notice of any proposed appropriation or disposal in a newspaper circulating in the area for at least 2 consecutive weeks; and

- Consider any objections made in response before deciding whether to proceed

6. Financial Implications

6.1 The Capital Investment Programme Expenditure in relation to community projects 2024/25 to 2035/36 as approved by the Council on 29 February 2024 is set out below:

3	Communities Investment	2024/25 £	2025/26 £	2026/27 £
i)	Girvan Regeneration Projects	3,135,000	-	-
l)	Place Plans	250,000	-	-
m)	Place Planning and Community Led Projects	1,177,708	1,499,000	1,750,000
n)	Place Planning and Ayr Ward West/ Ayr Town Centre Projects	1,424,000	1,000,000	1,000,000
o)	Promenade and Shorefront Enhancement Scheme	1,000,000	500,000	500,000

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There is a risk that some of the projects being recommended may prove to be unfeasible following further diligence work and this would result in expectations having been raised that cannot be delivered.
- 8.1.2 The report is recommending a further 51 projects across many Council services. This provides for a challenging programme to coordinate and deliver. There is a risk that pace of delivery will be slower as a result of the number of projects.
- 8.1.3 With so many projects being recommended there is a risk that the outcomes of improved placemaking could be diluted compared to investing in a smaller range, but more substantial projects.

8.2 ***Risk Implications of Rejecting the Recommendations***

8.2.1 There is a risk if the above recommendations are rejected that the Council will not be able to either complete the capital investment in improvements in our communities or if further projects are taken forward that this delays the delivery of already approved projects.

8.2.2 There is a risk that if the projects in the Girvan promenade area are not set within a plan as the basis for consultation that this could bring about challenges regarding the Community Empowerment Act 2014. There is also the risk that this could lead to incremental, incoherent placemaking.

9. **Equalities**

9.1 The proposals in this report have been assessed through an Equality Impact Assessment including Fairer Scotland Duty and is attached in Appendix 3.

10. **Sustainable Development Implications**

10.1 ***Considering Strategic Environmental Assessment (SEA)*** – This proposal does not propose or seek approval for a plan policy, programme, strategy, or document otherwise described which could be considered to constitute a plan, programme, policy or strategy. The plan for Girvan Promenade and potential strategy for Prestwick Promenade will be subject of SEA.

11. **Options Appraisal**

11.1 The various proposals that communities and Ward Members put forward for consideration can be found here. A thorough and detailed assessment of every proposal presented ensured that all options were fully appraised

12. **Link to Council Plan**

12.1 The matters referred to in this report contribute to Priority 1: Spaces and Places; and Priority 3: Civic and Community Pride of the Council Plan.

12.2 In terms of Priority 1: Spaces and Places, Outcome 1: Moving around and the environment and Outcome 2, Play Sport, and Recreation, are supported by the proposals set out in this report.

12.3 In terms of Priority 3: Civic and Community Pride, Outcome 1: Pride in South Ayrshire and Outcome 2: Community Engagement, are supported by the proposals as set out in this report.

13. **Results of Consultation**

13.1 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and Councillor Alec Clark, Portfolio Holder for Tourism, Culture and Rural Affairs, and the contents of this report reflect any feedback received.

14. Next Steps for Decision Tracking Purposes

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

Implementation	Due date	Managed by
Commencement of new Ward Capital projects	31 October 2024	Assistant Director – Housing and Operations/ Assistant Director – Planning and Development
Report to Council – Burns Statue Square Public Realm and Traffic Improvements	12 December 2024	Assistant Director – Planning and Development
Update on Ward Capital Projects and Potential New Ward Capital Projects	26 June 2025	Assistant Director – Housing and Operations/ Assistant Director – Planning and Development

Background Papers **Report to South Ayrshire Council of 29 June 2023 - [Proposed Ward Capital Projects 2023 to 2027](#)**

Report to Cabinet of 26 September 2023 - [Proposed Ward Capital Projects – Update 2023 to 2025](#)

Report to Cabinet of 12 March 2024 – [Ayr Town Centre Framework](#)

Report to Cabinet of 23 April 2024 – [Heritage Proposals Submitted to the Council by Prestwick Civic Pride](#)

Person to Contact **Chris Cox, Assistant Director – Planning and Development**
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Date: 4 October 2024

