

SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 29 June 2022 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, Ian Davis, Julie Dettbarn, Martin Dowey, William Grant, Peter Henderson, Hugh Hunter, Martin Kilbride, Lee Lyons, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton (for items 1 to 11 only), Gavin Scott, Bob Shields and Duncan Townson.

Present Remotely: Councillors Ian Cochrane, Brian Connolly, Chris Cullen, Mark Dixon, Stephen Ferry, Mary Kilpatrick, Craig Mackay (for items 1 to 5 only) and George Weir.

Attending in County Buildings: E. Howat, Chief Executive; D. Gillies, Director – Place, C. Caves, Head of Legal, HR and Regulatory Services; T. Baulk, Head of Finance and ICT; D. Alexander, Service Lead – Procurement; K. Briggs, Service Lead – Legal and Licensing; S. McCall, Service Lead - ICT Enterprise Architecture; C. Iles, Service Lead – Planning and Building Standards; C. Neillie, Solicitor; K. Braidwood, Ayrshire Roads Alliance; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; and C. Buchanan, Committee Services Officer.

Attending Remotely: M. Newall, Assistant Director – People; M. Inglis, Head of Children’s Health, Care and Justice Service; M. Alexander, Service Lead – Housing Services; K. Dalrymple, Service Lead – Neighbourhood Services; T. Leijser, Service Lead – Economy and Regeneration; P. Bradley, Service Lead – Professional Design Services; J. Tait, Service Lead – CLD & Employability and Skills; R. Jamieson, Co-ordinator (Asset Management); V. Campbell, Customer Services Officer; M. Greaves, Co-ordinator – Local Places; and D. Manson, Ayrshire Roads Alliance.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received; and
- (3) outlined the procedures for conducting this meeting and advised that part of this meeting would be broadcast live.

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 of Council.

(1) Minutes of 19 May 2022.

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 19 May 2022 as a correct record.

A vote was undertaken by electronic means and the Council

Decided: to approve the Minutes of 19 May 2022 and authorise these minutes to be signed as a correct record.

(2) Minutes of 26 May 2022 (Special).

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council (Special) of 26 May 2022 as a correct record, subject to an Amendment to item 3 on page 4 of these Minutes entitled "Appointments to Panels etc" where Councillor Saxton should replace Councillor McGinley on the Chief Officers Appointments/Appraisal Panel.

A vote was undertaken by electronic means and the Council

Decided: to approve the Minutes of 26 May 2022 and authorise these minutes to be signed as a correct record subject to the amendment stated above.

4. Review of Management Structure.

There was submitted a [report](#) (issued) of 22 June 2022 by the Chief Executive requesting that Elected Members provide the Chief Executive with parameters for a further review of the Management Structure.

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

A question was raised by a Member on whether the recommendations from the meeting of the Chief Officers Appointments/Appraisal Panel could be reported back to the next meeting of the Council; and the Leader agreed to this.

A vote was undertaken by electronic means and the Council

Decided: that the Chief Officers' Appointments/Appraisal Panel meet with the Chief Executive to set out the parameters of a Management Restructure and consider the interim staffing structure required.

5. Appointments to Panels, etc.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the list of Panels.

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

A vote was undertaken by electronic means and the Council

Decided: to appoint Councillors Kenneth Bell and Mary Kilpatrick to replace Councillors Ian Davis and Martin Kilbride as members of the Partnerships Panel.

Councillor Craig Mackay left the meeting at this point and submitted his apologies for the remainder of the meeting.

6. Representation on Outside Bodies.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to make alterations to the list of Outside Bodies.

Councillor Dowey, seconded by Councillor Pollock, moved that the Council:-

- (1) nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (2) nominate and appoint Councillor Bob Pollock as representative for the Ayrshire Community Wealth Building Commission;
- (3) nominate and appoint Councillor Bob Pollock as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (4) confirm that CK Marr Trust had now advised that there were only four places available to South Ayrshire Council and that the Council's representatives would be the four Troon Councillors, Bell, Mackay, Pollock and Saxton; and
- (5) that Councillor Brian McGinley be replaced by Councillor Lee Lyons as the representative on the Ayrshire and Arran Health Board.

Adjournment

The time being 10.30 a.m., the Council adjourned to allow Councillor McGinley to commit his amendment to writing.

Resumption of Meeting

The meeting resumed at 11.00 a.m.

The Council noted that Councillor Craig Mackay had now re-joined the meeting and the Head of Legal, HR and Regulatory Services advised that as he had previously submitted his apologies for the remainder of the meeting, he could not participate in the remaining items of business on the agenda.

