

CABINET

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

Present
in County

Hall: Councillors Martin Dowey (Chair), Alec Clark, Brian Connolly, Ian Davis, Stephen Ferry, Martin Kilbride, Lee Lyons and Bob Pollock.

Also
present
in County

Hall: I. Gall, D. Gemmell, T. Robinson, E. Terras and C. McKenzie.

Attending: E. Howat, Chief Executive; M. Newall, Depute Chief Executive and Director of Housing, Operations and Development; J. Bradley, Director of Strategic Change and Communities; L. McRoberts, Director of Education; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; S. Mulholland, Assistant Director – Education; K. Anderson, Service Lead – Policy, Performance and Community Planning; T. Burns, Service Lead – Asset Management and Community Asset Transfer; G. Cockburn, Service Lead – Education Support Services; K. Dalrymple, Service Lead – Neighbourhood Services; G. Farrell, Service Lead – Organisational Development and Customer Services; K. Mullen, Service Lead - ICT Operations, ICT Strategy and Delivery; L. Kerr; Service Lead – Destination, South Ayrshire; J. Andrew, Co-ordinator (OD Change and Improvement); R. Kingisepp, Capital Planning Co-ordinator; A. Gibson, Committee Services Officer; and E. Moore, Committee Services Assistant.

Attending

Remotely: 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 the meeting was being broadcast live.

2. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Connolly advised that he would declare an interest and leave the meeting during consideration of item 10 of this minute entitled "Ayr Gaiety Partnership Funding Request" as he was a Member of the Ayr Gaiety Board.

3. Minutes of previous meeting.

The minutes of 1 November 2022 ([issued](#)) were submitted and approved.

4. **Decision Log.**

Following discussion, the Cabinet

Decided:

- (1) to note that there were no overdue items to report;
- (2) to approve the actions listed with revised due dates; and
- (3) to note the recently completed actions.

Tourism, Culture and Rural Affairs.

5. **Proposal to Deliver an Airshow in September 2023, 2024, 2025, 2026 and 2027.**

Reference was made to the Minutes of the Audit and Governance Panel of 23 November 2022 (Page 3, paragraph 3) when that Panel had considered the terms of a call-in from the Cabinet of 1 November 2022 (Page 3, paragraph 3) and subsequent consideration at the Audit and Governance Panel on 9 November 2022 (Page 2, paragraph 2) in relation to the proposal to deliver an Airshow in September 2023, 2024, 2025, 2026 and 2027.

It was noted that the Audit and Governance Panel meeting on 23 November 2022 had agreed the undernoted, as detailed at (1) to (4) below and that the matter be referred back to the Cabinet for consideration:-

- (1) to note the financial projections contained in Appendix 1 of the report;
- (2) to request that officers present further more detailed financial information to Members through the budget setting process and in advance of the meeting of the Council on 2 March 2023;
- (3) to agree part of the decision of Cabinet at its meeting of 1 November 2022, namely paragraphs 3.2(1), 3.2(3), 3.2(4) and 3.2(5) of the report; and
- (4) to refer the matter back to Cabinet recommending that officers be requested to present a detailed financial report to Audit and Governance Panel on 22 February 2023.

The Panel heard from the Chair of the Audit and Governance Panel and the Portfolio Holder for Tourism, Culture and Rural Affairs.

Following discussion, the Cabinet

Decided: to agree

- (a) to confirm the decision taken at the meeting of the Cabinet on 1 November 2022, namely:-
 - (i) to agree that officers progress with the planning of the Airshow including work to identify sponsors;

- (ii) to approve that funding for the Airshow of £300,000 per year, for a period of five years, would be considered as part of the budget setting process for 2023-2024;
 - (iii) to approve the name for the Airshow - The International Ayr Show – Festival of Flight;
 - (iv) to approve the proposal to have the Royal Air Force Benevolent Fund as the charity partner for the event; and
 - (v) to note the progress made by the SKYLAB in relation to expressions of interest with military display teams.
- (b) therefore, that the matter be referred to a meeting of the Council to be held on 15 December 2022 for determination; and
 - (c) that the Chief Executive would confirm the position in respect of any outstanding debt from the last Airshow in South Ayrshire to Members.