Consolidated Ward Capital Projects

Appendix 1

Ward 1 - Troon

	WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL/ ANTICIPATED	
1	Troon	Power source to Civic Spaces Around Walker Hall	Asset Management	G24310	Ward	Order placed	PO issued to Fortress	10%	Oct '24	Oct '24	10,000.00	9,500.00	Actual
2	Troon	Town Centre Recycling Bins	Neighbourhood Services/PDS	G24311	Ward	Design & Tender	Paul Dougall has advised work will be complete by end 24/25 financial year	30%	Dec'25	Mar '26	140,000.00	140,000.00	Anticipated
3	Troon	Augmenting Play Areas within various communities - Adamsgate, Muirhead and Hoisery Park	Neighbourhood Services	G24313	Ward	Design & Tender	Hoisery Park underway - others to follow	20%	Oct'24	Dec '24	50,000.00	50,000.00	Anticipated
4	Troon	Resurfacing of Troon Esplanade with Red Tarmacadam	Ayrshire Roads Alliance	G24315	Promenade	Works Complete		100%	Spring '24	Summer'24	80,000.00	88,889.00	Actual
5	Troon	BBQ Area on Promenade with picnic area	Neighbourhood Services		Promenade	On site	Awaiting confirmation of completion	80%	Sept'24	Oct'24	10,000.00	10,000.00	Anticipated
6	Troon	Beach Huts/compositble toilet at south end of South Beach	Neighbourhood Services		Common Good	Concept	Neighbourhood Services to trial these - Asset Management and Legal to conform if Common Good funds can be utilised and Business Case required.		Spring '25		30,000.00	30,000.00	Anticipated
7	Troon	Wind socks	Neighbourhood Services		Promenade	Concept	Neighbourhood Services to engage with local Watersports Clubs to identify the best location (s)		Spring'25		10,000.00	10,000.00	Anticipated
8	Troon	Urban Realm Improvements	Neighbourhood Services		Ward	Design & Tender	This money will be used to replace bins in the Town to ensure consistency; Bid to be submitted to CAMG		Spring'25	Spring'25	70,000.00	70,000.00	Anticipated
9	Troon	Planters	Neighbourhood Services		Ward	Concept	Neighbourhood Services have this on their planting schedule		Winter '24	Winter '24	10,000.00	10,000.00	Anticipated
10	Troon	Improvements to Muirhead Community Centre	Asset Management		Capital Bid	On Hold	Pending review of power supply; is there an option for a CAT?		On hold				
11	Troon	New pump track	Professional Design Services		Ward	Feasibility	Figure assumes match funding; Match funding to be confirmed;		Summer'25	Winter '25	187,500.00	187,500.00	Anticipated
12	Troon	Extension to play park for older children	Professional Design Services		Ward	Concept	Potential match funding from SG; Bid to be submitted to CAMG		Summer'25	Winter '25	100,000.00	100,000.00	Anticipated
13	Troon	Match funding for Marr Pitch replacement surface	Destination South Ayrshire		Ward	Design & Tender	Match funding from SFA; Bid to be submitted to CAMG		Spring '25	Summer'25	135,000.00	135,000.00	Anticipated

	WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL/ ANTICIPATED	
14	Troon	Esplanade - additional area to be resurfaced. Includes emergency repairs for H&S issues	Ayrshire Roads Alliance		Promenade	Concept	H&S already instructed @ £9,500: Bid to be submitted to CAMG		Oct '24		36,120.00	36,120.00	Anticipated
15	Troon	Skate park - reinstall items removed on promenade - poss adj playpark? (currently stored at Dukes Road?)	Neighbourhood Services		Ward	Design & Tender	NS to progress asap		Oct '24	Winter'24	10,000.00	10,000.00	Anticipated
16	Troon	Support and continue development of facilities at Fullerton Woods	Neighbourhood Services		Ward	Concept	NS to prepare proposals;		Summer'25	Winter'25	30,000.00	30,000.00	Anticipated
17	Troon	Extension to the toilet block to provide a coffee stall (possible commercial opportunity?) at Fullerton Wood	Professional Design Services		Ward	Concept	Business case important and CAMG approval.PDS to circulate previous scheme for comment		Autumn '25	Spring'26	150,000.00	150,000.00	Anticipated
18	Troon	Darley Cottage at Marr College - investment required to bring this building back to an acceptable standard	Asset Management		Ward	Feasibility	Requires Trustees approval and business case for CAMG approval		Summer '25	Spring'26	70,000.00	70,000.00	Anticipated

1,128,620.00 1,137,009.00

Consolidated Ward Capital Projects

Ward 2 - Prestwick

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
1	Prestwick	Provision of 2nr steel benches at New Prestwick Promenade Playpark	Neighbourhood Services		Promenade	Work Completed	100%			10,000.00	10,000.00 Anticipated
2	Prestwick	Provision of 4nr steel picnic tables at Prestwick Promenade	Neighbourhood Services		Promenade	Work Completed	100%			10,000.00	10,000.00 Anticipated
3	Prestwick	Introduce 'World Destination' signpost on Prestwick Promenade	Neighbourhood Services		Promenade	Concept		Spring '25	Spring'25	5,000.00	5,000.00 Anticipated
4	Prestwick	Upgrade the surface of the car park area to the North of Kidz Play	Ayrshire Roads Alliance	G24319	Ward	Complete	100%			135,000.00	253,500.00 Actual
5	Prestwick	Prestwick Promenade surfacing works	Ayrshire Roads Alliance	G24323	Promenade	Complete	100%			100,000.00	172,000.00 Actual
6	Prestwick	Introduction of a Memorial Tower	Neighbourhood Services		Ward	Concept				50,000.00	Anticipated
7	Prestwick	Replace banner signage on lampposts on Prestwick Main Street	Ayrshire Roads Alliance		Ward	Concept		Oct'24	Nov'24	10,000.00	Anticipated
8	Prestwick	Repair / renew steps to Boydfield Gardens and improve footpath surfacing throughout	Neighbourhood Services		Ward	Concept		Spring'25	Summer'25	150,000.00	Anticipated
		Additional Works to Prestwick Pool as part of SALIX funded energy improvements	Professional Design Services		Ward	Design and Tender		Nov'24		150,000.00	Anticipated
9	Prestwick	More walking and cycling routes	Ayrshire Roads Alliance		Active Travel	Concept		Spring '25	Summer'26		Anticipated
										620,000.00	450,500.00

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Consolidated Ward Capital Projects

