

County Buildings
Wellington Square
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14 September 2022

**To: Councillors Bell (Chair), Cavana, Clark, Connolly, Kilbride, Kilpatrick, Dixon,
Mackay and Townson**

All other Members for Information Only

**REGULATORY PANEL – THURSDAY, 22 SEPTEMBER 2022
AT 10.00 A.M.**

ADDITIONAL ITEM:-

Item A. Public Access Exemption Order: Prestwick Golf Course 150th Open 2022 - Submit report by the Director - Place (copy herewith).

For more information on any of the items on this agenda, please telephone Andrew Gibson,
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South Ayrshire Council

**Report by
Place Directorate
to Regulatory Panel of 22 September 2022**

**Subject: Public Access Exemption Order: Prestwick Golf
Course 150th Open 2022**

1. Purpose

- 1.1 This report seeks authority to make a temporary public access exemption order for an area of land affected by the Prestwick Golf Course 150th Open 2022.

2. Recommendation

- 2.1 **It is recommended that the Panel:**

2.1.1 agrees to make a temporary Public Access Exemption Order under Section 11(1) of the Land Reform (Scotland) Act 2003, for land at Prestwick Golf Course and the right of way (SKC 35), as set out in Appendix 1.

3. Background

- 3.1 There exists a public right of responsible access to most land in Scotland, including golf courses, but with the exception of golf greens. The right of responsible access is exercisable over Prestwick Golf Course (the Course). A right of way (SKC35) also runs over the course, from Seagate to Prestwick shore (see plan forming Appendix 1).
- 3.2 Councils can make orders temporarily exempting specific areas of land from access rights (exemption orders). Government guidance suggests exemption orders should be made for health and safety or security reasons, or to permit the charging of a fee for entry to an event. The Council has made a number of exemption orders to facilitate the staging of major public events.
- 3.3 The Prestwick Golf Course 150th Open 2022 is to be held over the Course from **10th October 2022 to 23rd October 2022** inclusive. Prestwick Golf Club has requested that the Council makes an access exemption order to facilitate the safe and successful staging of the event, covering the Course itself, as well as the right of way which crosses it. The periods for which the exemptions are sought exceed 6 days in duration.

- 3.4 Orders effective for 6 or more days must be the subject of prior public consultation and must be confirmed by the Scottish Ministers.
- 3.5 The Council's approved Scheme of Delegation delegates authority to the Director of Place to make access exemption orders covering periods of less than 6 days. As the proposed order covers a period of more than 6 days (see Appendix 1), approval is required from this Panel.

4. Proposals

- 4.1 Prestwick Golf Club has requested that access rights exemptions apply over the land and route indicated on the attached plan forming Appendix 1, for the dates specified.
- 4.2 After the expiry of the 2 week period for public consultation (the Local Access Forum, and the local elected members for this ward, have already been consulted), the orders will be submitted to the Scottish Ministers. Assuming the Ministers confirm the Order, a further public notice (of confirmation) will be published in the local press and on the web site, in compliance with the LRA.
- 4.3 For the period during which the relevant exemption order is in force, an alternative route for the right of way will be available around the edge of the area covered by the Order (as indicated on the plan forming Appendix 1).

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements (the relevant provisions of the Land Reform (Scotland) Act 2003).
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Costs associated with making the access exemption order can be met from existing Planning budgets but will be recoverable from the Prestwick Golf Club as event organiser. There will be no ongoing financial commitments arising from this report.

7. Human Resources Implications

- 7.1 There are no human resource implications arising directly from the recommendation of this report.

8. Risk

8.1 Risk Implications of adopting the recommendations.

There is a risk access takers visiting the area may be unaware the Course and right of way across it have been exempted temporarily from access rights. This will be mitigated by publishing notices of the exemption orders in the local press and on the Council's web site, and by erecting signage on site.

8.2 Risk Implications of rejecting the recommendations.

Rejecting the recommendation could jeopardize the successful staging of the Prestwick Golf Course 150th Open 2022. There could also be a health and safety risk associated with rejecting the recommendation, in that members of the public could attempt to access the Course during the golf event.

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.

10.2 The recommendation of this report will have no significant environmental benefit or cost.

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 the Council strategic objective of 'Maximising the Potential of our Local Economy' and within that to the outcome 'tourism, culture and heritage opportunities are developed and promoted'.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report. However, as required by the LRA, public notice of the Council's intention to make the proposed access exemption order will be given by publication in the local press and on the Council's web site, with a 2 week period allowed for the receipt of objections or representations. Councillors Ian Cochrane, Hugh Hunter, Martin Kilbride and Cameron Ramsey, as members for the Prestwick ward, and the South Ayrshire Local Access Forum, were consulted on the proposed exemption order, and have expressed no objection to it. The landowner, Prestwick Golf Club, and Prestwick Community Council will be consulted once confirmation of the details of the proposed order has been received.

13.2 Consultation has taken place with Cllr. Alec Clark, Portfolio Holder for Tourism, Culture and Rural Affairs, and he has expressed no objection to the proposed order.

