

CABINET

Minutes of a hybrid webcast meeting on 30 August 2022 at 10.00 a.m.

Present
in County

Buildings: Councillors Martin Dowey (Chair), Alec Clark, Ian Davis, Stephen Ferry, Martin Kilbride and Lee Lyons.

Apologies: Councillors Brian Connolly and Bob Pollock.

Attending
In County

Hall: E. Howat, Chief Executive; C. Caves, Head of Legal, HR and Regulatory Services; T. Baulk, Head of Finance and ICT; L. Reid, Assistant Director – Place; M. Newall, Assistant Director – People; K. Anderson, Service Lead – Policy, Performance and Community Planning; P. Bradley, Service Lead – Professional Design Services; C. Iles, Service Lead – Planning and Building Standards; T. Burns, Service Lead – Asset Management and Community Asset Transfer; D. Yuille, Service Lead – Special Property Projects; T. Leijser, Service Lead – Economy and Regeneration; W. Wesson, Service Lead – HR, Payroll and Employee Services; L. Kerr, Co-ordinator - Destination, Promotion and Inclusive Partnership; S. Rodger, Risk and Safety Co-ordinator; A. Gibson, Committee Services Officer; C. Buchanan, Committee Services Officer; and C. McCallum, Committee Services Assistant.

Attending

Remotely: D. Gillies, Director – Place; L. McRoberts, Director of Education; and T. Eltringham, Director of Health and Social Care.

1. Opening Remarks.

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that part of the meeting was being broadcast live.

2. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

3. Minutes of previous meeting.

The minutes of 14 June 2022 ([issued](#)) were submitted and approved.

4. Decision Log.

Following discussion, the Panel

Decided:

- (1) to approve the overdue actions and to agree that the Chief Executive would investigate why there were so many overdue items listed;

- (2) to approve the actions listed with revised due dates; and
- (3) to note the recently completed actions.

Economic Development.

5. Ayrshire Growth Deal Aerospace and Space Programme – Update.

There was submitted a report ([issued](#)) of 23 August 2022 by the Director – Place providing an update on the South Ayrshire Council portfolio of projects (Aerospace and Space) within the Ayrshire Growth Deal (AGD).

Following a question from a Member of the Panel and having noted timescales relating to Transport Scotland, the Cabinet

Decided:

- (1) to note progress of the Aerospace and Space projects within the Ayrshire Growth Deal;
- (2) to note the next steps in the development of the programme;
- (3) to agree that officers seek to agree Heads of Terms to acquire development land as was required for the spaceport infrastructure and bring forward reports on this to Cabinet as required;
- (4) to note the financial plan, risks and the impact on the Council until remaining full business cases were approved; and
- (5) to request that an update be provided to the Cabinet in six months time.

6. UK Shared Prosperity Fund.

There was submitted a report ([issued](#)) of 24 August 2022 by the Director – Place

- (1) providing an update on the UK Shared Prosperity Fund; and
- (2) seeking approval from the Council to submit the proposed three year Investment Plan.

The Cabinet

Decided:

- (a) to approve the submission of the South Ayrshire Investment Plan as outlined in Appendix 1 of the report, covering financial years 22/23, 23/24 and 24/25, with South Ayrshire Council acting as Lead Authority;
- (b) to approve the programme of work and priority areas as set out in the draft Investment Plan (Appendix 1);

- (c) to note that the SPF programme will enable the continuation of the ERDF/ ESF projects led by the Council and approve that the staff currently employed on temporary ERDF/ ESF contracts would transfer to the SPF programme as detailed in Appendix 2 of the report;
- (d) to note that the Multiply programme was a new activity for the Council and approved the recruitment of new staff, as set out in Appendix 3 of the report, to be funded by the ringfenced Multiply allocation in the SPF programme;
- (e) to note the future aspirations for a pan-Ayrshire regional approach to delivering the priorities of the Shared Prosperity Fund;
- (f) to note the ongoing review of Regional Governance arrangements as outlined in paragraph 3.10 of the report;
- (g) to agree that a Members' Briefing be arranged regarding Skypath; and
- (h) to agree that a Briefing Note be sent to Members on the funding ringfenced for Multiply.