Ward 3 - Ayr North

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED	
1	Ayr North	Newton MUGA	Professional Design Services	G23993	Ward	Complete	100%			182,174.47	202,174.00 Actual	
2	Ayr North	River Ayr Access Platform	Professional Design Services	G22965	Ward	Complete	100%			180,000.00	180,000.00 Anticipated	
3	Ayr North	Provision of a bike shelter at Lochside Community Centre	Ayrshire Roads Alliance		Ward	Concept		Spring'25	Spring'25	5,000.00	5,000.00 Anticipated	
4	Ayr North	Upgrade on-street parking at Lochside Community Centre	Ayrshire Roads Alliance	G24329	Ward	Works Complete	100%			15,000.00	27,349.00 Actual	
5	Ayr North	Upgrade the Council owned area at Dalmilling Shops on Westwood Avenue	Neighbourhood Services		Ward	Works Complete	100%			30,000.00	28,000.00 Actual	
6	Ayr North	Upgrade the former play area at the junction of Westwood Avenue and Dalmilling Drive	Neighbourhood Services		Ward	Works Complete	100%			5,000.00	3,000.00 Actual	
7	Ayr North	Provision of benches along Newton Shore Promenade	Neighbourhood Services		Promenade	Complete	100%			15,000.00	4,390.00 Actual	
8	Ayr North	Upgrade the footpath at Newton Shore Promenade	Ayrshire Roads Alliance	G24332	Promenade	Works Complete	100%			300,000.00	229,529.78 Actual	
9	Ayr North	Upgrade the carriageway at Newton Shore	Ayrshire Roads Alliance	G24327	Promenade	Works Complete - cost included within footpath item above	100%			200,000.00	incl in footpath cost Actual	
10	Ayr North	Provision of play equipment for younger children - Craigie Way, Westwood Avenue	Neighbourhood Services		Ward	Feasibility - NS to Survey		Spring '25	Summer'25	50,000.00	Anticipated	
11	Ayr North	Oswald Road - surfacing & equipment	Neighbourhood Services		Ward	Feasibility - NS to Survey		Oct '24	Spring '25	50,000.00	Anticipated	
	Ayr North	Improve access opportunities from Newton Green residential area to the Newton shore Promenade (Ayr to Barassie)	Ayrshire Roads Alliance		Active Travel	Part of wider review project	To be removed from Ward Capital and picked up in Active Travel works grant funded		Spring '25	Autumn'25	50,000.00	Anticipated
	Ayr North	Make Newton Shore more accessible and tidier; better pathways and lighting in areas; speed bumps in Seaforth Road to allow elderly /children to cross safely; and waterfront development and a cycle lane connecting Ayr to Prestwick is needed.	Ayrshire Roads Alliance		Active Travel	Part of wider review project	To be removed from Ward Capital and picked up in Active Travel works grant funded		Spring '25	Autumn'25	100,000.00	Anticipated
										1,182,174.47	679,442.78	

Consolidated Ward Capital Projects

Ward 4 - Ayr East

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
1 Ayr East	New community notice boards for outside Forehill Library and Castlehill Gates	Neighbourhood Services		Ward	Concept	Site feasibility		Oct '24		10,000.00	Anticipated
2 Ayr East	Install a sensory path in Castlehill Woods	Neighbourhood Services		Ward	Concept	NS TO prepare scope of works		Spring '25		50,000.00	Anticipated
3 Ayr East	a range or work has been identified at Glencairn Park including solar light, a floating path at the 'duck pond', improve general access	Neighbourhood Services		Ward	Concept	NS to provide details.		Summer '25		100,000.00	Anticipated
4 Ayr East	Extension to the rear of Forehill Library to create a community space	Professional Design Services		Ward	Concept	Instruction to be provided from Asset Management		Spring '25		250,000.00	Anticipated
										410,000.00	0.00

Consolidated Ward Capital Projects

Ward 5 Ayr West

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED	
1	Ayr West	Construct an enclosed area at the bandstand in Place de Saint-Germain-en-Laye Gardens *	Professional Design Services		Promenade	Design & Tender	Statutory consents required. Business case to be prepared and submitted to CAMG		Spring '25	Summer'25	300,000.00	Anticipated
2	Ayr West	Reintroduce Crazy Golf on Ayr Promenade *	Professional Design Services		Promenade	Design & Tender	Business case to be prepared and submitted to CAMG		Spring '25	Winter'25	100,000.00	Anticipated
3	Ayr West	Remove the Watchful and carry out repairs to the slipway	Professional Design Services		Promenade	Works Complete		100%			20,000.00	20,000.00 Anticipated
4	Ayr West	Burns Statue Square Public Realm upgrades	Communities		Ward	Concept Design	Nominal sum only pending full design and costing December '24, statutory consents required		Summer '25	Summer '26	2,000,000.00	Anticipated
5	Ayr West	Repairs to the footbridge over the Slipway	Ayrshire Roads Alliance		Ward	On site	Asset Management to provide options for lights		Sept '24	Nov'24	140,000.00	200,000.00 Anticipated
6	Ayr West	Grain Exchange, external area - Remove bus stop and artwork to create event space	Professional Design Services		Ward	On hold	*on hold pending design/costs Burns Sq*					
7	Ayr West	Loudon Hall Investment in New Lighting Installations	Asset Management		Ward	Works Complete		100%			10,000.00	10,000.00 Anticipated
8	Ayr West	Resurfacing of Ayr Promenade with Red Tarmac & Upgrade Blackburn Carpark	Ayrshire Roads Alliance	G24339	Promenade	Works Complete		100%			200,000.00	226,023.00 Actual
9	Ayr West	Town Hall Gardens	Professional Design Services		Ward	Concept	PDS to circulate revised scheme;		Spring '25	Summer'25	150,000.00	Anticipated
10	Ayr West	Installation of column lighting to Ayr Promenade*	Professional Design Services / ARA		Promenade	Design & Tender	Business case to be prepared and submitted to CAMG; Option of incorporating 5G to be explored		Spring'25	Summer'25	100,000.00	Anticipated
11	Ayr West	Honest Men and Bonnie Lassies Walk of Fame at Burns Statue Square	Thriving Communities		Ward	Concept	*on hold pending design/costs Burns Sq*					
12	Ayr West	Illumination of the Auld Brig and New Bridge	Ayrshire Roads Alliance	G24342	Ward	On Site	current scope of works only covers street furniture on bridges. Options to be explored for uplighting. Business case to be prepared and submitted to CAMG	80%	Autumn '24	Spring '25	101,000.00	140,000.00 Anticipated
13	Ayr West	Miller Road Ayr Decorative Column Lighting	Ayrshire Roads Alliance		Ward	Works Complete		100%			12,596.00	12,596.00 Actual
14	Ayr West	Multi Media Modern Signage	LR's team		Ward	Concept	*on hold pending works being undertaken through Transformation					
15	Ayr West	Road upgrade works to all main arterial routes into Ayr	Ayrshire Roads Alliance	G24345	Ward	Complete	Maybole Road was excluded from works	100%			405,000.00	536,000.00 Actual
16	Ayr West	Balgarth Path	Ayrshire Roads Alliance		Ward	Design & Tender	Issue re land ownership to be completed	0%			7,000.00	Anticipated
17	Ayr West	Develop a childs maze, sensory garden and imaginative seating on Promenade at former putting green *	Neighbourhood Services		Promenade	Concept	Option of 'picnic pods' to be explored; Business case to be prepared and submitted to CAMG		Autumn'25	Spring'26	150,000.00	Anticipated
18	Ayr West	Introduce 'World Destination' signpost on Ayr Promenade *	Neighbourhood Services		Promenade	Concept	Design concept awaited for all Wards, then signage specific to area		Spring '25	Summer'25	5,000.00	Anticipated

	WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
19	Ayr West	Murals on building gables	Destination South Ayrshire		Town Centre	On hold	Consider pilot outwith of Conservation Area					
20	Ayr West	Bin store / vennel - New Bridge Street onto Cutty-Sark Site	Professional Design Services		Ward	Concept	Incl with Town Hall Gardens		Spring '25	Summer'25	25,000.00	Anticipated
21	Ayr West	Re-introduce path at river in Cambusdoon / red sandstone steps upgrade	Neighbourhood Services		Ward	Design & Tender	Business case to be prepared and submitted to CAMG		Spring'25	Autumn'25	140,000.00	Anticipated
22	Ayr West	Noticeboard at Alloway Primary - relocate existing plus introduce a 2nd noticeboard in Alloway?	Thriving Communities		Ward	Concept	Awaiting Approval		Sept '24	Nov'24	5,000.00	Anticipated
23	Ayr West	Newmarket Street - funding for decorating shop fronts	Economy & Regeneration		Town Centre	Concept	Removed from Ward Capital as Grant approved, Econ & Regen speaking to business owners		Sept '24	Nov'24		Anticipated
24	Ayr West	Blackfriars Walk - replace barriers	Neighbourhood Services		Ward	Works Complete	This was a H&S issue so NS have funded this awaiting approval of budget transfer		Oct '24	Oct '24	24,000.00	24,000.00 Anticipated
25	Ayr West	Public Art, Burns Statue Sq - initial design work	Professional Design Services		Ward	Works Complete	Initial designer fee		June'24	Aug'24	12,000.00	12,000.00 Actual
26	Ayr West	Newmarket Street - Lighting similar to Royal Exchange Sq in Glasgow	Ayrshire Roads Alliance		Town Centre	Concept	ARA have advised that previous lighting required to be removed due to height damage. Alternatives to be considered		Spring '25	Summer '25	30,000.00	Anticipated
											3,936,596.00	1,180,619.00

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Consolidated Ward Capital Projects

Ward 6 Kyle

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED			
1	Kyle	Annbank Park - Benches, Picnic Tables and Upgraded Footpath		Neighbourhood Services		Ward	On Site	Works underway	50%	Aug'24	Oct'24	25,000.00	25,000.00	Anticipated
2	Kyle	Construct new footpath at southern edge of Collenan Reservoir	G24347	Ayrshire Roads Alliance		Ward	On site	works ongoing		Sept '24	Oct'24	22,000.00	22,000.00	Anticipated
3	Kyle	New outdoor adult gym equipment in Mossblown		Neighbourhood Services		Ward	Complete		100%			40,000.00	40,000.00	
4	Kyle	Install seating for the elderly and more dog waste bins in Annbank		Neighbourhood Services		Ward	Complete		100%			5,000.00	5,000.00	Anticipated
5	Kyle	New location for War Memorial in Mossblown	G20999	Professional Design Services		Ward	On site	Contribution from Ward to tidy up public realm at new location	20%	Sept'24	Nov'24	80,000.00	80,000.00	Anticipated
6	Kyle	Installation of new benches within Symington		Neighbourhood Services		Ward	Legally Committed	Locations to be confirmed	10%	Oct'24	Dec'24	15,000.00	15,000.00	Anticipated
7	Kyle	Installation of adult gym equipment and new benches within Symington Park		Neighbourhood Services		Ward	Design & Tender	NS to provide details		Nov'24	Spring'25	40,000.00	40,000.00	Anticipated
8	Kyle	Community Cinema at Carvick Webster Memorial Hall, Monkton		Thriving Communities		Ward	Legally Committed			Sept '24	Spring'25	45,000.00	45,000.00	Anticipated
9	Kyle	Barnweil Monument to be repaired to allow access		Asset Management		Ward	Complete	The building is not suitable for public access, however Asset Management to look at essential repairs to make wind and watertight; clear guano internally	100%			5,000.00	5,000.00	Actual
10	Kyle	Install planters in Monkton		Neighbourhood Services		Ward	Complete	Planters have been purchased but location to be agreed	80%			5,000.00	5,000.00	Anticipated
11	Kyle	Formal road access and parking provision at Dundonald Field	G24354	Ayrshire Roads Alliance		Ward	Complete		100%			20,000.00	30,073.81	Actual
12	Kyle	Install benches and bins in wooded area of Dundonald		Neighbourhood Services		Ward	Concept	NS to arrange site visit		Oct '24		5,000.00	5,000.00	Anticipated
13	Kyle	Road and footpath upgrades at Dundonald, Symington, Mossblown and Loans	G24355	Ayrshire Roads Alliance		Ward	Complete		100%			69,000.00	69,000.00	Anticipated
14	Kyle	Review cycle path and pavements provision in Mossblown		Ayrshire Roads Alliance		Active Travel	Concept	Part of wider project		Sept '24		50,000.00	50,000.00	Anticipated
15	Kyle	Install a History Park at Loans Community Hall and link to Smugglers trail		Neighbourhood Services		Ward	Concept	NS to provide details; bid to be submitted to CAMG		Spring '25		50,000.00	50,000.00	Anticipated

