

CABINET

Minutes of a hybrid webcast meeting on 15 February 2023 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.

Attending
in County

Hall: 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. Reid, Assistant Director – Strategic Change; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; T. Burns, Service Lead – Asset Management and Community Asset Transfer; K. Briggs, Service Lead – Legal and Licensing; K. Anderson, Service Lead – Policy, Performance and Community Planning; T. Leijser, Service Lead - Economy and Regeneration; D. Yuille, Service Lead – Special Property Projects; P. Bradley, Service Lead - Professional Design Services; L. Kerr, Service Lead - Destination South Ayrshire, Culture and Sport; R. Kingisepp, Capital Planning Coordinator; C. Buchanan, Committee Services Officer; C. Griffiths, Committee Services Assistant and E. Moore, Committee Services Assistant.

Attending

Remotely: T. Eltringham, Director of Health and Social Care and K. Braidwood, Head of Roads (Ayrshire Roads Alliance).

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.

1. Declarations of Interest.

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

2. Minutes of previous meeting.

The minutes of 17 January 2023 ([issued](#)) were submitted and approved.

3. Decision Log.

Following discussion, the Cabinet

Decided:

- (1) to note the overdue items in the Log ([issued](#)); and to note that in relation to the entry for the "New Lease for Craigie Caravan Park, Ayr" the new lease agreement had not yet been concluded however the Service Lead (Asset Transfer and Community Asset Transfer) advised that he aimed to have the new lease agreement concluded by 31 March 2023.

- (2) to approve the actions listed with revised due dates ([issued](#)); and
- (3) to note the recently completed actions ([issued](#)) and that in relation to the entry for the “Proposed Land Purchase at Liberator Drive, Heathfield, Ayr” this action had been concluded as the Council had withdrawn from the acquisition and the landowner had been notified.

Buildings, Housing and Environment/ Sport and Leisure/ Education.

4. Maybole Community Campus Update.

There was submitted a report ([issued](#)) of 8 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the Maybole Community Campus Project Outlining the options for a 2nd sports pitch proposed and the associated cost implications of each option; and
- (2) seeking instruction on how Officers should proceed with the 2nd all-weather pitch.

After receiving a question from a Member around the planning conditions in respect of the pitches, the Service Lead - Special Property Projects outlined that the project received planning consent with the condition that two sports pitches were provided although there was no stipulation on the type of pitch.

A further question was asked by a Member in relation to funding the additional spend for the Maybole Community campus; The Head of Finance, ICT and Procurement said that in his opinion, the use of slippage from other capital projects would be the preferred option for the Council.

The Cabinet

Decided:

- (a) to note the progress of the Maybole Community Campus; and
- (b) to request officers to proceed with option 3 – Football Pitch, as outlined at Paragraph 4.2 in the report with funding from slippage within the Capital Programme.

Buildings, Housing and Environment

5. Former Hourstons Site.

There was submitted a report ([issued](#)) of 8 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for the plan to implement a feasibility study to look at options for a future use of the former Hourstons site.

Following a question from a member relating to the timescale for the results of the Feasibility Study to be presented at Cabinet, the Depute Chief Executive and Director of Housing, Operations and Development advised that he would liaise with the Service Lead - Professional Design Services and advise Members accordingly.

Having noted the removal of the sentence in Paragraph 4.1 “To facilitate the feasibility study, there is a requirement to appoint a design team to undertake the required roles and it is proposed that an Invitation for Strategic Support Services is submitted to HubSW to provide these services.” which had been included in error, the Cabinet

Decided: to agree

- (1) that the Service Lead - Professional Design Services would lead a feasibility study to look at options for a future use of the former Hourstons site;
- (2) the allocation from the residual leisure centre budget in the Capital Programme to fund the professional fees to deliver the study; and
- (3) the Service Lead – Professional Design Services would advise Members when the results of the Feasibility Study would be reported to members

6. Regulation of Investigatory Powers (Scotland) Act 2000 – Inspection of South Ayrshire Council by the Investigatory Powers Commissioner’s Office.