Buildings, Housing and Environment.

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7. Transfer of the Site of the John Pollock Centre to Housing Revenue Account.

There was submitted a report ([issued](#)) of 23 August 2022 by the Director – Place seeking approval to transfer the site encompassing the John Pollock Centre and playing fields in Mainholm Road, Ayr from the General Fund to the Housing Revenue Account (HRA) at nil value provided that the HRA met the abnormal costs of £3,222,539 ahead of a proposed development of Council housing.

The Cabinet

Decided:

- (1) to note that the consultation carried out by the Director - Place with tenants and the public had been largely in favour of the proposed transfer of the site from the General Fund to the HRA for nil consideration; and
- (2) to grant authority to transfer the site of the John Pollock Centre from the General Fund to the HRA at nil value ahead of a proposed residential development in accordance with the explanation set out in the report and provided that the Council's Housing Revenue Account met the abnormal costs of £3,222,539.

8. Short Term Let Licensing Scheme.

There was submitted a report ([issued](#)) of 23 August 2022 by the Assistant Director – People seeking approval for South Ayrshire's Short Term Licensing Scheme.

Following discussion on exclusion zones, the Cabinet

Decided:

- (1) to approve the draft policy on the licensing of short term lets as detailed in Appendix 1 of the report;
- (2) to agree the creation of 1 FTE Short Term Let Licensing Officer post at Level 6 for a period of twenty-four months and associated staffing costs of £67,830; and
- (3) to note the proposed additional delegations to the Council's Scheme of Delegation to be approved by the Council, to include officer authority to implement the Scheme in line with the new legislation.

Buildings, Housing and Environment/Finance, HR and ICT.**9. Affordable Housing – Mainholm Road, Ayr.**

There was submitted a report ([issued](#)) of 23 August 2022 by the Director – Place

- (1) providing an update on progress of the Affordable Housing Project at Mainholm Road, Ayr, including the most up to date scheme, costs and programme; and
- (2) seeking instructions on how officers should proceed with the project.

Having considered the outcome of the HubSW Stage 2 detailed design phase for the project, including the most up to date scheme, costs and programme, the Cabinet

Decided: to delegate authority to the Head of Legal, HR and Regulatory Services to arrange for execution of the necessary documents on behalf of the Council under the Scheme of Delegation, pending approval of a separate report to Cabinet earlier in the agenda for the land transfer between General Services and HRA.

Corporate and Strategic.**C****10. Representation on Convention of Scottish Local Authorities.**

There was submitted a report ([issued](#)) of 23 August 2022 by the Chief Executive seeking agreement of a policy on representation on Convention of Scottish Local Authorities.

The Cabinet

Decided:

- (1) to note that appointments to COSLA Convention required to take account of the political balance of the Council; and
- (2) to agree that future appointments to COSLA Convention should not take account of gender balance and appointments to Policy Boards should only take account of political balance.

Finance, Human Resources and ICT.

11. South Ayrshire Fair Pay Agenda.

There was submitted a report ([issued](#)) of 23 August 2022 by the Head of Legal, HR and Regulatory Services

- (1) providing further information on the proposals with Trade Unions aimed at paying Scottish Social Services Council (SSSC) registration fees for lower paid employees; and
- (2) that the report included proposals on the employees who would be included in this arrangement and arrangements for implementation.

Following questions and having noted that the proposals were being looked at in advance of pay claims, the Cabinet

Decided:

- (a) to agree to pay professional registration fees for employees up to and including those at Level 5 (current hourly rate up to £12.77) with effect from 30 August 2022, namely the SSSC registration fees for positions as outlined in Appendix 1 of the report;
- (b) to note that, if there was a national agreement reached as part of the consultations on the pay award to pay registration fees for any additional employees, then appropriate arrangements would be made to implement that agreement;
- (c) to note that the SSSC would not accept direct payment from the Council, therefore employees would continue to make the payments for their registration and would be reimbursed for the full amount on submission of a receipt;
- (d) to agree that the Recruitment and Selection Policy was updated to reflect this change; and
- (e) to approve that the costs of implementing the proposals to be met from employee costs underspend in 2022/23 with future costs being included as part of payroll management within the annual budget setting process.