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED	
16	Kyle	Upgrade Smugglers Trail, Loans	Ayrshire Roads Alliance		Active Travel	Concept	Take out of Ward Capital and consider in Active Travel programme which is grant funded		Spring '25			Anticipated
17	Kyle	Create a carpark for the village hall in Craigie	Ayrshire Roads Alliance		Ward	Concept	ARA to survey and cost. Land ownership to be confirmed		Spring '25	50,000.00		Anticipated
18	Kyle	Install a swing park for children in Craigie	Neighbourhood Services		Ward	Concept	NS to provide details; bid to be submitted to CAMG		Spring '25	30,000.00		Anticipated
19	Kyle	Review and upgrade of seating, signage around Craigie	Neighbourhood Services		Ward	Concept	Survey / estimate required		Spring '25	15,000.00		Anticipated
20	Kyle	Review use of Craigie village green for community events and children to access	Neighbourhood Services		Ward	Concept	Survey / estimate required		Spring '25	25,000.00		Anticipated
22	Kyle	Improve sports facilities in Annbank	Neighbourhood Services		Ward	Design & Tender	Resurface MUGA		Oct '24	81,000.00		Anticipated
23	Kyle	Review cycle path in Monkton	Neighbourhood Services		Active Travel	Concept	To be removed from Ward Capital and considered in Active					Anticipated
24	Kyle	Create walking routes and install more benches in Monkton	Neighbourhood Services		Ward	Concept	To be removed from Ward Capital and considered in Active					Anticipated
25	Kyle	Review cycle pathn in Dundonald	Neighbourhood Services		Active Travel	Concept	To be removed from Ward Capital and considered in Active					Anticipated
26	Kyle	Reserve for Community Projects in Tarbolton	Thriving Communities		Ward	Concept	NS to raise with Communities and Community Council			50,000.00		Anticipated
27	Kyle	Dundonald - changing rooms at the football pitch (Highland Games)	Professional Design Services		Capital Bid	On Hold	Revenue costs - explore supporting community in a community led project					
										727,000.00	486,073.81	

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Consolidated Ward Capital Projects

Ward 7 Maybole, North Carrick And Coylton

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
1	Maybole, North Carrick & Coylton	Moving Around - New seating to Park, Coylton	Neighbourhood Services		Ward	Works Complete	100%			10,000.00	12,000.00 Actual
2	Maybole, North Carrick & Coylton	Minishant - installation of new benches	Neighbourhood Services		Ward	Design & Tender		Dec '24		10,000.00	10,000.00 Anticipated
3	Maybole, North Carrick & Coylton	Support overall cost of Window Replacement at Straiton Community Hall	Asset Management		Ward	Complete	100%			15,000.00	16,500.00 Actual
4	Maybole, North Carrick & Coylton	Decorative lighting at Dunure Castle	Asset Management		Ward	Design & Tender		Sept '24		50,000.00	50,000.00 Anticipated
5	Maybole, North Carrick & Coylton	Improve access from Harbour to Kennedy Park and Castle incl new viewpoint	Ayrshire Roads Alliance		Ward	On site		Winter'24		140,000.00	140,000.00 Anticipated
6	Maybole, North Carrick & Coylton	New MUGA for Coylton	Professional Design Services		Ward	Concept		Spring '25		250,000.00	Anticipated
7	Maybole, North Carrick & Coylton	New curtains with Maybole Coat of Arms for Town Hall stage and completion of other ancilliary works	Destination South Ayrshire		Ward	Complete	100%			10,000.00	10,000.00 Anticipated
8	Maybole, North Carrick & Coylton	New safety boat for Dunure Harbour	Neighbourhood Services		Ward	Complete	100%			51,000.00	51,000.00 Anticipated
9	Maybole, North Carrick & Coylton	Roads and footpaths upgrades, Maybole and Dunure	Ayrshire Roads Alliance	G24363	Ward	Complete	100%			66,000.00	123,000.00 Actual
10	Maybole, North Carrick & Coylton	Protect and enhance wildlife habitats in the villages - Crosshill, Straiton and Kirkmichael community action plan	Neighbourhood Services		Ward	Concept		Spring '25		25,000.00	Anticipated
11	Maybole, North Carrick & Coylton	Minishant - Improve playpark and associated surfacing within the park	Neighbourhood Services		Ward	Concept		Spring '25		50,000.00	Anticipated
12	Maybole, North Carrick & Coylton	Coylton Primary School: Re-line the existing playground to mark out play areas; existing has faded too much to be of use	Professional Design Services		Ward	Complete	100%			10,000.00	Anticipated

