

**SOUTH AYRSHIRE COUNCIL.**

Minutes of a hybrid webcast meeting  
on 15 December 2022 at 10.00 a.m.

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

Present Remotely: Councillor Ian Cochrane.

Attending in County Buildings: E. Howat, Chief Executive; L. McRoberts, Director of Education; M. Newall, Director of Housing, Operations and Development; J. Bradley, Director of Strategic Change and Communities; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; L. Reid, Assistant Director – Strategic Change; W. Wesson, Chief HR Adviser; C. Iles, Service Lead – Planning and Building Standards; T. Burns, Service Lead – Asset Management and Community Asset Transfer; L. Kerr, Service Lead – Destination South Ayrshire, Culture and Sport; N. Gemmell, Service Lead – Revenues and Benefits; K. Anderson, Service Lead – Policy, Performance and Community Planning; D. Yuille, Service Lead – Special Property Projects; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; C. Buchanan, Committee Services Officer; C. Griffiths, Committee Services Assistant; and C. McCallum, Committee Services Assistant.

Attending Remotely: T. Eltringham, Director of Health and Social Care, K. Dalrymple Assistant Director-Housing and Operations; and M. Inglis, Head of Children’s Health, Care and Justice Service.

**1. Provost.**

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received;
- (3) outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live; and
- (4) advised that items 5, 7, 8, 9 and 14 on the agenda had been withdrawn.

**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 13 October 2022.

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 13 October 2022 as a correct record.

A Council Member highlighted as a point of accuracy, that on page 6 of the Minutes, following the adjournment, as well as reminding all Members of the requirement to adhere to the time of the adjournment as specified by him, Provost had also explained to members that the Council would continue once the adjournment time had elapsed, provided the Council was quorate. This amendment was accepted by Provost and Councillor Kilpatrick, as seconder.

In terms of Standing Order No. 19.9, there was no general agreement to the motion, therefore, the Council moved to a vote for or against the Motion. Twenty seven Members voted for the Motion; one Member Abstained and the Council accordingly

**Decided:** to approve the Minutes of 13 October 2022 subject to the above amendment and to authorise these minutes to be signed as a correct record.

#### (2) Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels were submitted for information:-

- (i) Audit and Governance Panel of [5 October](#), [9 November](#) and [23 November 2022 \(Special\)](#).
- (ii) Cabinet of [27 September](#) and [1 November 2022](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as contained in the 'C' paragraph of the Cabinet minutes of 1 November 2022 entitled "Revised Recruitment and Selection Policy" (copy of [minute excerpt](#) herewith).

**Decided:** to approve the recommendations as contained in the 'C' paragraph.

- (iii) Chief Officers' Appointments/Appraisal Panel of [30 September](#), [13 October](#) and [14 October 2022](#).
- (iv) Regulatory Panel – Licensing of [29 September](#) and [3 November 2022](#).
- (v) Regulatory Panel – Planning of [22 September](#), [4 October \(Special\)](#) and [12 October 2022](#).
- (vi) Service and Performance Panel of [20 September](#) and [25 October 2022](#).
- (vii) Ayrshire Shared Services Joint Committee of [10 June](#), [2 September](#) and [4 November 2022](#).

4. **Call-in on “Proposal to Deliver an Airshow in September 2023, 2024, 2025, 2026 and 2027”**

Reference was made to

- (1) the Minutes of Cabinet of 1 November 2022 (Page 3, paragraph 8) when the Cabinet had decided
  - (a) to agree that officers progress with the planning of the Airshow including work to identify sponsors;
  - (b) 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;
  - (c) to approve the name for the Airshow - The International Ayr Show – Festival of Flight;
  - (d) to approve the proposal to have the Royal Air Force Benevolent Fund as the charity partner for the event; and
  - (e) to note the progress made by the SKYLAB in relation to expressions of interest with military display teams;
- (2) the Minutes of the Audit and Governance Panel of 9 November 2022 (Page 2, paragraph 2) when the Panel had decided that officers progress the planning of the Airshow as per the Cabinet decision of 1 November 2022, with the proviso that officers bring forward information on a robust scoping exercise and indicative costs to a future meeting of this Panel, prior to the budget setting meeting of South Ayrshire Council of 2 March 2023 \*;
- (3) the Minutes of the Audit and Governance Panel (Special) of 23 November 2022 (Page 3, paragraph 3) when the Panel had decided
  - (a) to note the financial projections contained in Appendix 1 of the report;
  - (b) 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; \*
  - (c) 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
  - (d) 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; and
- (4) the Minutes of Cabinet of 29 November 2022 (Page 2, paragraph 5) when Cabinet had decided
  - (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;

- Subsequently amended to 1 March 2023

- (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.

The Council heard from the Head of Legal and Regulatory Services in relation to the process for this call-in and the decisions taken at previous meetings of Cabinet and Audit and Governance Panel.

Comments were made by Members regarding:-

- (A) in their opinion, no monies should be expended until the budget had been set therefore, the recommendations as outlined in the report should not be agreed; and
- (B) that the decision of the Cabinet had been made based on the financial projections that the Airshow could break-even or make a small profit, however, an event of this scale did not require to break-even as public subsidy was justified for an event of this scale which would involve a great deal of economic benefit to Ayr and to South Ayrshire in general; and that as there was significant public interest in this event and transparency was essential with such large sums of public money, it was clear that further works required to be carried out to identify costs and projected income prior to the budget setting.