Point of Order

Councillor Henderson raised a Point of Order that Councillor Mackay had submitted his apologies due to connectivity issues, however these had now been resolved and he should be entitled to participate in the remainder of the meeting.

Point of Order

Councillor Lyons raised a further Point of Order that, as Councillor Mackay had submitted his apologies for the remainder of the meeting, he should not participate in the remainder of business on the agenda.

The Head of Legal, HR and Regulatory Services confirmed that Councillor Mackay had not advised officers that he was experiencing connectivity issues and that he wished them to work to resolve this to enable him to access the meeting. He had submitted his apologies for the remainder of the meeting to the Chief Executive after the completion of item 5, he therefore having done so could not then participate in the remaining items of business on the agenda. Councillor Mackay then left the meeting.

Councillor McGinley sought advice on whether the Motion was competent as he believed that a Member could not hold more than one Chair/position; and the Chief Executive advised that the Council, at its meeting of 19 May 2022, had decided that Members could only receive an additional payment/special responsibility payment for one position, not that they could only hold one position.

By way of Amendment, Councillor McGinley, seconded by Councillor Grant moved that the Council:-

- (a) nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (b) nominate and appoint Councillor Peter Henderson as representative for the Ayrshire Community Wealth Building Commission;
- (c) nominate and appoint Councillor Peter Henderson as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (d) confirm that CK Marr Trust had now advised that there were only four places available to South Ayrshire Council and that the Council's representatives would be the four Troon Councillors, Bell, Mackay, Pollock and Saxton; and
- (e) that Councillor Brian McGinley remain as the Council's representative on the Ayrshire and Arran Health Board.

Councillor Pollock advised that, in relation to CK Marr Trust, historically a senior officer had been a member of this Trust, therefore, in accordance with the wishes of the Chair of the Trust and following discussions, Councillor Bell was willing to withdraw from this Trust to allow the Director of Education to be appointed. Councillor Dowey then agreed to include this in his Motion.

Councillor McGinley further advised that he wished this addition in relation to CK Marr Trust to also be included within the terms of his Amendment.

Having heard a Member request a roll-call vote, the Head of Legal, HR and Regulatory Services took the vote by calling the roll as follows:-

Iain Campbell	Motion
Kenneth Bell	Motion
Laura Brennan-Whitefield	Amendment
Ian Cavana	Amendment
Alec Clark	Motion
Ian Cochrane	Amendment
Brian Connolly	Motion

Chris Cullen	Amendment
Ian Davis	Motion
Julie Dettbarn	Amendment
Mark Dixon	Amendment
Martin Dowey	Motion
Stephen Ferry	Motion
William Grant	Amendment
Peter Henderson	Amendment
Hugh Hunter	Motion
Martin Kilbride	Motion
Mary Kilpatrick	Motion
Lee Lyons	Motion
Brian McGinley	Amendment
Bob Pollock	Motion
Cameron Ramsay	Amendment
Philip Saxton	Amendment
Gavin Scott	Motion
Bob Shields	Motion
Duncan Townson	Amendment
George Weir	Amendment

Thirteen Members voted for the Amendment and fourteen for the Motion which was accordingly declared carried and the Council

Decided: to agree

- (i) to nominate and appoint Councillor Alec Clark as representative for the David Elder Edward's Trust (as Charitable Trustee);
- (ii) to nominate and appoint Councillor Bob Pollock as representative for the Ayrshire Community Wealth Building Commission;
- (iii) to nominate and appoint Councillor Bob Pollock as representative on the Ayrshire Economic Joint Committee Sub-Committee responsible for the administration of the Ayrshire Skills Investment Fund;
- (iv) that, as CK Marr Trust had now advised that there were only four places available to South Ayrshire Council, that the Council's representatives would be Councillors Craig Mackay, Bob Pollock and Philip Saxton and the Director of Education; and
- (v) that Councillor Brian McGinley be replaced by Councillor Lee Lyons as the representative on the Ayrshire and Arran Health Board.

7. Appointments to Convention of Scottish Local Authorities Policy Boards.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services requesting that the Council nominate and appoint Members to COSLA's Policy Boards.

Councillor Dowey, seconded by Councillor Lyons, moved that the Council nominate and appoint the following:-

- (1) that Councillor Ian Davis be appointed to the Community Wellbeing Policy Board;
- (2) that Councillor Bob Pollock be appointed to the Economy and Environment Policy Board;
- (3) that Councillor Stephen Ferry be appointed to the Education and Children Policy Board; and
- (4) that Councillor Lee Lyons be appointed to the Health and Social Care Policy Board.

Following a question from a Member on the rationale for choosing these particular Members for the Policy Boards, the Leader of the Council advised that he would respond to the Member in writing.