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
13	Maybole, North Carrick & Coylton	Creation of an 'alzheimers walk' in crosshill with different coloured benches placed strategically throughout the village	Neighbourhood Services		Ward	Concept	Locations to be agreed	Dec'24		20,000.00	Anticipated
14	Maybole, North Carrick & Coylton	Maybole High Street - footpath surfacing upgrade (from garage to Carrick St Junction)	Ayrshire Roads Alliance		Ward	Concept	Unclear of scope of works; to be reviewed on site	Oct '25		30,000.00	Anticipated
15	Maybole, North Carrick & Coylton	Repairs to shops at School Vennel	Maybole Regeneration		Regeneration	Concept	Asset Management have prepared a schedule of Works which has been passed to the regen team	Spring'25	Summer'25	60,000.00	Anticipated
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Consolidated Ward Capital Projects

Ward 8 - Girvan

WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED		
1	Girvan	New Merchant Navy and Seafarers Memorial at Girvan Harbour	Neighbourhood Services		Promenade	Works Complete		100%			10,000.00	10,000.00	Anticipated
2	Girvan	Installation of new height restriction barrier at the south of the Harbour Master's Office at Girvan Harbour	Ayrshire Roads Alliance		Promenade	Works Complete		100%			10,000.00	10,000.00	Anticipated
3	Girvan	Upgrade to bird aviary in Knockcushan Street Community Gardens	Professional Design Services	G24371	Regeneration	Works Complete	Works commenced on site 05/08/24 and are now practically complete with the exception of the delivery of the birds to their new habitats. Additional render repairs and decoration will be completed by Property Maintenance.	100%			120,000.00	80,000.00	Anticipated
4	Girvan	footpaths at Girvan Rose Garden	Neighbourhood Services		Ward	Concept	NS to confirm scope of works		Spring'25	Spring'25	25,000.00	25,000.00	Anticipated
5	Girvan	Demolition of shelter, repaving and seating at Rose Garden	Neighbourhood Services		Ward	Design and tender	business case to be prepared and submitted to CAMG		Winter'24	Spring'25	75,000.00	75,000.00	Anticipated
6	Girvan	Install new deer proof fence at Bynehill Cemetery, Girvan	Professional Design Services	G24375	Ward	On Site	Works have progressed well and to a high standard. Contract works are now complete apart from the installation of 2No. gates to the Ornamental fencing,	95%	Summer'24	Winter'24	123,166.00	123,166.00	Actual
7	Girvan	Upgrade to Ardstinchar Bridge	Ayrshire Roads Alliance	G24377	Ward	Works Complete		100%			40,000.00	40,000.00	Anticipated
8	Girvan	New seating along the River Stinchar Walk	Neighbourhood Services		Ward	Design & Tender	Ownership consent required		Spring '25	Spring'25			
9	Girvan	Create new footpaths to access field at Pinwherry & Pinmore	Ayrshire Roads Alliance	G24379	Active Travel	Concept	Site visit to be arranged		Spring'25	Spring'25	30,000.00	30,000.00	Anticipated
10	Girvan	Install multi-media signage at the Quay Zone	Transformation Service			Now looking at EV charge points incorporating digital signage. Part of Transformation work	Feasibility being reviewed as part of Transformation programme						
11	Girvan	Install festoon lighting along the treelined footpath at Victory Park	Ayrshire Roads Alliance		Ward	Concept	ARA to investigate option for solar lights		Spring '25	Spring'25	10,000.00	10,000.00	Anticipated
12	Girvan	Install signposting for trails and memorials in Barr	Access Officer		Active Travel	Concept	Remove from Ward Capital and consider in Active Travel programme which is grant funded						

	WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED
13	Girvan	Improve footpaths at the River Walk in Barr	Neighbourhood Services		Active Travel	Concept	Remove from ward Capital and consider in Active Travel programme					
14	Girvan	Create a footpath near the cemetery in Colmonell including marked path routes and Stiles over fences	Neighbourhood Services		Active Travel	Concept	Remove from Ward Capital and consider in Active Travel programme which is grant funded					
15	Girvan	Install information signage within Colmonell	Neighbourhood Services		Active Travel	Concept	Part of wider project		Spring'25	Spring'25	5,000.00	5,000.00 Anticipated
16	Girvan	Develop community space within Dailly	Neighbourhood Services		Ward	Concept	Site feasibility needed		Spring '25	Summer'25	50,000.00	50,000.00 Anticipated
17	Girvan	Develop waste ground adjacent creamery in Pinwherry and Pinmore to create a car park	Ayrshire Roads Alliance		Ward	Concept	Land ownership negotiations;		Spring '26	Spring '26	100,000.00	100,000.00 Anticipated
18	Girvan	Resurface existing tennis courts in Girvan	Neighbourhood Services		Ward	Design & Tender			Spring'25	Spring'25	81,000.00	81,000.00 Anticipated
19	Girvan	Resurface existing tennis courts i Ballantrae	Neighbourhood Services		Ward	Design & Tender			Spring'25	Spring'25	77,000.00	77,000.00 Anticipated
20	Girvan	War memorial at Heronsford - tidy / refurb?	Neighbourhood Services		Ward	Design & Tender	NS to instruct works		Oct'24	Oct'24	6,400.00	6,400.00 Anticipated
21	Girvan	Community theatre, Girvan (Academy)	Professional Design Services		Ward	Concept	Initial design work now underway to establish costs and contribution from SRB. Contribution to school project		Summer '25		50,000.00	50,000.00 Anticipated
22	Girvan	New shelter (Park Run start point)*	Professional Design Services	G24372	Promenade	Concept	PDS to progress proposals and costs. Public consultation; business case to be prepared and submitted to CAMG		Spring'25		75,000.00	75,000.00 Anticipated
23	Girvan	New benching along the shorefront*	Professional Design Services	G24401	Promenade	Concept	Following public information session in June, feedback from the public was that concrete seating would not be desirable along the promenade. New scope of work is to be confirmed to allow designs to recommence. Public consultation; business case to be prepared and submitted to CAMG		Spring'25		100,000.00	100,000.00 Anticipated
24	Girvan	Upgrade of the Memorial Fountain and McCubbin Fountain*	Professional Design Services	G24369	Ward	Concept	Brief confirmed in layout plan. PDS to progress proposals.Public consultation;business case to be prepared and submitted to CAMG		Spring'25		50,000.00	50,000.00 Anticipated
25	Girvan	Creation of events space at the shorefront with power supply and new surfacing	Asset Management	G24370	Promenade	On site	Cable installed, surfacing to be progressed		June '24	Dec'24	100,000.00	100,000.00 Anticipated
26	Girvan	Upgrade of boating pond with new power supply to the kiosk	Asset Management		Promenade	Design & Tender	ARA are currently reviewing quotes		Spring'25	Summer'25	50,000.00	275,000.00 Anticipated