Questions were raised by Members in relation to:-

- (I) when Members would receive more detailed financial information; and the Director of Strategic Change and Communities advised that figures would be provided to Members in detail as part of the budget setting process at the meeting of South Ayrshire Council of 1 March 2023;
- (II) whether the recommendation in the report was competent as Council was being asked to approve funding for a future event before the budget had been agreed; and the Head of Legal and Regulatory Services advised that the recommendation did not request Council to approve the funding of £300,000 for the Event for the next five years but rather members were being asked to agree that the budget setting process would be used to consider whether £300,000 was the appropriate budget for that event for the next 5 years, therefore, it was competent for Council to approve this recommendation;

- (III) whether the Council was being requested to overturn the decision of the Audit and Governance Panel requesting more detailed financial information; and the Head of Legal and Regulatory Services advised that Cabinet at its meeting of 29 November 2022 had confirmed its previous decision at the meeting of 1 November 2022 and also decided that the matter be referred to this meeting of Council for final determination; and
- (IV) whether the SNP and Labour Groups were participating in the Budget Working Group as this Group scrutinised and developed the budget; and a Member of the SNP Group advised that this was a politically motivated comment, and that the Budget Working Group was not for scrutiny but to make suggestions and formulate a budget; and a Member of the Labour Group advised that the Labour Group would not be participating in the Budget Working Group as each political party had different priorities and it was each party's responsibility to deliver their own budget; and the Chief Executive further advised that the SNP and Labour Groups had both intimated to her that they did not wish to be part of the Budget Working Group.

### **Point of Order**

Following a question from Councillor Pollock to Councillor McGinley regarding a comment made by him, Councillor McGinley raised a Point of Order that Questions were only permitted to be asked of an Officer or Portfolio Holder.

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

### **Adjournment**

The time being 10.30 a.m., the Council adjourned for ten minutes to allow Councillor McGinley to commit his Amendment to writing.

### **Resumption of Meeting**

The Council re-convened at 10.40 a.m.

### **Provost**

Provost reminded all Members that this meeting was being broadcast live and that all Members were responsible for their conduct during the meeting and should have respect for everyone in attendance at the meeting.

By way of Amendment, Councillor McGinley, seconded by Councillor Grant, moved

- (aa) to request that officers present further, more detailed, financial information to Members through the budget setting process and in advance of the Council meeting of 1 March 2023;
- (bb) to agree parts of the decision of Cabinet at its meeting of 1 November 2022, namely paragraphs 2.1.1, 2.1.3, 2.1.4 and 2.1.5 of the report, outlined at (1)(a), (c), (d) and (e) of this Minute; and
- (cc) that a report be submitted to Audit and Governance Panel with more detailed financial details prior to Council of 1 March 2023.

Fourteen Members voted for the Motion and fourteen Members for the Amendment. Provost then exercised his casting vote in favour of the Motion and the Council

**Decided:**

- (AA) to agree that officers progress with the planning of the Airshow including work to identify sponsors;
- (BB) 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;
- (CC) to approve the name for the Airshow - The International Ayr Show – Festival of Flight;
- (DD) to approve the proposal to have the Royal Air Force Benevolent Fund as the charity partner for the event; and
- (EE) to note the progress made by the SKYLAB in relation to expressions of interest with military display teams;

**5. Review of Political Decision Making Structure, Members' Remuneration and Appointments to Panels**

The Council

**Decided:** to note that, as previously intimated, this item had been withdrawn from the agenda.

**6. Schedule of Meetings**

There was submitted a [report](#) (issued) of 5 December 2022 by the Head of Legal and Regulatory Services seeking approval of a proposed timetable of Panel meetings from August 2023 to June 2024.

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

The Council

**Decided:**

- (1) to approve the timetable of Council and Panel meetings from August 2023 to June 2024 as detailed in Appendix 1 of the report;
- (2) to approve the proposed changes as outlined in Appendix 2 of the report (marked in bold text); and
- (3) to request the Head of Legal and Regulatory Services to submit a timetable of meetings from August 2024 onwards to a future meeting of the Council.

## 7 **Standing Orders Relating to Meetings**

The Council

**Decided:** to note that, as previously intimated, this item had been withdrawn from the agenda.

## 8. **Representation on Outside Bodies.**

The Council

**Decided:** to note that, as previously intimated, this item had been withdrawn from the agenda.

## 9. **Representation on Working Groups.**

The Council

**Decided:** to note that, as previously intimated, this item had been withdrawn from the agenda.

## 10. **Financial Regulations Review.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Head of Finance, ICT and Procurement seeking endorsement of the current Financial Regulations following review.

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

Following a question from a Member on the financial relationship between the Fairer Scotland Act and other regulations and the legal implications for the Council; the Head of Finance, ICT and Procurement advised that, if this did impact on the Financial Regulations it would be taken into account, however, at this point no changes were required.

The Council, having thanked the Head of Finance, ICT and Procurement and his Team for their work on this matter,

**Decided:** to endorse the Financial Regulations.

## 11. **Non-Domestic Rates Reliefs.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Head of Finance, ICT and Procurement seeking approval for the Non-Domestic Rates,(Business Rates) Empty Property Relief and Discretionary Relief policies

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

The Council, having thanked the Service Lead – Revenues and Benefits and her Team for their work on this matter,

**Decided:**

- (1) to approve the Non-Domestic Rates Empty Property Relief Policy with effect from 1 April 2023, as detailed in Appendix 1 of the report, and
- (2) to approve the Non-Domestic Rates Discretionary Relief Policy with effect from 1 April 2023, as detailed in Appendix 2 of the report.

**12. PPP Service Concession Arrangements Flexibilities.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Head of Finance, ICT and Procurement outlining the impact for the Council of changing the statutory accounting treatment for Service Concession Arrangements (SCAs) asset out in FC 10/2022 – finance leases and service concession arrangements.