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12. Mileage Expenses.

There was submitted a report ([issued](#)) of 23 August 2022 by the Head of Legal, HR and Regulatory Services providing an update and seeking approval on the proposal to maintain the current Travel and Subsistence Policy in respect of mileage expenses for Agile, Hybrid and Home workers.

The Cabinet

Decided:

- (1) to note that HMRC were consulted on the matter to ensure compliance with their regulations;
- (2) to note that Trade Unions were consulted on the matter;
- (3) to approve the proposal to maintain the provisions outlined in the Travel and Subsistence Policy;
- (4) to approve the changes to the Remote Working Policy to reflect the Travel and Subsistence Policy guidance, as detailed in Appendix 1 of the report;
- (5) to approve the changes to the Travel and Subsistence Policy to include reference to the Future Operating Model (FOM) and the workstyles, as detailed in Appendix 2 of the report; and
- (6) to approve the changes to the Travel and Subsistence Policy to reflect the recommendations of Internal Audit to change from AA Autoroute to Google Maps for calculating mileage, as detailed in Appendix 2 of the report.

13. Budget Management - Revenue Budgetary Control 2022/23 – Position at 30 June 2022.

There was submitted a report ([issued](#)) of 24 August 2022 by the Head of Finance and ICT providing a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2022/23 as at 30 June 2022.

Having noted that Members should speak with the relevant Portfolio Holder regarding any financial concerns, the Cabinet

Decided:

- (1) to note the revised Directorate budgets following the budget movements, as outlined in the report and to note that the impact of Covid-19 had been included in the projections;
- (2) to approve the budget transfers as outlined in the Directorate financial performance reports, as detailed in Appendix 1 of the report and summarised in the report;
- (3) to approve the requested earmarking of resources to be carried forward to 2023/24, as summarised in paragraph 4.1.9 of the report;
- (4) to note the projected in year over-spend of £1.650m. after earmarking;
- (5) to agree that Directors/Assistant Directors and Heads of Service take steps to ensure that Directorates/ Services were not overspent against budget by 31 March 2023, as per section 5.3 of the Financial Regulations;

- (6) to agree that the Head of Finance and ICT provide Members with a Briefing Note regarding the background to the Rent Arrears, as of 30 June 2022; and
- (7) to agree that there be a freeze on the employment of non-essential staff and that there should only be spend on essential items.

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14. Treasury Management Annual Report 2021/22.

There was submitted a report ([issued](#)) of 23 August 2022 by the Head of Finance and ICT

- (1) presenting 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 2021/22; and
- (2) seeking consideration of its contents.

The Cabinet

Decided: to approve the Annual Treasury Management Report 2021/22, as detailed in Appendix 1 of the report.

15. General Services Capital Programme 2022/23: Monitoring Report as at 30 June 2022.

There was submitted a report ([issued](#)) of 23 August 2022 by the Director – Place providing an update on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30 June 2022 (Period 3), and to agree the changes to budgets in 2022/23 and 2023/24.

The Cabinet

Decided:

- (1) to note the progress made on the delivery of the General Services Capital Programme to 30 June, resulting in spend of £14,423,647 or 11.18%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2022/23 at £131,819,873, 2023/24 at £82,275,806 and 2024/25 at £61,821,256 as highlighted in Appendix 2.

Finance, Human Resources and ICT/Buildings, Housing and Environment.

16. Housing Capital Programme 2022/23: Monitoring report as at 30 June 2022.

There was submitted a report ([issued](#)) of 23 August 2022 by the Director – Place providing an update on the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 30 June 2022 (Period 3) and to agree the changes to budgets in 2022/23 and 2023/24.

Following a question from a Member of the Cabinet and having noted that there was a programme of works relating to the demolition of lock-ups, the Cabinet

Decided:

- (1) to note the progress made on the delivery of the Housing Capital Programme to 30 June, resulting in spend of £2,760,349 or 3.99%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2022/23 at £64,410,925 and 2023/24 at £44,864,268 as highlighted in Appendix 2 of the report.

Tourism and Rural Affairs.

