

CABINET

Minutes of a hybrid webcast meeting on 14 February 2024 at 10.00 a.m.

Present

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

Present

Remotely: Councillor Stephen Ferry.

Attending

in County

Hall: M. Newall, Chief Executive; L. McRoberts, Depute Chief Executive and Director of Education; J. Bradley, Director of Strategic Change and Communities; C. Caves, Head of Legal and Regulatory Services; T. Baulk, Head of Finance, ICT and Procurement; C. Cox, Assistant Director – Planning and Development; L. Reid, Assistant Director – Strategic Change, G. Hunter, Assistant Director – Communities; K. Braidwood, Head of Roads, Ayrshire Roads Alliance; P. Bradley, Service Lead – Professional Design Services; T. Burns, Service Lead – Asset Management and Community Asset Transfer; N. Gemmell, Service Lead – Revenues and Benefits; D. Yuille, Service Lead – Special Property Projects; J. Tait – Service Lead – Thriving Communities; M. Greaves, Co-ordinator (Economy and Regeneration - Local Places); S. Yeardley, Special Projects Co-ordinator (Ayrshire Growth Deal); A. Gibson, Committee Services Officer; and E. Moore, Committee Services Assistant.

Also Attending

Remotely: N. Francis and R. Stevenson, Scottish Enterprise.

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.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, it was noted that Councillor Ferry would declare an interest in the item entitled "Potential Purchase of X" and leave the meeting during consideration of this matter due to a conflict of interest with his employer.

2. Minutes of previous meeting.

The minutes of 16 January 2024 ([issued](#)) were submitted and approved.

3. Decision Log.

Following discussion and having noted that officers would provide a written update to Members on two of the entries in the Log, the Cabinet

Decided:

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

Education

4. Community Learning and Development Plan 2024-27.

There was submitted a report ([issued](#)) of 1 February 2024 by the Director of Strategic Change and Communities seeking approval for officers to consult on a new Community Learning and Development (CLD) Plan 2024-2027 and providing an update on progress from the CLD Plan 2021-2024.

Following discussion regarding timescales, the Cabinet

Decided:

- (1) to approve consultation for the CLD Plan 2024-2027 to commence and for officers to provide a report to Cabinet in September 2024 detailing the new plan; and
- (2) to note the progress and performance of the CLD Partnership and CLD Plan during 2021-2024.

Economic Development

5. Electric Vehicle Charging Tariff.

There was submitted a report ([issued](#)) of 1 February 2024 by Head of Roads, Ayrshire Roads Alliance

- (1) seeking approval to implement South Ayrshire Council's electric vehicle (EV) charge point tariff, minimise spend and overstay charge across our charge network; and
- (2) advising that this move responded to recent increases in energy.

Following discussion regarding superfast chargers, the involvement of the private sector, overnight parking and overstay charging, the Cabinet

Decided:

- (a) to approve the implementation of an EV charging tariff from 1 April 2024 to be set at;
 - Fast / AC (7kW): £0.31 per kWh;
 - Fast /AC (22kW):£0.37 per kWh; and
 - Rapid / DC (50kW): £0.37 per kWh;
- (b) to approve an overstay charge for rapid charges of:
 - Fast /AC - £30 after 5 hours with a 10 min grace period; and
 - Rapid /DC - £30 after the first hour with a 10 min grace period;
- (c) to approve a minimum of £5; and
- (d) to delegate authority to the Head of Ayrshire Roads Alliance to modify charging tariffs to address fluctuating energy prices and to ensure the Council remained at a cost neutral position.

6. Accessible Ayr Update.

There was submitted a report ([issued](#)) of 1 February 2024 by the Director of Strategic Change and Communities

- (1) providing an update on the progress on the Accessible Ayr project as per approval of June 2023; and
- (2) seeking approval on the preferred project design, enabling officers to complete Stage 4 detailed design.

Following discussion on matters including feedback and consultation, the Cabinet

Decided:

- (a) to agree support for the approaches and recommendations noted within the report; and
- (b) to approve the preferred project design outlined in the report, which would be subject to further consultation.

Corporate and Strategic/Economic Development.

7. Ayrshire Growth Deal – Programme Review.

There was submitted a report ([issued](#)) of 5 February 2024 by the Director of Strategic Change and Communities providing an update on the Ayrshire Growth Deal (AGD), Space and Aerospace projects and the AGD regional programme review.

The Cabinet

Decided:

- (1) to note the current status of projects within the Ayrshire Growth Deal Space and Aerospace programme as submitted to the Ayrshire Economic Joint Committee (AEJC) at Appendix 1 and as detailed in section 3 of the report;
- (2) to note the scope and remit of the AGD regional programme review and timetable as agreed with Scottish and UK Governments as detailed at 3.2, 3.3 and 3.4 of the report;
- (3) to agree that approximately £4m. from the de-scoped Subsea Cable Infrastructure and Infill projects are proposed allocated to the ASTAC project to enable its delivery (subject to further approvals by the AEJC);
- (4) to agree that following any decision by the AEJC to de-scope projects or re-prioritise spend across the AGD programme, that the SAC AGD Steering Group, chaired by the Chief Executive, develop alternative proposals for utilising any available funds; and
- (5) to note that further updates would be brought forward to Cabinet as necessary and every six months or earlier if required.

Health and Social Care.

8. South Ayrshire Council Gaelic Language Plan (GLP) Annual Monitoring Report to Bòrd na Gàidhlig 2022-2023.

There was submitted a report ([issued](#)) of 1 February 2024 by the Director of Strategic Change and Communities seeking approval of South Ayrshire Council's Gaelic Language Plan (2020-25) annual progress report for 2022/23.