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

Comments were made by Members in relation to:-

- (1) given the useful life of each of the Council's assets, this change was reasonable; that this was not the first time the Council had reprofiled debt in such a way and that some debts were being repaid over a forty year period; that, given the extraordinary immediate pressure Councils were facing following the pandemic, it was sensible to bring the Council's reserves closer to the upper end of the target set to hold reserves at; and that, given indications of future budgets, it was necessary that the Council make substantial changes and to bring these changes in gradually;
- (2) that the Scottish Government should be commended for providing this flexibility, especially in these challenging times for Councils;
- (3) although the need for this flexibility was acknowledged to balance the budget, this report delayed responsibility for problems faced at present and would cause the debt to require to be met years from now; and
- (4) that the Budget Working Group had discussed the views outlined by a Member at (3) above and had shared these concerns that the debt required to be repaid in the future, however, the Budget Working Group had welcomed these monies.

Questions were raised by Members in relation to:-

- (a) whether the allocation of £14m over the next four years could be allocated in a more beneficial way; and the Head of Finance, ICT and Procurement advised that, at this point in time, this approach was correct, however, this was a best estimate and the Council could change its approach as matters progressed;
- (b) as these monies were not recurring, what would the financial position be in five years time; and the Head of Finance, ICT and Procurement advised that, when using reserves it was on a one-off basis which was why it had been proposed to have a reducing balance of applying £5m in year 1, £4m in year 2, etc, however, this did not negate the fact that the Council required to make savings, this just eased the impact of the savings over a number of years;



### **Point of Order**

A Point of Order was raised by Councillor Lyons that, as a Motion had been moved and seconded, the Council should move to the vote; and the Head of Legal and Regulatory Services advised that, following the Motion being moved and seconded, the Council debated, made comment and raised questions prior to the vote and only moved to the vote when directed by Provost. She further advised that the Council only moved to the vote earlier when there was a Motion to "Move to Vote" which required to be moved and seconded and a vote undertaken to decide on this.

- \*
- (c) seeking context around the reprofiling of the debt liability repayments increasing the Capital Financing Requirement (CFR) by £21.718m and the impact that had on the Revenue Budget; and the Head of Finance, ICT and Procurement advised that, as the Council did not have this amount of money in the bank and if the reserves were used, it would require to borrow the money long-term, creating an increased reserve, however, this would bring its own costs in terms of debt charges;
  - (d) why the Net Present Value (NPV) was set at 3.5%; and the Head of Finance, ICT and Procurement advised that 3.5% was the rate suggested by the national standard "green book" and was the estimate of future interest rates for calculating the NPV; and
  - (e) if this report was approved at this meeting, did this remove flexibility from the budget setting process; and the Head of Finance, ICT and Procurement advised that this report outlined his suggested approach to this year's budget, however, should circumstances change, he would submit a further report to Council requesting an amended proposal.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Council moved to a vote for or against the Motion. Twenty two Members voted for the Motion; five Members voted against the Motion and one Member Abstained and the Council, having thanked the Head of Finance, ICT and Procurement for securing this additional funding,

### **Decided:**

- (i) to apply, as per section 2.2 of FC 10/2022, the permitted PPP Concession flexibility in financial year 2022/23 on a retrospective basis using an annuity basis with a useful life of forty years;
- (ii) to note that the flexibility being applied was consistent with current Council Loans Fund arrangements and was considered prudent, sustainable and affordable over the life of the asset;
- (iii) to note that, by applying the flexibility, a one off retrospective saving of £21.718m would be achieved followed by a reduction in the annual charges for a further eighteen years (commencing in financial year 2022/23) and the continuation of the statutory charges after the SCA contracts had been repaid; and
- (iv) to agree to earmark the £21.718m retrospective saving as follows:
  - £14.000m towards supporting the revenue budget over the four year period 2023/24 to 2026/27 as detailed in paragraph 4.13 of the report;
  - £5.000m allocated to the Workforce Change Fund as detailed in paragraph 4.14 of the report; and
  - retain the balance of £2.718m in uncommitted reserves.

### 13. Development Plan Scheme : Local Development Plan 2 and 3.

There was submitted a [report](#) (issued) of 5 December 2022 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to publish a Development Plan Scheme and submit this to Scottish Ministers

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

Questions were raised by Members in relation to:-

- (1) how developers could be encouraged to build in rural areas during these unprecedented times with a fluctuating market; and the Service Lead – Planning and Building Standards advised that he was presently working with developers on this challenging issue advising them of appropriate sites and that this would be examined during the development of the LDP3; and
- (2) why house building was not taking place in rural areas when there was a clearly a demand; and the Service Lead - Planning and Building Standards advised that several villages in South Ayrshire had allocated sites which had not been taken up by developers, however, he would continue to investigate this through the LDP process; and the Depute Chief Executive and Director of Housing, Operations and Development further advised that there was a distinction between private house building and Council house building and that he would continue to examine the issue of Council house building going forward.

Comments were made by Members in relation to:-

- (a) the lack of progression with rural housing and the danger to the sustainability of the economy in small towns should no rural housing be built; and that this required to be examined as a priority; and the Service Lead – Planning and Building Standards advised that he was aware of members' concerns regarding the rural housing situation in relation to LDP2, that if applications were submitted these would be taken into consideration; and that, with reference to LDP3, rural housing would be investigated following discussion with Members, through the Planning Liaison Group and as part of a public consultation;
- (b) that it was incumbent on the Council to identify sites and build houses in rural villages as private developers were seeking larger investments, not suitable for villages;
- (c) that, should more housing not be built in rural areas, younger people would require to leave for housing in an urban area which would then impact on the number of children in schools; and that rural housing should be a priority to ensure that every town and village in South Ayrshire was treated equally; and the Service Lead – Planning and Building Standards advised that the planning process was reactive to the development industry and if applications were submitted, these would be assessed, that the LDP was in place to manage the planning process; and that some rural sites had been identified for development in villages in the southern area of South Ayrshire;
- (d) that there were major issues in rural areas in relation to poverty and social wellbeing which required to be addressed; that residents in rural areas experienced difficulties in accessing services which the Council required to improve; and that the Council's Place Planning process could be utilised to assist the residents in rural areas by identifying problems and rectifying these; and the Chief Executive advised that she would be happy to consider this as part of the development of the Council Plan;