17. Procurement of a Strategic Delivery Partner for an Event.

There was submitted a report ([issued](#)) of 23 August 2022 by the Assistant Director – People seeking agreement to progress with the procurement of a strategic partner to support the delivery of an event in September 2023.

The Cabinet

Decided: to agree that officers progress with the procurement of a strategic partner to deliver an event in September 2023.

18. Exclusion of press and public.

The Cabinet resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the remaining items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 8 and 9 of Part 1 of Schedule 7A of the Act.

Corporate and Strategic.

19. Risk and Safety 'Spend to Save' Resource Bid.

There was submitted a report of (Members only) of 23 August 2022 by the Head of Legal, HR and Regulatory Services seeking approval to allocate savings achieved through the Corporate Insurance budget for the creation of two permanent posts within the Risk and Safety Service on a 'spend to save' basis in order to tackle current staffing capacity issues and focus on reducing future insurance claims and premiums costs.

Having noted that progress would be reported to the Service and Performance Panel, the Cabinet

Decided:

- (1) to note that a saving of £0.157m. had been achieved following an insurance retender exercise;

- (2) to approve the creation of an additional Health and Safety Officer (G10), utilising savings achieved, to support service delivery in key areas relating to organisational compliance;
- (3) to approve the creation of a Claims Support Adviser (G10), utilising savings achieved, in order to implement risk management initiatives targeted to Service areas experiencing significant insurance claim losses; and
- (4) to agree that an amount of £10,000 from the savings identified be allocated to the re-introduction of a Risk Reductions Budget – for allocation to small projects across Services where budget was not available for targeted risk management initiatives.

20. Ayrshire Growth Deal – Prestwick Commercial Build.

There was submitted a report (Members only) of 23 August 2022 by the Director – Place

- (1) requesting the Cabinet to consider and endorse the Full Business Case (FBC) of the Prestwick Commercial Build project, which was part of the Ayrshire Growth Deal (AGD); and
- (2) seeking approval to submit the FBC to the Ayrshire Economic Joint Committee for approval.

The Cabinet

Decided:

- (a) to note the Council decision on 29 June 2022 to include the inward investment opportunity referred to as Opportunity A in the commercial build project, and to secure Scottish Enterprise as the Council's delivery partner for this opportunity, had been implemented;
- (b) to endorse the Full Business Case (FBC) of the Prestwick Commercial Build project available at "Project Title: Prestwick Commercial Build Full Business Case" which included Opportunity A and to request the Director - Place to submit the FBC to the Ayrshire Economic Joint Committee for approval;
- (c) to approve the financial reinvestment model, financial profile and build plans detailed in the FBC; and
- (d) to approve the additional borrowing of £55.174m. required as detailed in Section 6 of the report, subject to the conclusion of the Grant Funding Agreement in terms acceptable to the Director - Place and the satisfaction of the conditions as set out in paragraph 5.1 of the report.

Buildings, Housing and Environment/Sports and Leisure.

21. New Leisure Centre Update.

There was submitted a report (Members only) of 23 August 2022 by the Director – Place

- (1) providing an update on the New Leisure Centre Project; and

- (2) seeking instructions on how officers should proceed with the project.

The Cabinet

Decided:

- (a) to note the latest update on the project costs for the development of the new leisure centre;
- (b) to note the update on the progress with the site acquisition of the Arran Mall, as detailed in Appendix 1 of the report; and
- (c) to agree that details of progress in purifying suspensive conditions and detail on potentially abortive costs be reported to Council in October 2022.

22. Consideration of Disclosure of the above confidential reports.

Decided:

- (1) to authorise the disclosure under Standing Order 32.4 of the following report:-
- Risk and Safety 'Spend to Save' Resource Bid;
- (2) to authorise the disclosure under Standing Order 32.4 of part of the following report at the appropriate time after consideration of the item by the Ayrshire Joint Committee in September:-
- Ayrshire Growth Deal – Prestwick Commercial Build; and
- (3) not to authorise the disclosure under Standing Order 32.4 of the whole or part of the following report:-
- New Leisure Centre Update.

The meeting ended at 11.40 a.m.