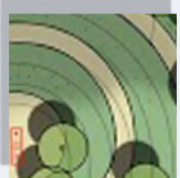


WARD	PROJECT	SERVICE	JOB NR	FUNDING SOURCE	STATUS	NOTES	PROGRESS	START	END	BUDGET	ACTUAL / ANTICIPATED	
27	Girvan	New crazy golf facility*	Professional Design Services	G24404	Promenade	Concept	Public consultation; business case to be prepared and submitted to CAMG		Autumn'25	Spring'26	100,000.00	100,000.00 Anticipated
28	Girvan	New public toilets and biosphere bike store*	Professional Design Services		Regeneration	Concept	Public consultation and full Business Plan to ensure revenue cost neutral and CAMG approval		Spring'26	Autumn'26	400,000.00	400,000.00 Anticipated
	Girvan	Extension to the Quay Zone	Professional Design Services		Regeneration	Concept	Public consultation and full Business Plan assessment and CAMG approval. Consideration as Regeneration Capital		Spring'26	Spring'27	1,500,000.00	1,500,000.00 Anticipated
29	Girvan	New surfacing in car park to designate different uses*	Professional Design Services		Regeneration	Concept	Per layout plan. Public consultation. Consider EV chargers; business case to be prepared and submitted to CAMG		Spring'25	Summer'25	250,000.00	250,000.00 Anticipated
30	Girvan	Paving upgrade on approach to Memorial Fountain with water feature*	Professional Design Services		Regeneration	Concept	Per layout plan. Public consultation; business case to be prepared and submitted to CAMG		Spring'25	Summer'25	100,000.00	100,000.00 Anticipated
										2,725,000.00	2,950,000.00	

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Key for Suggested Landscaping

-  New Grassed Areas/Landscaping
-  New Tarmac Areas
-  New Featured Hard Landscaping

- 1. NEW PARK RUN SHELTER (G24372)
- 2. NEW CONCRETE BENCHING ALONG PROMENADE (G24401) SUMMER '24
- 3. QUAYZONE STORM DAMAGE RECTIFICATION WORKS (G24984) SUMMER '25
- 4. UPGRADE THE MEMORIAL FOUNTAIN AT HARBOUR AND THE MCCUBBIN FOUNTAIN (G24369) SUMMER '25
- 5. EVENTS SPACE (G24370) SUMMER '24
- 6. UPGRADE BOATING POND - SUMMER '25
- 7. NEW CRAZY GOLF AT FORMER PITCH AND PUTT SITE (G24404) SUMMER '25

South Ayrshire Council
Equality Impact Assessment including Fairer Scotland Duty

Section One: Policy Details*

Name of Policy	Proposed Ward Capital Projects Update 2023 to 2025
Lead Officer (Name/Position)	Mike Newall Depute Chief Executive and Director of Housing, Operations and Development mike.newall@south-ayrshire.gov.uk
Support Team (Names/Positions) including Critical Friend	Macy Biggar Community Planning and Equalities Assistant Susan McCardie Community Planning Lead Officer

*The term Policy is used throughout the assessment to embrace the full range of policies, procedures, strategies, projects, applications for funding or financial decisions.

What are the main aims of the policy?	Proposed improvement projects identified through Place Plans are implemented throughout the Council area and funded through the Capital Ward budgets as approved by Council on 1 March 2023.
What are the intended outcomes of the policy?	<ul style="list-style-type: none"> • To confirm place improvement projects in each Ward from completed Place Plans. • To share finalised project list for each ward with Community Councils to provide them with details of the proposals for their information. • Attract more tourists to South Ayrshire • Residents will be proud to be part of South Ayrshire

Section Two: What are the Likely Impacts of the Policy?

Will the policy impact upon the whole population of South Ayrshire and/or particular groups within the population? (please specify)	The Policy will impact areas of South Ayrshire which are associated with Capital Projects that support Place Plans and Community Led projects in each ward for; Ayr Town Centre projects; for Girvan Town Centre Regeneration Projects and for the Promenade and Shorefront enhancements.
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Considering the following Protected Characteristics and themes, what likely impacts or issues does the policy have for the group or community?

List any likely positive and/or negative impacts.