There was submitted a report ([issued](#)) of 6 February 2023 by the Head of Legal and Regulatory Services

- (1) advising of the content of the inspection report by the Investigatory Powers Commissioner’s Office (IPCO) dated 18 November 2022 regarding the Council’s arrangements for the use of covert techniques; and
- (2) seeking endorsement of revisions to the Council’s procedures to address the comments made within that report; and to provide an update on the Council’s use of Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA).

Having heard the support for this report by a number of Members, the Cabinet

Decided:

- (a) to note the terms of the report from the IPCO dated 18 November 2022 in Appendix 1 of the report;
- (b) to approve the proposed revised Council Procedures for Directed Surveillance and the Use of Covert Human Intelligence Sources (CHIS), as detailed in Appendix 2 of the report; and
- (c) to note the level and type of covert activity which had been authorised since the previous inspection, as detailed in Appendix 3 of the report.

Economic Development.

7. Motorhome Parking Scheme 2022 Outcome Report.

There was submitted a report ([issued](#)) of 6 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing details of the outcome of the trial scheme for motorhome parking undertaken in 2022 and an update on progress towards making the arrangements permanent at the Ayr and Girvan sites; and
- (2) seeking approval for the recommendations in relation to future scheme development.

Following a question from a Cabinet Member, the Head of Roads advised that he would identify all potential trial sites in Troon and proposed to report these findings to Cabinet at the meeting scheduled to take place on 14 March 2023.

A Cabinet Member requested that a further trial be implemented in Ballantrae Car Park as the local economy and tourism in the area had benefited from the scheme. The Head of Roads agreed to implement a further trial during the summer months in 2023 but advised that he did not anticipate a significant income to be generated by the scheme.

The Cabinet

Decided:

- (a) to note the progress towards the introduction of a Traffic Regulation Order (TRO) for permanent facilities at Esplanade Car Park, Ayr and the Knockcushan Street Car Park, Girvan;
- (b) to note the Head of Roads' intention to submit a Repairs and Renewal bid to enable the installation of permanent facilities including a barrier control system at the Esplanade Car Park, Ayr, pending the successful promotion of the aforesaid TRO;
- (c) to approve the inclusion of The Battery, Ayr in the 2023 trial scheme;
- (d) to note the feedback from the 2022 trial and approve the inclusion of the North Shore Car Park, Troon in the 2023 trial scheme with a reduction from ten to five motorhome bays;
- (e) to approve the removal of the Links Road, Prestwick and Foreland Car Parks from the 2023 trial scheme;
- (f) to implement a further trial in Ballantrae Car Park;
- (g) to note that the Head of Roads would report back to Cabinet, the findings and recommendations of the 2023 further trial scheme; and
- (h) to request that Ayrshire Roads Alliance identify all potential sites in Troon and report findings to Cabinet on 14 March 2023.

8. **Strategic Transport Projects Review (STPR2) Publication.**

There was submitted a report ([issued](#)) of 6 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on Transport Scotland's second Strategic Transport Projects Review (STPR2) publication.

Members expressed their disappointment around the Strategic Review particularly in relation to the proposal to the Scottish Government to re-develop Ayr Railway Station and the removal of link road developments (A70/A71) from the Scope. The Head of Roads outlined that, the delivery programme once available from the Scottish Government, would provide further information on the potential decarbonisation of the Railway Station

There was concern expressed by Members in relation to the reduction of public transport provision in Ayrshire.

The Cabinet

Decided:

- (1) to note the publication of the Strategic Transport Projects Review; and
- (2) to agree that the Head of Roads would provide regular updates on the delivery programme by Transport Scotland.

9. **Variation in Order of Business.**

In terms of Council Standing Order No. 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

Tourism, Culture and Rural Affairs/ Sport and Leisure.