Following a further question from a Member on why nominations were taking place as the political structure on the COSLA Policy Boards had not yet been agreed, the Chief Executive advised that all Councils were being asked to nominate to the four Policy Boards and that, should there be a requirement to then make changes, this could be considered at a future Council meeting.

Following a comment from a Member that these Boards should be politically and gender balanced, the Chief Executive advised that the President, Vice-President and Spokespersons posts required to be politically and gender balanced, however, it was her understanding that the members on Policy Boards did not require to be.

Adjournment

The time being 11.20 a.m., the Council adjourned for the position to be clarified in relation to political and gender balance on the COSLA Policy Boards.

Resumption of Meeting

The meeting resumed at 11.35 a.m.

The Chief Executive confirmed that the positions on Policy Boards did not require to be gender or politically balanced.

Councillor Dowey then advised that he was willing to allow the places on the Community Wellbeing and the Health and Social Care Policy Boards to be utilised by members of the opposition, with the names to be notified to the Chief Executive within seven days.

A Member commented that, to ensure that this did not recur when making future COSLA appointments, it would be helpful to have a Policy Document as approved by Council which outlined the political balance of each appointment; and the Chief Executive advised that she would compile a Policy for consideration at a future Council meeting.

A vote was undertaken by electronic means and the Council

Decided: the following appointments to the COSLA Policy Boards:-

- (a) that the Opposition appoint a Member to the Community Wellbeing Policy Board and advise the Chief Executive of the name of this Member within seven days *;
- (b) that Councillor Bob Pollock be appointed to the Economy and Environment Policy Board;
- (c) that Councillor Stephen Ferry be appointed to the Education and Children Policy Board;
- (d) that the Opposition appoint a Member to the Health and Social Care Policy Board and advise the Chief Executive of the name of the Member within seven days **; and
- (e) that the Chief Executive would produce a Policy on making future COSLA appointments for submission to a future meeting of South Ayrshire Council.

* subsequently agreed as Councillor Brian McGinley

** subsequently agreed as Councillor Julie Dettbarn

8. South Ayrshire Charitable Trust.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services providing an annual update on the South Ayrshire Charitable Trust and amending the Trust Business Plan for this financial year.

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

Questions were raised by Members in relation to:-

- (1) the timescale for accessing the Girvan funds as these funds were very important in the current economic climate as the purpose of the Trust was to relieve poverty; and the Service Lead – Legal and Licensing advised that the Service Lead responsible for this matter was currently progressing this as a priority;
- (2) whether Members could be provided with details of the impact these monies had on recipients' lives; and the Service Lead – Legal and Licensing advised that an evaluation was prepared annually however, due to the timing of the meetings and when the grants were paid, the evaluations were not available when the annual report was compiled, however, any information available would be circulated to Members;
- (3) whether the Girvan funds tied up in external investments and other restricted funds were making interest; and the Service Lead – Legal and Licensing advised that she would obtain this information and forward it to the Member in writing; and
- (4) whether additional funding could be added to those funds which were expended; and the Chief Executive advised that officers could investigate options for doing so and report back to a future Council meeting.

Comments were made by Members in relation to:-

- (a) the Equality Impact Assessment of this report showing no negative impact when the Trust had a major effect on various individuals; and the Chief Executive advised that concerns about the quality of Equality Impact Assessments had been discussed at a recent meeting of the Audit and Governance Panel when she had agreed to take this on board in terms of training for officers and awareness raising for Members; and
- (b) the wish that this Trust continue as the benefits to recipients who were amongst the most vulnerable and isolated in society had been immeasurable.

A vote was undertaken by electronic means and the Council, having thanked the Service Lead – Legal and Licensing and her staff for the work undertaken on this matter,

Decided:

- (i) to note the summary of grant funding made by the Trust during 2021/22 as detailed in Appendix 1 to the report;
- (ii) to approve the business plan for the running of the Trust for the year 2022/23 as detailed in Appendix 2 to the report; and
- (iii) that the Chief Executive would produce a report on the options available in relation to Equality Impact Assessments and submit this to a future meeting of Cabinet.

9. Standing Orders Relating to Contracts.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Legal, HR and Regulatory Services seeking approval to amend the Council's Standing Orders Relating to Contracts following their most recent review.