Education

CI

6. Update on Pupil Equity Fund and Scottish Attainment Challenge.

There was submitted a report ([issued](#)) of 18 November 2022 by the Director of Education

- (1) seeking approval of the current approach to the use of Pupil Equity Fund and Attainment Challenge Scotland funding; and
- (2) advising of the progress made by schools during 2021-22 in improving equity in educational outcomes.

The Cabinet

Decided:

- (a) to approve continuation of the current approach taken to the use of Pupil Equity Fund and Attainment Challenge Scotland funding;
- (b) to note the changes to funding arrangements following the Attainment Challenge refresh and introduction of the Strategic Equity Fund; and
- (c) to note the progress made in achieving equity in educational outcomes during session 2021-22 and plans for the future.

Education/Finance, HR and ICT

7. Scottish Child Payment – Doubling of December 2022 Bridging Payment

There was submitted a report ([issued](#)) of 18 November 2022 by the Director of Education

- (1) providing information relating to the Scottish Government's final, December 2022, Child Payment 'Bridging Payment'; and
- (2) requesting approval for the use of uncommitted Covid-19 reserves, to facilitate an increase of this payment to a wider group of young people.

The Cabinet

Decided: to approve the use of £172,380.00 of currently uncommitted Covid-19 support reserves, to fund an increase in the payment of the Scottish Government's final, December 2022, Child Payment 'Bridging Payment' to families in receipt of a qualifying benefit for school Clothing Grants.

The Educational representatives left the meeting at this point.

Buildings, Housing and Environment

8. Annual Climate Change Duty Report 2021 - 2022

There was submitted a report ([issued](#)) of 18 November 2022 by the Depute Chief Executive Director of Housing, Operations and Development presenting for approval the South Ayrshire Council Annual Climate Change Duty Report 2021-22 in relation to the Council's public sector climate change duties which came into force on 01 January 2011, as introduced by the Climate Change (Scotland) Act 2009.

Following questions from Members and having noted that the Council were currently in communication with Central Government with a view obtaining assistance with funding; that timescales would be adhered to going forward; the requirement for the Council's fleet policy to be reviewed; and that the Council were currently looking at the possible use of hydrogen powered vehicles, the Cabinet

Decided:

- (1) to approve the South Ayrshire Council Annual Climate Change Duty Report 2021-22, as contained in Appendix 1 of the report; and
- (2) to agree that the report be made publicly available via submission to the Sustainable Scotland Network.

9. Strategic Housing Investment Plan (SHIP) -2023-24 to 2027-28.

There was submitted a report ([issued](#)) of 18 November 2022 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for the content of the draft Strategic Housing Investment Plan (SHIP) for submission to the Scottish Government.

Following discussion on house building in rural areas and housing provision in town centres, the Cabinet

Decided:

- (1) to approve the Strategic Housing Investment Plan (SHIP) as detailed in Appendices 1 and 3 of the report, for onward submission to the Scottish Government; and
- (2) to delegate authority to the Depute Chief Exec and Director of Housing, Operations and Development to amend and finalise this document based on feedback received from the Scottish Government.

Tourism, Culture and Rural Affairs.

Councillor Connolly left the meeting at this point, as he had previously declared an interest in the following item:-

10. Ayr Gaiety Partnership Funding Request.

There was submitted a report ([issued](#)) of 18 November 2022 by the Director of Strategic Change and Communities in relation to a funding request from the Ayr Gaiety Partnership (AGP) as detailed in Appendix 1 of the report.

Following discussion and having adjourned to allow the terms of a proposed Motion to be discussed, the Cabinet

Decided:

- (1) to approve the request for funding of £150,000 to the Ayr Gaiety Partnership from uncommitted Covid-19 reserves for the year 2022/23; and
- (2) to agree that the request for future funding for the years 2023/24 and 2024/25 would be considered as part of the budget setting process in the year 2023/24.

Councillor Connolly re-joined the meeting at the point.

Corporate and Strategic.