14. Next Steps for Decision Tracking Purposes

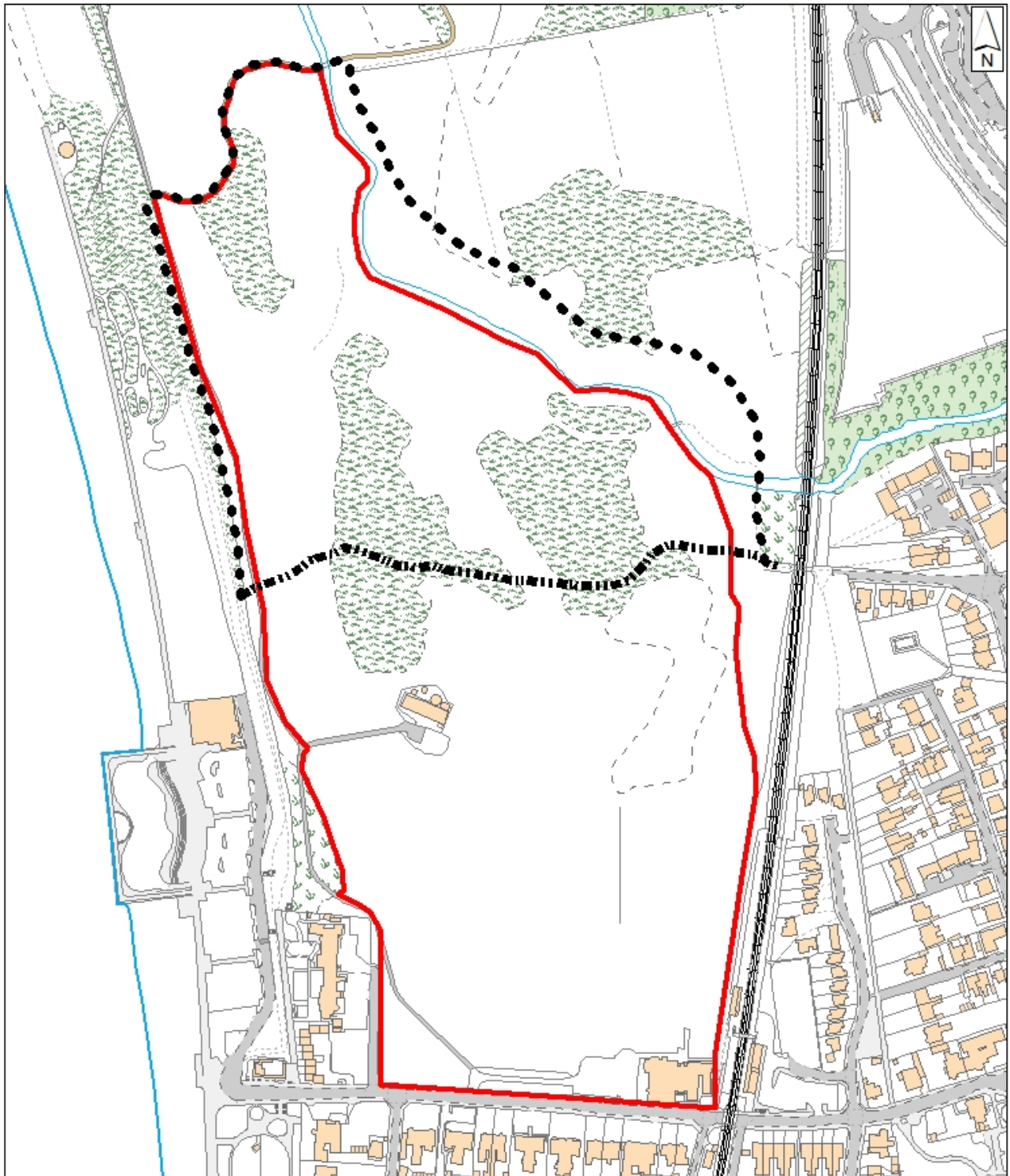
14.1 If the recommendations above are approved by Members, the Service Lead for Planning & Buildings Standards will ensure that all necessary steps are taken to ensure full implementation of the decision, with the completion status reported to the next Regulatory Panel.

| <i>Implementation</i> | <i>Due date</i> | <i>Managed by</i> |
|--|------------------------|--|
| Public notice of Intention to make order | September 2022 | Service lead Planning & Building Standards |
| Consultation on order | September 2022 | Service lead Planning & Building Standards |
| Refer to Scottish Ministers | September 2022 | Service lead Planning & Building Standards |
| Publish notice of confirmation of order | October 2022 | Service lead Planning & Building Standards |

Background Papers: Land Reform (Scotland) Act 2003 [here](#)
Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities [here](#)

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Date: 12 September 2022



Area of land to be exempt from access rights.



Current Right of Way



Proposed Temporary Right of Way

Scale 1:3,500

**This is the plan referred to in the foregoing
The South Ayrshire Council (Prestwick Golf Club)
Exempting Land from Access Rights Order 2022**

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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 | Public Access Exemption Order: PRESTWICK GOLF COURSE 150 TH OPEN 2022 |
| 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 |
| Sex – (issues specific to women & men or girls & boys) | N/A | N/A |
| Sexual Orientation – person's sexual orientation i.e. | N/A | N/A |

| Community or Groups of People | Negative Impacts | Positive impacts |
|---|------------------|------------------|
| LGBT+, lesbian, gay, bi-sexual, heterosexual/straight | | |
| 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. | |
| Signed : Craig Iles Service Lead - Planning & Building Standards Date: 12 September 2022 | |