10. **Review of Financial Support to The Quay Zone.**

There was submitted a report ([issued](#)) of 6 February 2023 by Director of Strategic Change and Communities seeking approval to continue to provide an annual contribution of £200,000 to The Quay Zone until the next review period in five years.

The Cabinet

Decided:

- (1) to note the review that was carried out in relation to the financial support provided to The Quay Zone and that a performance report and audited accounts were detailed in Appendix 1 of the report; and
- (2) to agree to continue to provide an annual contribution of £200,000 to the Quay Zone until the next review in five years' time.

Health and Social Care.

11. Definition of Islamophobia.

There was submitted a report ([issued](#)) of 6 February 2023 by the Director of Strategic Change and Communities seeking approval for this Council to adopt the All-Party Parliamentary Group (APPG) definition of Islamophobia.

The Cabinet

Decided: to continue consideration of this item to a future meeting of the Cabinet.

12. South Ayrshire Council Gaelic Language Plan (GLP) Annual Monitoring Report to Bord na Gaidhlig 2021-2022.

There was submitted a report ([issued](#)) of 2 February 2023 by the Director of Strategic Change and Communities seeking approval of South Ayrshire Council's Gaelic Language Plan (2020-25) annual progress report for 2021/22.

The Cabinet

Decided: to approve the annual progress report on the South Ayrshire Council Gaelic Language Plan for onward submission to Bòrd na Gàidhlig.

Finance, Human Resources and ICT.

13. Budget Management – Revenue Budgetary Control 2022/23 – Position at 31 December 2022.

There was submitted a report ([issued](#)) of 8 February 2023 by Head of Finance, ICT and Procurement presenting a financial overview of the General Services revenue account, Housing Revenue Account and Common Good Accounts for 2022/23 as at 31 December 2022.

The Cabinet

Decided:

- (1) to note the revised Directorate budgets following the budget movements, as outlined in 3.3 and 3.4 of the report and to note that the impact of Covid-19 has been included in the projections;
- (2) to note the projected in year under-spend of £3.310m. after earmarking;
- (3) to approve the budget transfers as outlined in the Directorate financial performance reports as detailed at Appendix 1 and summarised in 4.1.8 of the report;
- (4) to approve the new period 6 requested earmarking of resources to be carried forward to 2023/24, as summarised in 4.1.9 of the report;
- (5) to note the revised projected accumulated surplus position of £11.868m., as stated in paragraph 4.2.2 of the report;

- (6) to approve the request to create an inflation reserve of £2.500m., as described in 4.2.3 of the report, to be met from the increased projected accumulated surplus, aimed in mitigating the risk surrounding the temporary excessive inflationary environment during 2023/24; and
- (7) to approve the requested HRA surplus commitments, as outlined in 4.3.2 of the report.

14. General Services Capital Programme 2022/23: Monitoring Report as at 31 December 2022.

There was submitted a report ([issued](#)) of 2 February 2023 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 31 December 2022 (Period 9); and
- (2) Seeking agreement to revise the budgets in 2022/23, 2023/24 and 2024/25.

The Cabinet

Decided:

- (a) to note the progress made on the delivery of the General Services Capital Programme to 31 December 2022, resulting in spend of £68,152,055 or 68.39%, 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 £92,403,602, 2023/24 at £104,529,263 and 2024/25 at £88,897,447 as highlighted in Appendix 2 of the report.

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

15. Housing Capital Programme 2022/23: Monitoring Report as at 31 December 2022.

There was submitted a report ([issued](#)) of 6 February 2023 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 31 December 2022 (Period 9), and
- (2) seeking agreement to revise the 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 31 December 2022, resulting in spend of £16,734,054 or 46.16%, as detailed in Appendix 1 of the report;

- (b) to approve the adjustments contained in Appendix 2 of the report; and
- (c) to approve the revised budget for 2022/23 at £27,519,708 and 2023/24 at £75,739,461, as highlighted in Appendix 2 of the report.