CI

11. Lighting of Wallace Tower/Flag Flying.

There was submitted a report ([issued](#)) of 18 November 2022 by the Chief Executive seeking agreement for a change to the approval process for ad hoc lighting requests in relation to the Wallace Tower and for flag flying requests.

Following discussion and having noted that other buildings would be considered for lighting in the future; and that the Chief Executive could be contacted with regards to ascertaining the responsible officer for flag flying within the various buildings within South Ayrshire, the Cabinet

Decided:

- (1) to agree that ad hoc requests for illumination of the Wallace Tower and for flag flying requests would be at the discretion of the Provost; and
- (2) to approve the updated detail in Appendices 3 and 4 of the report.

Finance, HR and ICT.

12. Budget Management – Revenue Budgetary Control 2022/23 – Position at 30 September 2022.

There was submitted a report ([issued](#)) of 22 November 2022 by the Head of Finance, ICT and Procurement providing a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2022/23 as at 30 September 2022.

Following issues being raised by Cabinet Members and having noted that there were videos on the Council's website which gave a better understanding of the Council's budget process, the Cabinet

Decided:

- (1) to note the revised Directorate budgets following the budget movements outlined in paragraphs 3.3 and 3.4 of the report and to note that the impact of Covid-19 had been included in the projections;
- (2) to note the projected in year over-spend of £1.382m. after earmarking;
- (3) to note the significant projected future increase in debt charges, as outlined in paragraphs 4.1.5 to 4.1.7 of the report; and to agree to review the twelve year capital programme as part of the 2023-24 budget process;
- (4) to approve a draw of £0.025m. from uncommitted Covid-19 reserves to meet additional projects costs as outlined in paragraph 4.2 of the report;
- (5) to note that a report seeking to implement the Service Concession Flexibility as outlined in paragraph 4.3 of the report, would be presented to Council in December 2022;

- (6) to approve the budget transfers as outlined in the Directorate financial performance reports at Appendix 1 and summarised in paragraph 4.1.10 of the report; and
- (7) to approve the new period 6 requested earmarking of resources to be carried forward to 2023/24, as summarised in paragraph 4.1.11 of the report.

13. General Services Capital Programme 2022/23: Monitoring Report as at 30 September 2022.

There was submitted a report ([issued](#)) of 18 November 2022 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the actual capital expenditure and income, together with progress made on the General Services Capital Programme projects as at 30 September 2022 (Period 6), and
- (2) requesting changes to budgets in 2022/23, 2023/24 and 2024/25.

Following discussion on projects contained within the Capital Programme, namely Ainslie Park and the public toilets in Girvan, the Cabinet

Decided:

- (a) to note the progress made on the delivery of the General Services Capital Programme to 30 September, resulting in spend of £46,245,397 or 35.08%, as detailed in Appendix 1 of the report;
- (b) to approve the adjustments contained within Appendix 2 of the report; and
- (c) to approve the revised budget for 2022/23 at £99,646,883, 2023/24 at £99,511,811 and 2024/25 at £91,753,256, as highlighted in Appendix 2 of the report.

14. Review of General Services Reserves.

There was submitted a report ([issued](#)) of 18 November 2022 by the Head of Finance, ICT and Procurement regarding a review of the various vomited balances currently held by the Council in General Services reserves and to recommend amounts for release back to uncommitted reserves.

Having considered the review of the General Services committed reserves position, the Cabinet

Decided: to approve the recommended release of £0.633m. of committed funds to uncommitted reserves.

15. ICT Data Centre – Hosting and Delivery Model.

There was submitted a report ([issued](#)) of 18 November 2022 by the Head of Finance, ICT and Procurement

- (1) providing an update to Members on the strategy to move from an on-premises Data Centre Hosting and delivery model to an off-premises cloud hosted alternative; and
- (2) seeking approval to revert from a revenue to capital based payment model from 2023/24 onwards for all associated costs.

Having noted that the Chief Executive would take on board an issue relating to the Ayrshire Growth Deal at the next meeting of the Ayrshire Economic Joint Committee, the Cabinet

Decided:

- (a) to note that the initial Phase 1 implementation and migration costs would be met from current ICT revenue and capital investment programme resources during 2022/23; and
- (b) to approve the request to commence with Phase 2 on completion of Phase 1 and fund Phase 2 and all future year costs from within the ICT capital investment programme.