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

Questions were raised by Members in relation to:-

- (1) whether Community Benefits clauses could be a source of income for the charitable trusts; and the Service Lead – Procurement advised that this would be taken into consideration;
- (2) whether it was intended to continue supporting the needs of the local economy and supporting local businesses; and the Service Lead – Procurement advised that in 2021 it had been reported that, of all spending by South Ayrshire residents, 26% had been spent locally and it was hoped to increase this by 1% per year; that local companies would be considered where possible for all contracts over £50,000; and, for quick quotes below £50,000, it was hoped to consider at least three South Ayrshire companies for every contract; and
- (3) whether there was a South Ayrshire portal for local businesses to learn about upcoming contracts; and the Service Lead – Procurement advised that the Public Contracts Scotland portal could be filtered to show South Ayrshire contracts and that this was then advertised on this Council's website.

Comments were made by Members in relation to the requirement to spend as much locally as possible; the need to encourage local companies to apply for contracts; and the need for synergy with Economic Regeneration in this regard.

A vote was undertaken by electronic means and the Council, having considered the revisions proposed to the Standing Orders Relating to Contracts (summary of proposals contained in Appendix 1 to the report),

Decided: to approve the revised Standing Orders Relating to Contracts (Appendix 2) and the list of delegations (Appendix 3) with effect from 1 July 2022.

10. Budget Management – Revenue Budgetary Control 2021/22 – Out-turn Statement at 31 March 2022

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Finance and ICT presenting Members with a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2021/22 as at 31 March 2022.

The Head of Finance and ICT clarified that 2.1.2 of the report should read £7.846m and not £7,846m; and 2.1.4 of the report should read £24.768m and not £24,768m.

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

Questions were raised by Members in relation to:-

- (1) the bad debt provision and whether this would be correct with the cost of living crisis and inflation; and the Head of Finance and ICT advised that the amount of provision was based on previous evidence, however, it had been increased to take account of the current economic climate and was a fair reflection of what he anticipated would occur;
- (2) support in place for people with rent arrears; and the Service Lead – Housing Services advised that tenants were contacted as early as possible to avoid arrears accruing; that advice was offered to tenants around budgeting and support for applying for discretionary housing payments should they be entitled to this; that staff signposted people to other organisations and agencies to assist with accessing other benefits or maximising their income in other ways; and that, where an officer had contact with a tenant who was struggling financially, they were referred to food banks and other agencies to support them;
- (3) whether alternative energy sources were being sought for Council premises due to the rising energy costs; and the Head of Finance and ICT advised that the Council's Energy Team was currently examining ways of reducing the amount of energy used throughout the Council's premises; and
- (4) whether the underspends identified in the budget could release monies to be reinvested elsewhere; and the Head of Finance and ICT advised that the underspends presented opportunities that would be examined in the next budget setting process, however, due to Covid-19, it was difficult to tell which savings would be permanent.

Comments were made by Members in relation to people just above the benefit level who were also struggling financially and required support; the effects of the energy crisis on local companies and the need to support them to ensure that they did not go out of business; and the increase in private rentals which would in turn put pressure on the Council's Housing Service as people could no longer afford private rentals and would be seeking Council houses.

A vote was undertaken by electronic means and the Council, having thanked the Head of Finance and ICT and his officers for their work throughout the year,

Decided:

- (a) to note the out-turn position for each Directorate/service for 2021/22 as detailed in Appendix 1 to the report;
- (b) to approve the new earmarking of funds for normal service activity of £2.916m and Covid-19 related activity of £7.846m, to be carried forward for utilisation in 2022/23, as outlined in Appendix 2a) and 2b) respectively;
- (c) to note the latest Covid-19 reserves position of £14.082m, including the new earmarking requested at paragraph 2.1.2, to be carried forward for utilisation in 2022/23, as outlined in paragraph 4.1.3;
- (d) to note the £21.089m HSCP 2021/22 in-year underspend and accumulated reserves position of £24.768m available to the Partnership for 2022/23, as outlined in paragraphs 4.1.8 to 4.1.10; and
- (e) to approve the contribution of £0.500m to provide additional funding to support future Workforce Change projects, as outlined in paragraph 4.1.12.

11. ICT Security and ICT Acceptable Use Policies.

There was submitted a [report](#) (issued) of 21 June 2022 by the Head of Finance and ICT seeking approval of revisions to the Council's ICT Security Policy, which described how ICT would apply strong governance to reduce risk to the Council, and the Acceptable Use Policy which governed the appropriate and effective use of ICT services and facilities.

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

A vote was undertaken by electronic means and the Council, having thanked the Head of Finance and ICT and his officers for their work on these policies,

Decided:

- (1) to approve the revised ICT Security Policy (attached as Appendix 1 to the report) and
- (2) to approve the revised ICT Acceptable Use Policy (attached as Appendix 2 to the report).

