

## **CABINET**

Minutes of a hybrid webcast meeting on 25 April 2023 at 10.00 a.m.

Present  
in County

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

Apology: Councillor Lee Lyons.

Attending  
in County

Hall: E. Howat, Chief Executive; M. Newall, Depute Chief Executive and Director of Housing, Operations and Development; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; C. Cox, Assistant Director – Housing, Operations and Development; L Reid, Assistant Director – Strategic Change; K. Briggs, Service Lead – Legal and Licensing; K. Anderson, Service Lead – Policy, Performance and Community Planning; T. Burns, Service Lead – Asset Management and Community Asset Transfer; K. Braidwood, Head of Roads (Ayrshire Roads Alliance); C. McMenamin, Co-ordinator – Legal and Licensing; P. White, Partnership Facilitator; L. May, Headteacher – St. Patrick’s Primary School; G. Ferguson, Quality Improvement Manager – Education; C. Buchanan, Committee Services Officer; C. Griffiths, Committee Services Assistant and E. Moore, Committee Services Assistant.

Also  
present  
in County

Hall: E. Terras and C. McKenzie (in attendance for items 4 and 5 only)

### **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 meetings.**

The minutes of 14 March 2023 (issued) and special meeting of 29 March 2023 (issued) were submitted and approved.

### 3. **Decision Log.**

Following discussion, the Cabinet

**Decided:**

- (1) to approve the overdue actions (issued);
- (2) to approve the actions listed with revised due dates (issued); and
- (3) to note the recently completed actions (issued).

### **Education.**

#### 4. **Inspection of Girvan Primary School: Education Scotland Report**

There was submitted a report (issued) of 14 April 2023 by the Director of Education to inform Cabinet of the Education Scotland Report on Girvan Primary School.

Having considered the contents of the report, the Cabinet;

**Decided:** to agree that the main points for action will be addressed by the Headteacher and Quality Improvement Manager.

#### 5. **Inspection of St Patrick's Primary School, Troon: Education Scotland Report**

There was submitted a report (issued) of 14 April 2023 by the Director of Education to inform Cabinet of the Education Scotland Report on St Patrick's Primary School, Troon.

A question was raised by an Education Representative in relation to parental involvement in School Inspections. The Quality Improvement Manager highlighted that parents were involved heavily in the School Inspection process and advised that parents had been included in several focus groups related to the Inspection and had been issued with questionnaires prior to the Inspection team commencing the Inspection.

Having considered the contents of the report, the Cabinet;

**Decided:** to agree the main points for action to be addressed by the Headteacher and Assistant Director – Education.

**The Chair thanked the Education Representatives for attending the meeting and their contributions given this would be their last meeting and both E. Terras and C. McKenzie left the meeting at this point.**

### **Economic Development.**

#### 6. **Ayrshire Flood Management Plan Cycle 2.**

There was submitted a report (issued) of 14 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development advising of the publication of the Ayrshire Local Flood Risk Management Plans.

Questions were asked by Members in relation to:-

- (1) the timescale for funding to be made available to the Council by the Scottish Government. The Head of Roads (Ayrshire Roads Alliance) stated that the Scottish Government were currently prioritising the funding process however, he explained that an 80% contribution of funding was still expected to be provided by the Scottish Government to the Council; and
- (2) what the priority locations were in relation to the flood management plan and whether certain communities within South Ayrshire would receive a consultation. The Head of Roads (Ayrshire Roads Alliance) responded that the location priorities would be determined by the Scottish Government and if required, a consultation would be conducted with specified communities.

Having considered the contents of the report, the Cabinet

**Decided:**

- (a) to approve the publication of the published format of the Plans and that the actions contained within the report were approved in Cabinet report dated 27 April 2021; and
- (b) to acknowledge the potential financial and HR implications of preparing and delivering on the Local Flood Risk Management Plans.

**7. Electric Vehicle Charging Infrastructure Investment in Ayrshire.**

There was submitted a report (issued) of 14 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on the findings from the Ayrshire Public Electric Vehicle Charging Business Case and the proposed next steps.

A question was raised by a Member of Cabinet in relation to the current free Electric Vehicle Charging Stations and the approximate annual cost to Ayrshire Roads Alliance to date. The Head of Roads (Ayrshire Roads Alliance) advised that the cost had been £260,000 this fiscal year for South Ayrshire Council.

