

## **CABINET (SPECIAL)**

Minutes of a hybrid webcast meeting on 29 March 2023 at 2:00 p.m.

Present  
in County

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

Present

Remotely: Councillor Stephen Ferry.

Also

Present

In County

Hall: Councillor Peter Henderson, attending as Chair of the Audit and Governance Panel.

Attending  
in County

Hall: E. Howat, Chief Executive; C. Caves, Head of Legal and Regulatory Services; C. Buchanan, Committee Services Officer and C. McCallum, Committee Services Assistant.

Attending

Remotely: T. Baulk, Head of Finance, ICT and Procurement.

### **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. 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 8 of Part 1 of Schedule 7A of the Act.

# CI

## Buildings, Housing and Environment.

### 3. Call-in for the Arran Mall Update.

Reference was made to the Minutes of the Audit and Governance Panel of 22 March 2023 (Page 2, paragraph 2) when that Panel had considered the terms of a call-in from the Minutes of the Cabinet of 14 March 2023 (Page 4, paragraph 11) in relation to concerns over delegation of decision-making following negotiation, given the scale of the issue and potential cost to the public purse and the risks to the Council depending on the direction negotiations of the site of the Arran Mall.

It was noted that the Audit and Governance Panel had agreed, following discussion and review, to refer the matter back to Cabinet requesting that recommendation 2.1.3 of the report be amended requesting officers to seek to negotiate in terms of Option 3 and report back to Cabinet on 25 April 2023 on the terms of any renegotiation, failing which the purchase should be concluded immediately on the basis of the terms outlined in Option 1.

The Cabinet heard from the Chair of the Audit and Governance Panel in relation to the decision of that Panel; the Head of Legal and Regulatory Services in relation to the competency of the call-in; and the Chief Executive advised that she would be writing to all Members requesting that future call-in forms specified which Members and Officers were to be requested to attend the Audit and Governance Panel to respond to questions.

Discussion then took place regarding comments made at Audit and Governance Panel on 22 March 2023 that no Member of Cabinet was present to speak on the decision of Cabinet of 14 March 2023; and Cllr Dowey advised that he had been in attendance remotely at that Panel and had been available to speak to the decision.

The Cabinet,

**Decided:** to confirm the decision taken at the Audit and Governance Panel of 22 March 2023, namely, to agree that existing recommendation 2.1.3 in the report to this Cabinet of 14 March 2023 entitled "Arran Mall Update" be substituted with:-

"2.1.3 to agree that officers are granted authority to seek a response from the sellers in relation to option 3 with a report in relation to option 3 to Cabinet on 25 April 2023 if they are willing to negotiate and, failing which, officers will conclude the Agreement in terms of Option 1 immediately."

### 4. Consideration of Disclosure of the above confidential report.

The Cabinet

**Decided:** not to authorise the disclosure under Standing Order 32.4 of the report entitled "Arran Mall update" as further negotiations are proposed to take place with the Sellers.

The meeting ended at 3:12 p.m.