12. Addressing Future Needs/ Local Authority Covid Economic Recovery (LACER) Fund

There was submitted a [report](#) (issued) of 23 June 2022 by the Head of Finance and ICT providing Members with information relating to the various Scottish Government Covid-19 grants in place to address financial insecurity (Addressing Future Needs); and details of proposals in relation to the most recent grant scheme; the Local Authority Covid Economic Recovery (LACER) fund along with resources allocated from General Reserves on a one-off basis in 2022-23 to assist in alleviating financial insecurity.

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

Questions were raised by Members in relation to:-

- (1) whether the remit of the two temporary posts could be extended to expand these posts as, at present, the uptake of free school meals and Young Scot cards was very low and these post holders could assist with this; and the Service Lead – CLD & Employability and Skills advised that the focus of these posts was around NEC Free Travel Support, however, the post holders could assist with other initiatives; and that the Thriving Communities Team already assisted Education Services to increase the uptake of free school meals;
- (2) the delay in issuing Young Scot Cards which could affect applications for free travel for under 22s; and the Service Lead – CLD & Employability and Skills advised that the process had initially been slow due to high demand but was now quicker with the Young Scot Card being rolled out through schools and drop-in centres at libraries and that uptake had been high; and
- (3) the reason for the temporary posts having a nine month contract; and the Service Lead- CLD & Employability and Skills advised that the process should be embedded within nine months and that all secondary school pupils should have been issued with Young Scot Cards by then, however, should there still be delays in the process, this could be re-examined.

Comments were made by Members in relation to it being pleasing to note that the process for applying for a Young Scot Card had now been simplified as previously kinship carers did not have the required documentation to complete the online application; and to thank the Head of Finance and ICT and his officers for their work on this matter and also thank the Addressing Future Needs Officers Working Group for their work in producing proposals.

Councillor Saxton left the meeting at this point.

A vote was undertaken by electronic means and the Council, having considered the proposals totalling £1.958m, as summarised at paragraph 4.2 of the report and provided in detail in Appendix 2,

Decided:

- (a) to note the details of previous Covid-19 related grant funding received during 2020/21 and 2021/22 and the expenditure incurred as detailed in Appendix 1; and
- (b) to note that funding of £1.688m from the LACER fund, £0.250m from general reserves and £0.020m of underspends carried forward from the Addressing Future Needs scheme, totalling £1.958m, was available for disbursement.

13. Levelling Up Fund.

There was submitted a [report](#) (issued) of 21 June 2022 by the Assistant Director – Place providing an update on Levelling Up joint bid development and submission ahead of round 2 deadline.

The Director – Place gave an overview of the report and provided an update to the figures within the report, namely paragraphs 4.2 and 4.4 where the commercial hangar bid had been £10m, however, now based on latest costs, this had increased to around £15m, therefore, along with the Active Travel Bid this would make the total bid £20m which was the maximum bid permitted.

The Director – Place further advised that officers had previously been working towards submitting a joint bid with East Ayrshire Council around town centre regeneration, however, officers in East Ayrshire Council had now advised that they would be submitting a single bid, therefore, this allowed further opportunities for this authority to submit a single bid for the new leisure centre as detailed in the report and this would be for a £20m contribution towards the project.

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

Questions were raised by Members in relation to:-

- (1) whether the Director – Place was confident that the bids would be submitted within the timescales and that there were no changes regarding the bid from Central Government; and the Director – Place advised that there had been no changes to the criteria for the bid and that he would endeavour to ensure that the bids were submitted by the deadline of 6 July 2022;

- (2) when the Council would be informed by Central Government on whether the bids had been successful; and the Director – Place advised that he had been given an indicative timescale of October 2022, however, this may be sooner; and
- (3) paragraph 4.6 of the report and whether the £20m freed up from the Capital Programme could be used for the new leisure centre, should the bid be successful; and the Director – Place advised that there was currently funding in the Capital Programme for the leisure centre, however, if the bid was successful, it would free up the previously committed funds and it would be for the Council to decide how these monies were then utilised.

Comments were made by Members in relation to the funds being welcomed to sustain and develop the local economy and refurbish the local area; commending the officers for compiling this bid within such challenging timescales; and the need for an alternative plan when submitting joint bids, should the other authority withdraw from the bid.

Councillor Dowey advised that he had requested an extension to the deadline for submitting the bid, however, the UK Government had outlined that they were keen to progress this matter which had made meeting the deadline challenging for the Director – Place and his officers.

Point of Order

Councillor Henderson raised a Point of Order regarding a comment made by Councillor Pollock about the Scottish Government which he felt had no substance and sought to blame the Scottish Government. Following discussion, Councillor Pollock withdrew his comment.

A vote was undertaken by electronic means and the Council,

Decided: to approve the submission of three bids to the Levelling Up Fund as detailed in section 4 of the report by 6 July 2022.