- (e) that, as the Elected Members were familiar with their local area, the Members for rural areas should undertake site visits with the Leader and appropriate officers to identify proposed sites;
- (f) that during the public consultation, Parent Councils should also be consulted as they could provide their views and the views of their children; and the Service Lead – Planning and Building Standards advised that he was happy to include Parent Councils as consultees and would take any further suggestions on board; and
- (g) that, as the LDP3 would be driven by guidance and legislation from the Scottish Government, officers required to ensure that adequate timescales were given by the Scottish Government to deliver the LDP3; that several areas in Troon had been identified by local ward Members as suitable for social housing through engaging with the local community and that this was a productive way forward; and that COSLA was currently examining the way Place Planning would operate and this would include the Planning Service.

The Council, having commended the Service Lead – Planning and Building Standards for his work on LDP3,

**Decided:** to approve the Development Plan Scheme contained in Appendix 1 for publication and submission to Scottish Ministers.

### **Adjournment**

The time being 11.45 a.m., the Council agreed to adjourn for lunch for forty five minutes.

### **Resumption of Meeting**

The meeting resumed at 12.30 p.m.

## **14. LDP2 Supplementary Guidance Site Design Brief : South East Ayr.**

The Council

**Decided:** to note that, as previously intimated, this item had been withdrawn from the agenda.

## **15. Local Development Plan 2 Action Programme.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to publish the Action Programme for Local Development Plan 2 for publication and submission to Scottish Ministers.

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

A question was raised by a Members in relation to Core Principle B7 of Appendix 1 which stated that the Council would be supporting flexible growth in Carrick villages and for the former mining villages of Kyle; and how this support would be provided; and the Service Lead – Planning and Building Standards advised that the Council would support growth in the area by encouraging private developers to build in the area.

Comments were made by Members in relation to:-

- (1) Core Principle B7 and that, as this is within the Action Plan as a Core Principle, action should be taken on this; and
- (2) the support within the Action Plan for the A77 and A75, however, the A714 Girvan to Newton Stewart Road which was a main arterial road was not included within the Plan; and the Service Lead – Planning and Building Standards advised that he would examine this with a view to including this road within the Local Development Plan 2 Action Plan.

The Council

**Decided:** to approve the Action Programme for Local Development Plan 2 (attached as Appendix 1) for publication and submission to Scottish Ministers.

## 16. **Station Hotel Update.**

There was submitted a [report](#) (issued) of 9 December 2022 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on matters in relation to the Station Hotel, Ayr; and seeking approval to progress with the service of a notice under the Building (Scotland) Act 2003.

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

Questions were raised by Members in relation to:-

- (1) the costs of the works to date; and the Director of Housing, Operations and Development advised that the costs to the public purse had been significant; that, should the recommendations in this report be agreed, the owner of the Hotel would be served with a notice to encourage him to make the necessary repairs to the building, however, should he not respond, the Council had a duty under the Building (Scotland) Act 2003 to protect the public and would be requesting that the Council approve demolition of the building; and the Head of Legal and Regulatory Services further advised that paragraph 2.1.2 of the report was identifying the preferred option; paragraph 2.1.3 was requesting officers to progress the further actions required, part of which was serving the notice on the owner with the content of the notice and the obligations that flow from that outlined in paragraph 5.3 of the report;
- (2) whether there were any other buildings in South Ayrshire in a similar state of disrepair; and the Service Lead – Planning and Building Standards advised that the Council had a duty under the Building (Scotland) Act 2003 to protect the public and that, if a building did become dangerous, the Council would require to act, however, it was hoped that it would not be of the scale and complexity of the Station Hotel; and

- (3) what preventative action had been taken by the Council to identify potentially dangerous buildings; and the Service Lead – Planning and Building Standards advised that when Building Standards Officers received a report regarding a dangerous building they would inspect it to ascertain if it was dangerous and contact the owner for them to address the issues; if the building was not dangerous, they would write to the owner advising of the potential future problems if maintenance work was not carried out and outlining their duty as the owner of the building; and that this was not a legal responsibility of the Council, however, this was undertaken by officers.

Comments were made by Members in relation to:-

- (a) a letter which had been issued to all Councillors from Safe Heritage Buildings UK which, they believed, contained a number of inaccuracies advising Members that the recommendations in this report were illegal; that the letter had also stated that Members had not been offered options, however, the report by Transport Scotland had examined a number of alternative uses for the Hotel and had discounted all alternatives; and the Depute Chief Executive and Director of Housing, Operations and Development advised that he had not had sight of the letter, however, he was confident that nothing in the report presented to Council was illegal;
- (b) that various problems relating to this building required addressing such as the ownership, purpose, cost and timescales for works; that discussions with stakeholders were welcomed, however, as part-owners of the building, Network Rail should be more open and progressive to achieve a resolution to this issue;
- (c) commending the work undertaken on this matter by officers and the progress made; and that despite this building not being owned by this Council, a significant amount of monies had been spent on this which could have been used more beneficially for the people of South Ayrshire;
- (d) advising that there were various groups wishing to save the Hotel and that, should any group have a credible plan and the monies to carry out their plan, they should advise officers or the Council would be forced to carry out its statutory duty which was not a decision that the Council would take lightly, however, it had a responsibility to protect the public and adjacent premises;
- (e) reiterating that this building was not owned by the Council; and that the Council required to make a decision on how to proceed with this building as it could not continue to spend significant amounts of monies on this; and
- (f) the detrimental impact on Ayr Railway Station as the ticket offices could not be utilised; and noting the further engagement with relevant authorities such as Transport Scotland which was welcomed.