Having noted that within Appendix 1, paragraph 1.1 of the report 'Further Background Information', the target date to achieve net zero carbon emissions by 2024 should be replaced to read '2034', the Cabinet

**Decided:**

- (1) to acknowledge the findings from the Ayrshire Public Electric Vehicle Charging Business Case including the identification of a new concession contract as the preferred delivery mechanism for expansion of the public vehicle charging network;
- (2) to agree that the Head of Roads - Ayrshire Roads Alliance (EAC/ SAC) will develop and enter into an Inter Authority Agreement with North Ayrshire to govern the specification, procurement, implementation, and operation of the proposed concession contract; and
- (3) to agree the proposal that officers provide a further update report on completion of the above recommendation, prior to the procurement of the proposed concession contract.

## 8. **Road Improvement Plan 2023-2024.**

There was submitted a report (issued) of 14 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval for the 2023/24 Road Improvement Plan for carriageway, footways, street lighting and other related infrastructure improvements.

A question was raised by a Cabinet member in relation to whether a percentage of funding could be ringfenced going forward, to allow additional investment to residential roads. The Head of Roads (Ayrshire Roads Alliance) agreed that this could be investigated as part of the improved scoring process looking at identified areas within Wards particularly in relation to urban streets.

The Cabinet

### **Decided:**

- (1) to agree the Road Improvement Plan for 2023/2024, as contained within Appendix 1 of the report; and
- (2) to approve the Carriageway and Footway Programme for 2023/2024 as outlined in Appendix 1 of the report.

## **Corporate and Strategic.**

### 9. **Strategic Risk Management.**

There was submitted a report (issued) of 14 April 2023 by the Head of Legal and Regulatory Services providing an update on the reviewed Strategic Risk Register (Appendix 1) in line with the agreed reporting framework.

Questions were raised by members in relation to;

- (1) an update in relation to Appendix 1 of the Report, page 9 entitled "Public and Employee Protection", given the risks associated with the deferral of the Scottish Fire and Rescue Service Action Plan to July 2023, particularly in relation to automated fire alarm systems. The Service Lead (Risk and Safety) stated that the Scottish Fire and Rescue Service had produced several guidance documents outlining how to manage the issue of automated fire alarm systems not automatically initiating a response. She also explained that internally training had been developed for duty holders and that guidance had been re-examined for all Council Staff and Duty Holders within properties. Alternative hardware options are being investigated for out of hours services that will trigger a confirmed fire issue to the Scottish Fire and Rescue Service.
- (2) in relation to community alarms, whether vulnerable people within South Ayrshire would be affected by the changes to fire alarm systems. The Service Lead (Risk and Safety) assured Members that all residential properties are exempt from the new protocol.

A Member of the Cabinet commended the work of the Risk and Safety Team in relation to Appendix 1 of the Report, page 12 entitled "Ash Tree Dieback".

The Cabinet

### **Decided:**

- (a) to agree the reviewed Strategic Risk Register, as outlined at Appendix 1 of the report updated by Chief Officers; and
- (b) to acknowledge the 15 key risks and endorse the work currently being undertaken and proposed by risk owners to mitigate these risks.

**Corporate and Strategic/ Financial, HR and ICT/ Buildings Housing and Environment.**

**10. Ward Capital Projects.**

There was submitted a report (issued) of 14 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking agreement on the approval process and governance arrangements associated with capital projects that support Place Plans and Community Led projects in each Ward; for Ayr Town Centre projects; for Girvan town centre regeneration projects and for the promenade and shorefront enhancements.

The Cabinet

**Decided:**

- (1) to agree the approval process and governance arrangements as set out in Section 4 of the report; and
- (2) to approve the request that officers present a detailed programme of works to the Council meeting on 29 June 2023 confirming the Ward Capital Projects agreed and when they would be undertaken.

**Corporate and Strategic/ Buildings Housing and Environment.**

**11. Approvals Under Delegated Authority during a Period of Recess.**

There was submitted a report (issued) of 14 April 2023 by the Head of Legal and Regulatory Services advising of matters determined under delegated authority during recess.

Having considered the contents of the report, the Cabinet

**Decided:**

- (1) to agree the report; and
- (2) approve the matters determined under delegated authority during recess.