14. Ayrshire Roads Alliance Service Plan 2022/23 and Performance Report 2021/22.

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place presenting the Ayrshire Roads Alliance Service Plan for 2022/23 and the Performance Report for 2022/23.

The Head of Roads, Ayrshire Roads Alliance (ARA) gave the Council an overview of the report and advised that 2.1.1 of the report should ask Council to “note the Ayrshire Roads Alliance Service Plan for 2022/23” as this Service Plan was previously approved by the Ayrshire Shared Services Joint Committee; and that Partnerships Panel referred to in 2.1.4 of the report was held on 28 June 2022 and not 24 June 2022.

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

Questions were raised by Members in relation to:-

- (1) the commitment to employ more female workers; and the Head of Roads advised that one of the female engineers was an ambassador in terms of getting more female workers into construction work and she was also encouraged to attend STEM meetings on behalf of Ayrshire Roads Alliance;

- (2) the position in relation to utilising cameras to measure road conditions; and the Head of Roads advised that artificial intelligence had now been installed in inspection vehicles, that Inspectors had undertaken training and it was hoped that the system would be rolled out within the next month;
- (3) the impact on roads of the shortage of materials and rising cost of materials; and the Head of Roads advised that this was an ongoing issue, however, he would closely monitor this and he was investigating the use of alternative, recycled materials;
- (4) the impact of “rising costs of oil based products and construction materials as a result of ongoing world issues with Bitumen and coated road stone increasing by 12%” as referred to in page 21 of the report; and the Head of Roads advised that the cost of bitumen was closely monitored and, should there be no more funding available due to rising costs, works would require to stop;
- (5) the number of parking tickets issued and the percentage of appeals; and the Head of Roads advised that he would obtain these figures and forward them to the Member; and
- (6) whether the Parking Wardens still worked in evenings and weekends; and the Head of Roads confirmed that they did.

Comments were made by Members in relation to the report being very comprehensive, commending the Head of Roads on winning various awards; the improvements made by the ARA; the excellent work done by the Ayrshire Roads Alliance by facilitating the A77 Action Group and also with the STPR2 consultation; the strategic importance of the ARA and the benefits to this Council; and the key role that ARA played in developing the roads network.

A vote was undertaken by electronic means and the Council, having considered the performance scorecard for 2021/22 (Appendix 2) presented to the Partnerships Panel on 28 June 2022,

Decided:

- (a) to note the Ayrshire Roads Alliance Service Plan for 2022/23 (Appendix 1);
- (b) to note that regular progress updates were provided to the Ayrshire Shared Service Joint Committee; and
- (c) to otherwise note the content of this report.

Adjournment

The time being 1.15 p.m., the Council agreed to have a 15 minute comfort break.

Councillor Kenneth Bell left the meeting at this point.

Resumption of Meeting

The meeting resumed at 1.30 p.m.

Time of Meeting.

The time being 1.30 p.m., Provost asked the Council to agree to continue the meeting beyond 2.00 p.m. as the business of the meeting was not likely to be completed by 2.00 p.m., in accordance with Standing Order No. 6.2. The Council so concurred.

15. Ayr Station Hotel Update.

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place updating Members on activity undertaken by the Council in relation to the Ayr Station Hotel; and seeking approval from the Council to fund the encapsulation works until 31 December 2022.

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

Questions were raised by Members in relation to:-

- (1) the cost of upkeep of the encapsulation and when would it exceed the value of the building; and the Director – Place advised that this was exceeded some time ago as he believed the cost of the building to be nil;
- (2) a study being required on how to progress; and the Director – Place advised that measures examined in relation to the roof would form the basis of the specialist consultant's report to understand whether it mitigated the cost of the encapsulation as it currently was;
- (3) the commencement date of the Station Hotel Member/Officer Working Group; and the Director – Place advised that a meeting would take place in the next few weeks;
- (4) what recourse the Council had in obtaining reimbursement from the owner of the Station Hotel of the monies spent keeping the building safe; and the Director – Place advised that all legal steps had been taken against the owner to recover the monies, however, this may prove challenging. The Head of Legal, HR and Regulatory Services further advised that there were two owners of the building and that the Council was receiving a contribution from Network Rail and that enforcement orders had been served on the absent owner Mr Ung who resided abroad; and that she would issue a briefing note to all members advising of the present position in relation to this;
- (5) the timeline for reaching a conclusion on this matter; and the Director – Place advised that the options review would outline the options available and the anticipated costs which would drive the work programme, however, this could be a long process and the timescale would be dictated by the options identified and the funding sources to address the options; and
- (6) whether the Leader was willing to take difficult decisions in relation to bringing this matter to a conclusion; and Councillor Dowey advised that his intention was to conclude this matter within one year.