16. ICT Support and Maintenance Contracts.

There was submitted a report ([issued](#)) of 18 November 2022 by the Head of Finance, ICT and Procurement requesting the review and agreement of the ongoing contractual obligations in respect of the support and maintenance of key ICT systems for the 2023/24 financial year.

The Cabinet

Decided: that in accordance with paragraph 22.1 of the Standing Orders relating to Contracts, to approve the annual renewal of the support and maintenance contracts for 2023/24 which were necessary to access support, maintenance and in some instances, system upgrades of ICT systems, as detailed in Appendix 1 of the report.

17. Medium Term Financial Plan Update.

There was submitted a report ([issued](#)) of 18 November 2022 by the Head of Finance, ICT and Procurement seeking approval of the Council's updated Medium Term Financial Plan.

Following discussion on the current unpredictable economic climate, the Cabinet

Decided:

- (1) to approve the updated Medium Term Financial Plan (MTFP), as detailed in Appendix 1 of the report;

- (2) to note the potential cumulative three-year budget gap based on the updated assumptions contained in three possible scenarios identified, ranges from £28.7m. and £49.5m.; and
- (3) to note that the current budget strategy remained unchanged, as outlined in Appendix 1 of the report.

18. 2022-25 Council Workforce Plan.

There was submitted a report ([issued](#)) of 18 November 2022 by the Director of Strategic Change and Communities

- (1) presenting a range of workforce data and related information and
- (2) proposing a range of actions that would be taken forward to help ensure workforce planning was embedded corporately.

Following discussion on workforce planning and succession planning, the Cabinet

Decided:

- (1) to approve the Workforce Plan and associated Action Plan, as detailed in Appendix 1 of the report; and
- (2) to request a further report to a future meeting of the Service and Performance Panel providing an update on the Workforce Plan and Action Plan during the period 1 November 2022 to 31 October 2023.

Finance, HR and ICT/ Buildings, Housing and Environment

19. Housing Capital Programme 2022/23: Monitoring Report as at 30 September 2022

There was submitted a report ([issued](#)) of 18 November 2022 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 30 September 2022 (Period 6); and
- (2) proposing changes to budgets in 2022/23, 2023/24 and 2024/25.

The Cabinet

Decided:

- (a) to note the progress made on the delivery of the Housing Capital Programme to 30 June, resulting in spend of £8,759,124 or 13.60%, as detailed in Appendix 1 of the report;
- (b) to approve the adjustments, as contained in Appendix 2 of the report; and
- (c) to approve the revised budget for 2022/23 at £36,253,526, 2023/24 at £66,605,643 and 2024/25 at £37,805,124, as highlighted in Appendix 2 of the report.

20. 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 item of business 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.

Buildings, Housing and Environment

21. Proposed Purchase of Industrial Premises, Ayr.

There was submitted a report (Members only) of 23 November 2022 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to obtain Cabinet authority for the purchase site A in Ayr.

The Cabinet

Decided: to grant authority

- (1) to withdraw from the proposed purchase of the land at Liberator Drive, as approved by the Leadership Panel on 22 January 2022;
- (2) to purchase site A, as described in Appendix 1 of the Addendum (Confidential) to this report and the other assets described in and on the terms contained within the Addendum (confidential) to this report;
- (3) to transfer the staff, set out in Appendix 2 of the Addendum (Confidential) to this report, from Company X to South Ayrshire Council under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE transfer); and
- (4) to grant authority to the Head of Legal and Regulatory Services to conclude this purchase on these and any other reasonable terms and conditions that are considered appropriate.

22. Consideration of Disclosure of the above confidential report.

Decided: to authorise the disclosure under Standing Order 32.4 of part of the following report and related addendum at the appropriate time following the completion of negotiations and the legal documentation for the transaction and subject always to any redaction required in terms of GDPR.

- Proposed Purchase of Industrial Premises, Ayr.

The meeting ended at 12.10 pm