Protected Characteristics	Positive and/or Negative Impacts
Age: Issues relating to different age groups e.g. older people or children and young people	Positive: New arrangements would be fully inclusive to all age groups.
Disability: Issues relating to disabled people	Positive: New arrangements would be fully inclusive to people with disabilities
Gender Reassignment – Trans/Transgender: Issues relating to people who have proposed, started or completed a process to change his or her sex	Positive: New arrangements would be inclusive to all irrespective of a person’s gender.
Marriage and Civil Partnership: Issues relating to people who are married or are in a civil partnership	Positive: New arrangements would be inclusive to all irrespective of a person’s marital/civil partnership status.
Pregnancy and Maternity: Issues relating to woman who are pregnant and/or on maternity leave	Positive: New arrangements would be fully inclusive to this group.
Race: Issues relating to people from different racial groups,(BME) ethnic minorities, including Gypsy/Travellers	Positive: New arrangements would apply equally to Individuals of all racial groups
Religion or Belief: Issues relating to a person’s religion or belief (including non-belief)	Positive: New arrangements would be fully inclusive to all religions and beliefs (including non-belief).
Sex: Issues specific to women and men/or girls and boys	Positive: new arrangements would have a positive impact on both men and women.
Sexual Orientation: Issues relating to a person’s sexual orientation i.e. LGBT+, heterosexual/straight	Positive: New arrangements would be fully inclusive to all irrespective of a person’s sexual orientation.

Equality and Diversity Themes Relevant to South Ayrshire Council	Positive and/or Negative Impacts
Health Issues and impacts affecting people's health	Positive: Place Plans will ensure a better understanding of our population and places and allow development of plans to positively impact on health.
Human Rights: Issues and impacts affecting people's human rights such as being treated with dignity and respect, the right to education, the right to respect for private and family life, and the right to free elections.	Positive: A human rights approach will underpin both the formal engagement and consultation process, and any subsequent implementation of new governance arrangements.

Socio-Economic Disadvantage	Positive and/or Negative Impacts
Low Income/Income Poverty: Issues: cannot afford to maintain regular payments such as bills, food and clothing.	Positive: Place Plans and Community Led Projects will allow the Council to focus on where the need is greatest to support low income/income poverty.
Low and/or no wealth: Issues: enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future	Positive: Place Plans and Community Led Projects will allow the Council to focus on where the need is greatest to support low and/or no wealth.
Material Deprivation: Issues: being unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, leisure/hobbies	Positive: Place Plans and Community Led Projects will allow the Council to focus on where the need is greatest to support material deprivation.
Area Deprivation: Issues: where you live (rural areas), where you work (accessibility of transport)	Positive: Place Plans and Community Led Projects will allow the Council to focus on where the need is greatest to support area deprivation.

Section Three: Evidence Used in Developing the Policy

<p>Involvement and Consultation In assessing the impact(s) set out above what evidence has been collected from involvement, engagement or consultation? Who did you involve, when and how?</p>	<p>At Council meeting on 1st March 2023, the Council approved the General Services Revenue Budget 2023-2024 and the Capital Investment Programme 2023-24 to 2034-2035.</p> <p>Extensive consultation has taken place as part of the Place Planning process, for place-based strategies, budget survey and accessible Ayr. Further information can be found on our consultation web page.</p> <p>Consultation has taken place with all Elected Members as part of the review of proposed improvement projects in each of the Council's Wards as identified through Place Plans.</p>
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<p>Data and Research In assessing the impact set out above what evidence has been collected from research or other data. Please specify what research was carried out or data collected, when and how this was done.</p>	Data was taken from Place Plans published in 2019, 2021 and 2022 from across South Ayrshire. The data confirmed the priority actions South Ayrshire communities said they wanted to see delivered. In addition to this, road safety data from Ayrshire Roads Alliance and Transport Scotland and traffic speed data from Police Scotland were also considered as part of the priority project considerations.
<p>Partners data and research In assessing the impact(s) set out in Section 2 what evidence has been provided by partners? Please specify partners</p>	Ayrshire Roads Alliance, Police Scotland, North Carrick Community Benefit Company, Dynamic Dunure, Go Girvan, Girvan Attractions, the Quay Zone in Girvan, Prestwick Civic Pride Partnership, Community Councils, Newton Green Tenants and Residents Association, SUSTRANS, Transport Scotland and Local Elected Members.
<p>Gaps and Uncertainties Have you identified any gaps or uncertainties in your understanding of the issues or impacts that need to be explored further?</p>	Further reviews of proposed Place Plan actions for each of our communities will be completed to identify potential capital projects that support the strategic objectives and outcomes of the Council, but also have no risk of any future revenue burdens.

Section Four: Detailed Action Plan to address identified gaps in:

- a) evidence and
- b) to mitigate negative impacts

No.	Action	Responsible Officer(s)	Timescale
1	Completion of approved Ward Capital Projects.	Mike Newall, Chris Cox, Kenny Dalrymple and Kevin Braidwood	By 31 March 2025

Note: Please add more rows as required.

Section Five - Performance monitoring and reporting

Considering the policy as a whole, including its equality and diversity implications:

When is the policy intended to come into effect?	Works are already being implemented.
When will the policy be reviewed?	June 2025
Which Panel will have oversight of the policy?	Full Council


Summary Equality Impact Assessment Implications & Mitigating Actions

Name of Policy: Approval Process and Governance Arrangements for Ward Capital Projects.

This policy will assist or inhibit the Council's ability to eliminate discrimination; advance equality of opportunity; and foster good relations as follows:

<p>Eliminate discrimination</p> <p>Neither assist nor inhibit.</p>
<p>Advance equality of opportunity</p> <p>This will look to advance opportunities through improvement of our places.</p>
<p>Foster good relations</p> <p>This will continue to foster good relations by developing meaningful communication and engagement with local communities to identify their needs and views.</p>
<p>Consider Socio-Economic Disadvantage (Fairer Scotland Duty)</p> <p>The Approval Process and Governance Arrangements for Ward Capital Projects will pay due regard to the Fairer Scotland Duty.</p>

Summary of Key Action to Mitigate Negative Impacts	
Actions	Timescale
None	N/A

Signed: 

Date: 12 August 2024