The Council

**Decided:**

- (i) to note the outcome of the safety works option appraisal as detailed in the *Mott McDonald Station Hotel, Ayr - Safety Works under Section 29 of the Building (Scotland) Act 2003* report at Appendix 1 of the report;
- (ii) to agree that Option 3 in the Mott McDonald Report – Demolition of the Southern Wing was the preferred option which should be taken forward for action under the Act;

- (iii) to request officers to progress further actions required under Building (Scotland) Act 2003;
- (iv) to request that Members and Officers seek to identify alternative sources of funding to fund the safety works in the event that the Council required to carry out the terms of any notice;
- (v) to agree the continued funding at a cost of £207,000 from uncommitted reserves, until March 2023, of the ongoing necessary action under the Building Scotland Act to encapsulate the building;
- (vi) to note the activity undertaken by the stakeholders and the Station Hotel Strategic Governance Group on the Atkin's Phase 2 Option Appraisal Review;
- (vii) to note the ongoing engagement with interested action groups and potential developers of the building; and
- (viii) to request that Officers submit an update report to the Council in March 2023 on the implementation progress.

## **17. Short Term Lets Planning Guidance.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to publish the draft Short Term Lets Planning guidance for public consultation.

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

Questions were raised by Members in relation to:-

- (1) the Council's policy until the public consultation had been carried out and whether the report approved at Cabinet on 30 August 2022 would be extant until the consultation had been completed; and the Service Lead – Planning and Building Standards advised that if an owner of a flatted property wished to utilise it for short-term lets, they would require planning permission; that the reason for the public consultation was in relation to the policies attached to the planning permission; whether planning permission was required was outwith the Council's control; and that when a planning application was received for a short-term let, it had to be determined by the Planning Services if this should be granted under delegated powers or considered by the Regulatory Panel.
- (2) if an owner of a flatted property had been utilising it for short-term lets for the last five years, for example, did they require to apply for planning permission at present to continue letting their property; and the Service Lead – Planning and Building Standards advised that they would require planning permission; that Part I of the Appendix attached to the report set out the legislative position; and Part II of the Appendix set out how the Planning Service would apply the policies in relation to that, which was the part being consulted on; and

- (3) the difference between a licence and planning permission; and the Service Lead – Planning and Building Standards advised that the Civic Government (Scotland) Act 1982 had introduced the Short Term Lets Order in 2022 whereby those who let properties under short-term lets required to obtain a licence and, as part of the process, required to establish if they also required planning permission for this let; that there were significant opposing views to this proposal with large numbers of residents in certain areas completely opposed to short term lets and industry members who were opposed to being regulated; that he was meeting with members of the industry to take discussions forward; and that this document was to provide clear guidance for everyone involved in the process.

Comments were made by Members in relation to:-

- (a) Members receiving a number of communications from trade bodies involved in lets wishing to object to this guidance which was not competent at this stage; that a public consultation would be taking place and objections could be lodged at that point; that the move to licensing short-term let properties was welcomed as problems would be brought to the attention of the Council, however, the introduction of retrospective planning permission was more problematic as owners had invested in properties and the letting market was a key part of the local economy; and that a thorough consultation required to take place to ensure that all interested parties had an opportunity to comment;
- (b) that this matter would have been better dealt with through the Licensing Service similar to taxi drivers or public houses as any problems were then reported back to the Regulatory Panel or Licensing Board and dealt with appropriately;
- (c) concerns over the requirement for retrospective planning permission, however licensing properties gave the Council more control over those property owners not operating as they should; and that the wording of “Final Draft Planning Guidance” of the consultation document should be amended as this implied that the document could not be amended and the Council considered all consultation responses;
- (d) that it was highly unusual for Planning Policy to be retrospectively implemented and that this would impact on those owners who were legitimately operating with some owners having spent significant amounts of money on their property; that short-term lets were an important part of the local economy providing accommodation for visitors; and that owners requiring to seek a Certificate of Lawfulness for the change of use of the property if the change occurred within the last ten years was disproportionate and should be within the last five years; and
- (e) that this Council was one of the few in Scotland proposing that Air B&B properties required to have planning permission; and that the legislation did not specify that this was a requirement.

Councillor Mackay, seconded by Councillor Dixon, moved as an Amendment the recommendations as outlined in the report subject to the Certificate of Lawfulness on the grounds that no enforcement action could be taken being that it was owner’s responsibility to demonstrate to the Planning Authority:-

- the change of use occurred more than five years prior to your application;
- the use had continued without interruption for at least five years;
- the use had not increased or intensified during those five years; and
- no formal enforcement action had been taken in respect of the use.

Following questions on whether the properties could be subject to Licensing legislation but not Planning legislation; and regarding the draft Policy which had been agreed at Cabinet of 30 August 2022, the Council agreed to adjourn to seek clarification on these matters.

### **Adjournment**

The time being 1.20 p.m., the Council adjourned for ten minutes.

### **Resumption of Meeting**

The meeting resumed at 1.30 p.m.

Councillor Pollock then moved an alternative Motion, seconded by Councillor Kilbride, namely that the Council continue consideration of this matter to allow further legal advice to be sought on the interpretation of the Act to establish the Council's requirements and thereafter carry out a public consultation.

The Council

**Decided:** to continue consideration of this matter to allow legal advice to be sought on the interpretation of the Act to establish the Council's requirements and thereafter carry out a public consultation.