Comments were made by Members in relation to:- the building not belonging to this Council but that the Council had an involvement due to public safety concerns; that, as the building was a danger to the public and safety could not be compromised, Council had been under a statutory obligation to intervene; the need for this matter to be finalised as soon as possible; the amount of time, effort and commitment from staff this issue had taken; the amount of monies spent on keeping the building safe and secure; the requirement for any Memorandum of Understanding to be watertight and the need for a mutual understanding of the ownership position; and that, as the Council did not own this building, Transport Scotland and Network Rail (as part owner) and as stakeholders required to state what they were willing to do to resolve this situation.

Following comments made by Members, the Director – Place advised that the consultants would bring forward proposals with costings and that he would be seeking comparative costs for taking part of the building down as opposed to ongoing costs of the building remaining covered and also costings for retaining the heritage; that the resolution also included works to the transport network and the provision of adequate station facilities for the people of South Ayrshire with the responsibility for this sitting with Transport Scotland and Network Rail; and that a solution required to be found which had a time limit or exit strategy which the options appraisal could hopefully identify, as the Council's role of safeguarding the public from the danger presented by the building had been onerous for various Council services.

A vote was undertaken by electronic means and the Council,

Decided:

- (a) to note the progress made by the consultant advising on permanent safety works to the Station Hotel;
- (b) to note the activity undertaken by the Council as a member of the Station Hotel Strategic Governance Group to develop a Memorandum of Understanding and to conclude the 'Ayr Station Hotel Phase 2 Option Review'; and
- (c) to agree to fund the total encapsulation costs from 1 May 2022 until 31 December 2022 from Council reserves, subject to any confirmation of the continuing shared funding agreement with Network Rail.

16. Local Development Plan 2, Supplementary Guidance Design Brief.

There was submitted a [report](#) (issued) of 21 June 2022 by the Director – Place updating Members on the situation in relation to the Local Development Plan 2, Supplementary Guidance Design Brief and seeking approval of the actions outlined at (1) to (3) below.

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

A vote was undertaken by electronic means and the Council,

Decided:

- (1) to note the withdrawal of the Local Development Plan 2 Supplementary Guidance Design Brief from consideration by the Scottish Government;

- (2) to approve the revised Supplementary Guidance Design Brief, excluding South East Ayr and agree its submission to the Scottish Government for its consideration (Appendix 1); and
- (3) to agree to the preparation of a Supplementary Guidance Design Brief for South East Ayr, working with relevant landowners and stakeholders.

17. Updated Policy for the Acquisition and Disposal of Land and Buildings

There was submitted a [report](#) (issued) of 23 June 2022 by the Director – Place seeking approval of an updated *Policy for the Acquisition and Disposal of Land and Buildings*.

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

By way of Amendment, Councillor McGinley, seconded by Councillor Henderson, moved that a new 4.1.11 should be added to the Policy with 4.1.11, 4.1.12 and 4.1.13 subsequently being renumbered, namely:- “that the transfer of land from the General Fund to the Housing Revenue Account for the purpose of social housing should be of two values, social housing and market value; and that the full surveyor’s report will be part of any decisions made by either Cabinet or Council”.

The Chief Executive then advised that, as part of any report to Members, two values were given but that did not preclude the requirement to comply with provisions as set out in Appendix 2; and the Head of Legal, HR and Regulatory Services further advised that paragraph 4.1.6 on page 7 of the Policy took account of the terms of the Amendment.

Councillor Kilbride, as Mover of the Motion and Councillor Dowey as Seconder, agreed to accept the additional wording into the terms of the Motion and Councillor McGinley agreed to withdraw his Amendment.

A vote was undertaken by electronic means and the Council,

Decided: to approve the updated Policy for the Acquisition and Disposal of Land and Buildings (attached as Appendix 1 to the report) subject to an amendment to 4.1.6 that all values should be provided in reports to Cabinet or Council.

18. Notices of Motion.

- (1) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Brian McGinley, seconded by Councillor Peter Henderson, moved:-

“The UK All Party Parliamentary Group (APPG) conducted an inquiry in April 2018 to develop a working definition of Islamophobia and agreed a working definition of Islamophobia that provides: -

“Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”

This definition is endorsed by all political parties in the Scottish Government and adopted by the Liberal Democrats, UK Labour, Plaid Cymru, SNP Westminster Group and the Muslim Council of Britain.