**Corporate and Strategic/Finance, HR and ICT.**

**12. Review of the Byelaws Prohibiting the consumption of Alcohol in Designated Public Places.**

There was submitted a report (issued) of 14 April 2023 by the Head of Legal and Regulatory Services advising of the statutory requirement to review the South Ayrshire Council Byelaws which prohibited the consumption of alcohol in designated public places and request them to authorise such a review.

The Cabinet

**Decided:**

- (1) to agree the proposal to review of the South Ayrshire Council Byelaws; and
- (2) to request that following the review, a report was presented to Council on 12 October 2023 seeking authority, as necessary.

## **C**

### **Finance, HR and ICT.**

#### **13. Code of Conduct for Employees - Conflict of Interest Policy.**

There was submitted a report (issued) of 14 April 2023 by the Head of Legal and Regulatory Services seeking approval for the revised Code of Conduct for Employees.

The Cabinet

**Decided:** to approve the revised Code of Conduct for Employees, as detailed in Appendix 1 of the report.

### **Corporate and Strategic / Health and Social Care.**

#### **14. Age Friendly Communities**

There was submitted a report (issued) of 14 April 2023 by the Director of Health and Social Care advising of the process to become a member of the Age-Friendly Communities Network.

Members expressed their delight surrounding the aspirations by the Health and Social Care Partnership and gave their full support to this initiative.

The Cabinet

**Decided:**

- (1) to approve the completion of the application process to become part of the network of Age-Friendly Communities; and
- (2) to agree that monitoring took place via the South Ayrshire Community Planning Partnership.

#### **15. 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 paragraph 9 of Part 1 of Schedule 7A of the Act.

## **Economic Development.**

### **16. Regeneration Build B–J Programme.**

There was submitted a report (Members only) of 18 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development

- (1) providing an update on the Regeneration Build B-J Programme; and
- (2) seeking approval to request HubSW to appoint a Design Team to provide Strategic Support Services for the recommended priority projects.

The Cabinet

**Decided:** to request HubSW via Strategic Support Services to conduct the appointment of a Design Team to undertake a preliminary design/costing exercise for three priority projects identified as part of the Regeneration Build Programme in and around Prestwick Airport. the appointment of a Design Team to undertake a preliminary design/costing exercise for three priority projects identified as part of the Regeneration Build Programme in and around Prestwick Airport.

## **Buildings, Housing and Environment/ Tourism, Culture and Rural Affairs.**

### **17. Sale of Girvan Bandstand, Stair Park, Henrietta Street, Girvan.**

There was submitted a report (Members only) of 18 April 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to declare the property known as Girvan Bandstand, Stair Park, Henrietta Street, Girvan, as detailed in Appendix 1 of the report, surplus to requirements and proceed with a proposal to dispose of the property on the basis of the terms and conditions contained in the Addendum (confidential) to this report.

The Cabinet

**Decided:**

- (1) to grant approval to proceed with the proposed disposal of the property known as the Girvan Bandstand, Stair Park, Henrietta Street, Girvan as at Appendix 1 of the report on the terms offered by Company A and on the basis of the terms and conditions contained within the Addendum (Confidential) to this report;
- (2) to authorise the Service Lead - Asset Management and Community Asset Transfer to carry out a Common Good consultation under the Community Empowerment (Scotland) Act 2015 Section 104 on the proposed sale of Girvan Bandstand on the basis of the terms offered by the recommended party and on the terms and conditions contained within the Addendum (Confidential) to this report, and bring the representations received in response back to Cabinet;
- (3) to note that, a further report will be brought to Cabinet detailing the representations received in response to the Consultation in order that the Council may have regard to these in deciding whether to proceed with the proposed sale; and
- (4) to acknowledge that, as the property was inalienable Common Good, if, subsequent to a further report being brought to Cabinet, should Members decide to proceed with

the proposed sale of Girvan Bandstand, authority from the Sheriff Court will be required to enable the sale to proceed.

**18. Consideration of Disclosure of the above confidential reports.**

**Decided:**

- (1) not to authorise the disclosure under Standing Order 32.4 of the following report until the procurement process has been completed:-
  - Regeneration Build B–J Programme.
- (2) not to authorise the disclosure under Standing Order 32.4 of the following report until the sale is concluded by the Council.
  - Sale of Girvan Bandstand, Stair Park, Henrietta Street, Girvan.

The meeting ended at 12.04 p.m.