### **Time of Meeting**

The time being 1.40 p.m., Provost, seconded by Councillor Kilpatrick moved that Council 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

**Decided:** to continue the meeting beyond 2.00 p.m. in accordance with Standing Order No. 6.2.

## **18. South Ayrshire Council's Annual Performance Report 2021/22.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Director of Strategic Change and Communities providing Elected Members with 'South Ayrshire Council's - Annual Performance Report 2021/22'.

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

A question was raised by a Member in relation to the Trauma work being carried out by the Council; and the Service Lead – Policy, Performance and Community Planning advised that a Trauma Informed Practice Officer had been employed who was developing the work throughout the Council; that the Member/Officer Working Group had met and was making good progress; that a report was being submitted to Cabinet in January 2023 seeking approval of a training package to train all Council employees to at least a basic level of understanding with the report outlining details of the costs involved and the plan to roll out the training over the next two years; and that Members would be involved in this training to understand the role Trauma played in how the Council operated.



Comments were made by Members in relation to:-

- (1) the report being retrospective and data having changed since the report was compiled; that a significant amount of good work had taken place to improve the data within the report, however, this was a continuous journey; and that the Best Value Working Group should keep this report under review to ensure that certain areas were focussed on and improved; and
- (2) thanking the Service Lead – Policy, Performance and Community Planning for his work on this matter; thanking staff in Education Services for the improvements made in relation to “Closing the Gap” on page 56 of the Annual Performance Report; and commending all Council staff for the achievements during the pandemic.

The Council

**Decided:** to approve the content of the ‘Annual Performance Report 2021/22, attached as Appendix 1.

### 19. **Best Value Action Plan - Update.**

There was submitted a [report](#) (issued) of 5 December 2022 by the Director of Strategic Change and Communities advising of the progress made in delivering the improvement actions identified in the Best Value Assurance Report; and seeking agreement for a new Terms of Reference for the Best Value Member Officer Working Group.

The Service Lead – Policy, Performance and Community Planning advised the Council that the majority of actions within the Plan had now been completed or were near completion; and that most of outstanding actions related to the development of the new Council Plan due to be considered at Cabinet in March 2023.

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

Questions were raised by Members in relation to:-

- (1) whether all actions were now on schedule for the new “due dates”; and the Service Lead – Policy, Performance and Community Planning advised that he collated the information provided by other officers, however, he was confident that all works were on track to be completed by the scheduled dates; and
- (2) given that there had been a change in the auditing process, how would the Council’s Best Value report now be presented; and the Chief Executive advised that the Auditors had reported on the Council’s progress against the current Best Value report as part of the wider scope report which had been presented to Audit and Governance Panel in June 2022 and they would continue to examine it as part of the audit process, however, there would be no separate Best Value report going forward, this would form part of the normal Audit report; that the Head of Finance, ICT and Procurement and herself had met with the newly appointed Auditors from Audit Scotland and they were keen to finalise the Audit Report for the Accounts up to 31 March 2023 by September 2023 to enable them to discuss this with Audit Scotland and the Accounts Commission, at which time they would then engage with the Council; and that she had liaised with officers in Audit Scotland requesting that they discuss the new approach with Members.

Comments were made by Members in relation to:-

- (a) welcoming the report and the updating of the Terms of Reference as this was an important development and brought focus in terms of key areas to work on for this organisation; and
- (b) the Consultation Reference Group regarding Thriving Communities which had met in September 2022 but had not been well attended and how it was hoped it would be better attended at the next meeting in January 2023; and the Director of Strategic Change and Communities advised that she had contacted all Services with no representatives at the meeting of September 2022 reminding them of the importance of the Consultation Reference Group and asking that they make every effort to attend the meeting in January 2023 or send a representative to this meeting.

The Council

**Decided:**

- (i) to note the progress made towards addressing the recommendations made by Audit Scotland in South Ayrshire's Best Value Assurance Report (Appendix 1 of the report); and
- (ii) to agree the updated Terms of Reference for the Best Value Member/ Officer Working Group (Appendix 2 of the report).

**20. New Leisure Centre Project.**

Reference was made to the Minutes of 13 October 2022 (Page 6, paragraph 7) when the Council had decided

- (1) to note the further update on the site acquisition of the Arran Mall to facilitate the new leisure centre development;
- (2) to note the options available to Council in response to the Stage 2 submission from HubSW set out in Appendix 1;
- (3) to note the information provided on the abortive costs should the project not proceed;
- (4) to agree that, given the project was now £7m over budget, that Council rejects the Stage 2 submission from HubSW on the basis it did not meet the Affordability Cap Approval Criteria prescribed by the HubSW Agreement, and asks Officers to provide a report to Cabinet detailing the response from HubSW to the rejection notice for their consideration; and
- (5) to request Officers to undertake a feasibility study for a mixed-use development of the Arran Mall and Hourston sites and report back to Cabinet at the earliest opportunity for consideration and instructions.

There was submitted a [report](#) (issued) of 6 December 2022 by the Director of Strategic Change and Communities providing a further update on the New Leisure Centre Project including the response from HubSW to the Stage 2 rejection letter.

Councillor Kilbride, seconded by Councillor Connolly, moved that Council note the further update in the response from HubSW on the stage 2 rejection letter; and agree that the Council reject the revised stage 2 submission from HubSW as it no longer met the specific requirements and each of the relevant participants' further requirements identified in stage 1 of the proof project and approved by Leadership Panel on 24 August 2021.