It is a pragmatic definition that supports policymakers to tackle the manifestations of islamophobia effectively: -

- The definition addresses forms of Islamophobia beyond physical and verbal abuse, currently governed by existing hate legislation." Perceived Muslimness" highlights the radicalisation and intersectionality of Islamophobia, an issue which affects non-Muslim communities such as Sikhs because of harmful stereotypes.
- The definition signifies allyship with British Muslims, who are the most disproportionately targeted religious group as per Home Office's report highlighting 45% of recorded religious hate crime id targeted towards Muslims 2020/21.
- The definition sets precedent for local institutions such as police, schools, and other workplaces by equipping them to better understand the issue and devise meaningful strategies to tackle it. For instance, undergoing and delivering awareness training.

The Scottish Parliament Cross Party Group (CPG) on Tackling Islamophobia was established in April 2018 to consider Islamophobia in Scotland. A report entitled "**Scotland's Islamophobia**" prepared by Peter Hopkins from the University of Newcastle supports the use of this definition and contains recommendations for the Scottish Government and a more limited number for local authorities where they choose to adopt the definition.

Council is therefore asked to note the proposal to adopt this definition of Islamophobia and requests officers to prepare a report for Cabinet in August that provides further background to the adopting of this definition, explains the steps Council requires to take if it adopts the definition and sets out any associated costs of doing so."

A full debate took place regarding the terms of the Motion and, following a vote undertaken by electronic means, the Council

Decided: unanimously, to agree the terms of the Motion.

- (2) A Notice of Motion having been submitted in accordance with Council Standing Order No. 18, Councillor Lee Lyons, seconded by Councillor Bob Shields, moved:-

"Council asks that officers present a report to the Cabinet in August providing

1. an update on the programme of works for implementing the decision of Council on 26 November 2019 to demolish the riverside flats including the progress with the removal of the mast on the third tower;
2. the full cost of the riverside flats' demolition including the removal of the mast and any associated costs of doing so;
3. the steps Council would require to take to cancel the demolition, any consequences of doing so and the full costs associated with such cancellation; and
4. the steps required to refurbish the riverside flats, the expected timelines for a refurbishment and the full costs associated with a refurbishment."

By way of Amendment, Councillor Brian McGinley, seconded by Councillor Peter Henderson, moved that the Council continue with the programme of works as decided at Leadership Panel of 18 January 2022.

A full debate took place regarding the terms of the Motion and Amendment and, following a vote undertaken by electronic means, fifteen Members voted for the Amendment and ten for the Motion. The Amendment was accordingly declared carried and the Council

Decided: that the Council continue with the programme of works as decided at Leadership Panel of 18 January 2022.

19. Formal Questions.

In terms of Council Standing Order No. 26.2, there were submitted (tabled) [Formal Questions](#) from Councillors Henderson, Brennan-Whitefield and McGinley, along with the responses.

Councillors Henderson and Brennan-Whitefield raised a supplementary question to which the Leader advised he would respond in writing.

20. Exclusion of Press and Public.

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the remaining item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 9 of Part 1 of Schedule 7A of the Act.

Councillor Bob Shields left the meeting at this point

21. Ayrshire Growth Deal.

There was submitted a report (issued) of 27 June 2022 by the Director – Place updating Members on the Ayrshire Growth Deal (AGD) Commercial Build project and progress with an Inward Investment opportunity; and seek guidance on next steps.

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

Following a question from a Member, it was confirmed that Recommendation 2.1.6 should refer to paragraph 4.6 of the report and not paragraph 4.7.

A vote was undertaken by electronic means and the Council, having considered the request from the Scottish and UK Governments that the inward investment project be incorporated within the Ayrshire Growth Deal Commercial Build Full Business Case,

Decided:

- (1) to note the request from the Scottish and UK Governments that Scottish Enterprise be included as a delivery and investment partner for the Commercial Build and that Scottish Enterprise had been asked to confirm the new Business model, contract structure and governance proposed for this new arrangement;
- (2) to note that this was a departure from the programme as articulated in the Outline Business Case;
- (3) to note that the governance arrangements that would apply to this project were to be agreed with the AGD Project Management Office (PMO);
- (4) to agree the inclusion of the proposal into the Commercial Build Full Business Case; and
- (5) to note the next steps as detailed at paragraph 4.6 that would be required now Members had approved inclusion of the project in the Commercial Build Full Business Case.

22. Consideration of Disclosure of Confidential Information

Following advice from the Head of Legal, HR and Regulatory Services, the Council

Decided: not to authorise the disclosure under Standing Order 32.4 of the whole or part of the above reported entitled Ayrshire Growth Deal.

23. Closing Remarks.

The Provost thanked all in attendance for their contribution.

The meeting ended at 3.35 p.m.