Economic Development.

16. Business Support – Changes to Ambition Programme.

There was submitted a report ([issued](#)) of 9 February 2023 by the Director of Strategic Change and Communities

- (1) seeking approval to make changes to the operations of the ERDF Ambition business support programme delivered by the Economy and Regeneration Service; and
- (2) advising that the changes would maximise ERDF draw down of available funding and enhance support to South Ayrshire companies.

The Cabinet

Decided:

- (a) to approve the proposal, as set out in paragraph 4 of the report, to maximise draw down for the ERDF programme as follows:
 - increase the grant cap from £10,000 to £50,000; and
 - allow 100% intervention rates for qualifying costs;
- (b) to approve the increase in grant level for the Ambition to Start programme from £1,000 to up to a maximum of £5,000; and
- (c) to request that a performance update be provided to the Service and Performance Panel of 22 August 2023.

17. Exclusion of press and public.

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

Buildings, Housing and Environment.

18. Sale of the Former Grammar Primary School, Midton Road, Ayr.

There was submitted a report (Members only) of 8 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to sell the former Grammar Primary School in Midton Road, Ayr.

The Cabinet

Decided: to grant authority to Head of Legal and Regulatory Services to conclude the sale of the former Grammar Primary School in Midton Road, Ayr, as detailed in Appendix 1 of the report on the terms offered by the third Bidder identified in Paragraph 2.1 of the Addendum (confidential) to this report and on terms to be agreed to the satisfaction of the Service Lead- Asset Management and Community Asset Transfer and the Head of Legal and Regulatory Services.

Corporate and Strategic/ Buildings, Housing and Environment.

19. Service Review of Policy, Performance and Community Planning.

There was submitted a report (Members only) of 9 February 2023 by the Director of Strategic Change and Communities seeking approval for the proposed new structure within the Policy, Performance and Community Planning service.

Having considered the proposals outlined within the report, the Cabinet

Decided:

- (1) to approve the proposed Policy, Performance and Community Planning employee structure, as set out in Appendix 1 of the report; and
- (2) to note that, following the recent Chief Officer restructure, the Housing Policy and Strategy team would transfer to the Housing, Operations and Development Directorate.

Corporate and Strategic/ Economic Development/ Finance, Human Resources and ICT.

20. Ayrshire Growth Deal Update.

There was submitted a joint report (Members only) of 9 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development and Director of Strategic Change and Communities seeking approval for next steps with Ayrshire Growth Deal projects.

The Cabinet

Decided:

- (1) to note the current status of projects within the Ayrshire Growth Deal, as detailed in Appendix 1 of the report and spend to date;
- (2) to note the proposed phasing and work programme for Commercial Build projects B-J in Appendix 3 of the report and to request that officers review the capital programme following any amendments to the AGD financial profiling;
- (3) to note the updated land acquisition requirements for each of the Ayrshire Growth Deal projects as detailed in Appendix 4i and 4ii of the report and approve the appointment of specialist land agents to take forward negotiations with landowners with reports brought forward to Cabinet as required;

- (4) to note the financial risks for the Council, as outlined in section 6 of the report, until remaining Ayrshire Growth Deal full business cases were approved; and
- (5) to request that further updates be provided to the Cabinet every six months or earlier, if required.

21. Consideration of Disclosure of the above confidential reports.

Decided:

- (1) not to authorise the disclosure under Standing Order 32.4 of part of the following report until the sale was completed: -
 - Sale of the Former Grammar Primary School, Midton Road, Ayr.
- (2) to authorise, subject to redactions required for GDPR, the disclosure under Standing Order 32.4 of part of the following report:-
 - Service Review of Policy, Performance and Community Planning.
- (3) not to authorise the disclosure under Standing Order 32.4 of the whole or part of the following report: -
 - Ayrshire Growth Deal Update.

The meeting ended at 12:33 p.m.