Questions were raised by Members in relation to:-

- (a) an update on whether the Levelling Up Fund application had been successful; and the Service Lead – Special Property Projects advised that the Council was awaiting notification from the UK Government on this;
- (b) the Council meeting of 13 October 2022 when officers had been requested to report back to a future meeting with plans; and the Service Lead – Special Property Projects advised that Officers had been requested to undertake a feasibility study for a mixed-use development of the Arran Mall and Hourston sites and that he had been in discussion with Officers in the Procurement Service to employ a Design Team and it was hoped to action this early in the new year;
- (c) when the Council made the decision around the affordability cap, did it include the £20m being bid for; and the Head of Legal and Regulatory Services advised that the decision could not include the £20m as the Council was unaware if it had been successful, therefore, the decision was made around the money the Council had in the budget; and the Service Lead – Special Property Projects further advised that the affordability cap was set for the project based on projected costs and that approval was granted for a budget to match the cost of the project; that, as detailed in the report, a further £4m had been added to the project budget to increase the affordability cap; and that Levelling Up Funds would not have been factored in, that the costs of the project were fully funded by the Capital Programme; and
- (d) when the sixty day period would expire; and the Service Lead – Special Property Projects advised that this was sixty business days, therefore the period concluded at the start of March 2023; and the Head of Legal and Regulatory Services clarified that the decision for Council was based on the revised proposal, not an ability to go back to the previous affordability cap that had been rejected.

Comments were made by Members in relation to:-

- (i) the length of time to construct the Riverside public space and it was hoped that the same would not occur with the Arran Mall/Hourston site;
- (ii) that the £20m Levelling Up funding applied for could only be used for a new Leisure Centre; if this bid was successful it would reduce the capital outlay for the Council; and it would be prudent to delay a decision on the Leisure Centre until the outcome of the bid was known; and the Head of Legal and Regulatory Services advised that the Council had a sixty day period in which to decide whether to accept or reject the revised submission, this decision could not be delayed;
- (iii) all Levelling Up bids were at the scoring stage with a decision expected in January 2023; and that UK Ministers had confirmed that the monies were for use on leisure, not specifically a new leisure centre as stated by a Member at (ii) above;
- (iv) if the outcome of the Levelling Up bid was expected in January 2023, the decision being made at this meeting could be delayed until after the outcome was known, which would still be within the sixty day period;

### **Adjournment**

The time being 2.05 p.m., the Council decided for adjourn for ten minutes to allow Councillor McGinley to commit his Amendment to writing.

### **Resumption of Meeting**

The Council resumed at 2.15 p.m.

By way of Amendment, Councillor McGinley, seconded by Councillor Cullen, moved that Council continue consideration of this item to a meeting of South Ayrshire Council prior to 16 February 2023 which was within the sixty day period to respond to HubSW on the revised Stage 2 submission; and to include within the report the full refurbishment costs of the Citadel Leisure Centre.

Comments were made by Members on the Amendment as follows:-

- (A) that the focus should be on deciding whether the Council was satisfied with the modified leisure centre and to provide instructions to officers on how to proceed, therefore the Amendment was not acceptable; and
- (B) that within the Amendment the Council was being requested to defer the decision on whether it wished to accept a much reduced facility than it currently had and would be more expensive, irrespective of whether the Levelling Up Fund bid was successful; that the revised stage 2 submission could impact the planning permission as, in their opinion, this was a significant material change and would require to be reconsidered through the planning process; and the revised stage 2 submission did not take into account the Hourston site.

Following a full discussion, Provost Campbell, seconded by Councillor Dowey moved in accordance with Standing Order No. 21.1(2) that the question be now put.

Following a vote on whether “the question be now put”, by way of a majority, the Council accordingly agreed to Move to Vote.

Fourteen Members voted for the Amendment and fourteen Members for the Motion. Provost then exercised his casting vote in favour of the Motion and the Council

**Decided:** to note the further update in the response from HubSW on the stage 2 rejection letter; and agree that the Council reject the revised stage 2 submission from HubSw as it no longer met the specific requirements and each of the relevant participants’ further requirements identified in stage 1 of the proof project and approved by Leadership Panel on 24 August 2021.

## 21. Notices of Motion.

Two Notices of Motion having been submitted in accordance with Council Standing Order No. 18, by Councillor Peter Henderson, seconded by Councillor Julie Dettbarn and by Councillor Philip Saxton, seconded by Councillor Brian McGinley.

(1) Councillor Peter Henderson, seconded by Councillor Julie Dettbarn, moved:-

“The Council is requested to write to the Scottish and UK Governments to seek the introduction of assistance to rural homeowners in regards to the Cost of Energy crisis, in particular the lack of alternative heating and energy supply in rural areas.

As many of you know, people living in rural areas are significantly more likely to be living in fuel poverty, with 42% of households in ‘remote’ rural homes classed as fuel poor or in extreme fuel poverty. This compares to 24.6% across Scotland as a whole. These figures are from 2019 and the true scale of fuel poverty is now believed to be significantly higher, with research showing as many of 57% of people could be in fuel poverty. Rural communities also face higher living costs, with evidence suggesting that living in remote rural Scotland typically adds 15-30% to a household budget.

Rural households face higher heating costs as many depend on expensive oil heating systems, with high and fluctuating upfront fuel costs. Oil heating is not regulated by Ofgem, which means people with oil heating systems are not protected by the Energy Price Guarantee. And this affects a large proportion of South Ayrshire homes and families. In the last 12 months the cost of heating oil has doubled with prices rising from around 64p per litre to £1.20 per litre.

The need to support schemes for new collective purchase and community asset ownership models to pay for the improvements, enhanced grants and loans to cover additional insulation and running costs and a support service for rural businesses to help them build the skills needed to decarbonise rural heating.”

The Head of Legal and Regulatory Services clarified that the Motion was requesting that a letter be sent to the Scottish and UK Governments seeking assistance for rural homeowners in regards to the Cost of Energy crisis, in particular the lack of alternative heating and energy supply in rural areas and that this Motion could not make any financial commitment as it did not meet the requirements of a Motion identifying where any required funds would be sourced.

A full debate took place regarding the terms of the Motion and, following a vote, eighteen Members voted for the Motion and ten Members voted against the Motion and accordingly the Council

**Decided:** to agree the terms of the Motion.

(2) Councillor Philip Saxton, seconded by Councillor Brian McGinley, moved:-

“I am asking the Council to cancel the debt for School meals, this was accumulated by parents from August till the present day, the amount is £6,343.69.

I would request this comes from the Council’s uncommitted reserves.”

Councillor Saxton advised that, following advice from the Head of Finance, ICT and Procurement, he wished to amend the last line of his Motion to read “I would request this comes from the Council’s Bad Debt Provision”. Councillor McGinley, as Secunder of the Motion agreed to this amendment.

Following a question on the competency of the Motion as School Meals Bad Debt was regularly written off, the Head of Legal and Regulatory Services clarified that the Motion was competent; and the Head of Finance, ICT and Procurement outlined the process for writing off School Meals Bad Debt.

Various Members requested that the School Meals Debt be written off quarterly going forward and it was agreed that the Head of Finance, ICT and Procurement would examine this.

A full debate took place regarding the terms of the Motion.

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

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

Twenty six Members voted for the Motion and two Members voted against the Motion. The Motion was accordingly declared carried and the Council

**Decided:** to agree the terms of the Motion.

## 22. Formal Questions.

In terms of Council Standing Order No. 26.2, there were submitted (tabled) [Formal Questions](#) from Councillors Bell, Kilbride, Pollock, Davis, Lyons, Ferry and McGinley, along with responses.

- (1) Councillor Pollock raised a supplementary question in relation to his Formal Questions as follows:-
- how could the Council ensure that proper auditable records were retained following the Airshow to assist with any future major events, as no paperwork had been retained from previous Airshows; the previous administration had paid £250,000 to the organisers with no due diligence; and officers who assisted had left the employment of the Council; and the Chief Executive gave assurances that going forward, as any large events were undertaken, she would ensure the necessary paperwork was retained; that officers who previously worked on the Airshow had left the organisation, that an investigation had been undertaken into payments made, therefore, there was some documentation retained; and that future Airshows would be within Council control which would ensure the Council had the necessary checks and balances;

### Point of Order

Councillor Henderson raised a point of Order that Councillor Pollock's questions were inaccurately framed as it was a Conservative administration in power when the previous Airshow had been approved and that his questions were an attack on himself and Councillor McGinley; and the Head of Legal and Regulatory Services advised that, as the questions related to comments made at a meeting of the Audit and Governance Panel, she would review the recording of this meeting and, should Councillor Pollock's questions be inaccurate, they would not be published on the Council website.

### **Councillor Saxton left the meeting at this point.**

- (2) Councillor Lyons raised a supplementary question in relation to his Formal Questions as follows:-
- was the Community Payback Order (CPO) beneficial for those taking part in the scheme, how was the project working and what did it deliver for the people taking part; and the Head of Children's Health, Care and Justice Services advised that the CPO Team who worked with those who had come through the court system was very active; that this authority had a higher percentage than East Ayrshire and North Ayrshire Councils of those going through the CPO as it was believed that paying back to the community was beneficial for the community and for those taking part in the project; and that he had recently received feedback from someone who had taken part in the CPO scheme thanking the supervising officer for the support and mentoring he had received through the Programme.

(3) Councillor Ferry raised a supplementary question in relation to his Formal Questions as follows:-

- what lessons, if any, had been learned from the Belmont Family First Project; had the Project met expectations and could this Project be rolled out to the whole of South Ayrshire; and the Head of Children's Health, Care and Justice Services advised that he believed that by embedding resources within the school, there had been a great improvement in terms of children and families gaining access to services at a time when they needed them; that positive feedback had been received from school staff and from the children and families themselves who believed that having access to support from the staff embedded within the schools had a significant impact on their wellbeing; that the statistics had shown that this area previously had the highest proportion of children placed outwith authority due to challenges and interventions, however, no children had been placed outwith their authority from this cluster and none placed within secure care on the Child Protection Register since the Project had been established; that the Christy Commission and principles in terms of early intervention and prevention were being exhibited; and that this Project had been extended to four other school clusters by using Covid recovery monies.

Provost advised that the Council was obliged to proceed to the next item, in terms of Standing Order No. 26.5 which stated that Question Time should be limited to thirty minutes.

**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 during consideration of the remaining item of business on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 8 of Part 1 of Schedule 7A of the Act.

**23. Early Learning and Childcare Funding Provider Rates.**

There was submitted a report (issued – Members only) of 7 December 2022 by the Director of Education seeking approval and funding for an increase in the funded provider rates for academic session 2022-23.

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

A full discussion took place in relation to consultation; the recommended funded provider rate; comparisons with other local authorities; the ratio of staff to children; and capacity issues.



The Council

**Decided:**

- (1) to agree to fund an increase in the funded provider rates for children aged two to five from £5.31 per hour to £5.76 from August 2022 (Option 1);
- (2) to note that the 2022/23 costs could be met within existing resources;
- (3) to approve the inclusion of full year costs in 2023/24 base budget; and
- (4) to request a further report to review the sustainable rate from August 2023 once the funding allocation from Scottish Government was confirmed.

**Councillor McGinley left the meeting during consideration of the above report.**

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

Following advice from the Head of Legal and Regulatory Services, Councillor Hunter, seconded by Councillor Ferry, moved that the above report remain confidential until such times as agreement had been reached with the providers.

**Decided:** to authorise the disclosure under Standing Order 32.4 of the following report once agreement had been reached with the providers:-

- Early Learning and Childcare Funding Provider Rates

**25. Closing Remarks.**

The Provost thanked all in attendance for their contribution and wished everyone a Happy Christmas.

The meeting ended at 4.00 p.m.