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, HR and ICT.

9. Non-Domestic Rates Empty Property Relief.

There was submitted a report ([issued](#)) of 5 February 2024 by the Head of Finance, ICT and Procurement seeking Members' approval to amend the existing Non -Domestic Rates Empty Property Relief policy.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Cabinet moved to a vote for or against the Motion.

By a majority, the Cabinet

Decided: to approve the Non-Domestic Rates amended Empty Property Relief Policy with effect from 1 April 2024, as detailed in Appendix 1 of the report.

10. General Services Capital Programme 2023/24: Monitoring Report as at 31 December 2023.

There was submitted a report ([issued](#)) of 8 February 2024 by the Assistant Director – Planning and Development 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 2023 (Period 9); and seeking agreement for changes to budgets in 2023/24, 2024/25 and 2025/26.

Following discussion, including the use of local companies, the Cabinet

Decided:

- (1) to note the progress made on the delivery of the General Services Capital Programme to 31 December 2023, resulting in spend of £34,828,753 or 47.30%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments, as contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2023/24 at £61,671,280, and in-year adjustments in 2024/25 and 2025/26 as highlighted in Appendix 2 of the report.

Finance, HR and ICT/Buildings, Housing and Environment.

11. Housing Capital Programme 2023/24.

There was submitted a report ([issued](#)) of 6 February 2024 by the Assistant Director – Planning and Development providing an update on the actual capital expenditure and income, together with progress made on the Housing Capital Programme projects as at 31 December 2023 (Period 9) and seeking agreement for the changes to budgets in 2023/24, 2024/25 and 2025/26.

The Cabinet

Decided:

- (1) to note the progress made on the delivery of the Housing Capital Programme to 31 December 2023, resulting in spend of £29,277,501 or 40.64%, as detailed in Appendix 1 of the report;
- (2) to approve the adjustments, as contained in Appendix 2 of the report; and
- (3) to approve the revised budget for 2023/24 at £46,550,433, and in-year adjustments in 2024/25 and 2025/25 as highlighted in Appendix 2 of the report.

Finance, HR and ICT/Economic Development.

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12. Procurement Strategy Update 2024/25.

There was submitted a report ([issued](#)) of 1 February 2024 by the Head of Finance, ICT and Procurement seeking approval of minor updates to the Council's Procurement Strategy covering 2024 -2025.

The Cabinet

Decided: to approve the updated Procurement Strategy for 2024 – 2025, as detailed in Appendix 1 to the report.

Tourism, Culture and Rural Affairs.

13. Galloway Nomination for New National Park Status

There was submitted a report ([issued](#)) of 8 February 2024 by the Director of Strategic Change and Communities seeking approval to provide support in principle for the proposed nomination developed by the Galloway National Park Association (GNPA) for a new national park in Galloway.

The Cabinet

Decided:

- (1) to support, in principle, the Galloway National Park Association's nomination for a new National Park to be designated which included areas of South Ayrshire, East Ayrshire and Dumfries and Galloway Council areas (the deadline for nominations being 29 February 2024);
- (2) to note that the Scottish Government was still considering the new National Park function including arrangements for governance and operational models and that the finalised framework to support the designation of a New National Park was not available at this time and it would likely be released in line with the closure of the nomination process; and
- (3) to request a further report, if the GNPA nomination was successful, detailing any statutory, regulatory or financial implications which would be laid out by the new framework and the formal consultation undertaken by the Scottish Government Reporting Unit and NatureScot. South Ayrshire Council would retain the right to consider its position in regard to the regulatory and statutory implications of any proposals and that this would be the subject of a future Cabinet paper, following the NatureScot formal consultation and decision to explore further work supporting a new National Park.

At this point, the Cabinet adjourned for ten minutes.

14. 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 4, 8 and 9 of Part 1 of Schedule 7A of the Act.

Economic Development.

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15. Merlin Cinemas Ltd - Support Grant.

There was submitted a report (Members only) of 7 February 2024 by the Director of Strategic Change and Communities seeking approval

- (1) for the provision of grant support to the value of £70,000 to Merlin Cinemas Limited, as a contribution to the external refurbishment of the former Odeon Cinema facility, located at Burns Statue Square, Ayr; and
- (2) to fund this activity from ward capital monies allocated to Ayr.

In terms of Standing Order No. 19.9, there was no general agreement to the unopposed motion, therefore, the Cabinet moved to a vote for or against the Motion.

By a majority, the Cabinet

Decided:

- (a) to approve the provision of grant funds of £70,000 to Merlin Cinemas Limited for the purpose of external improvement works required to the former Odeon Cinema facility;
- (b) to approve that the £70,000 grant proposed was funded from ward capital monies allocated for Ayr;
- (c) to agree that the proposal of £70,000 grant would be subject to the provision of satisfactory written evidence in the form of paid invoices and corresponding bank statements from the recipient Merlin Cinemas Limited, confirming that payment for the required external works had been completed (this would include a further £113,000 that Merlin were investing in repairs to the building); and
- (d) to agree that an appropriate Grant Funding Agreement would be put in place between South Ayrshire Council and the recipient Merlin Cinemas Limited, to protect the Council's position.

Buildings, Housing and Environment.

16. Sale of Former Belleisle Hotel and Lodge House, Ayr.

There was submitted a report (issued) of 6 February 2024 by the Assistant Director – Planning and Development obtaining the Cabinet's approval to re-market the former Belleisle Hotel and to grant authority to accept an offer for the former Lodge House.

The Cabinet

Decided:

- (1) to note that the former Belleisle Hotel and Lodge House, Ayr were advertised for sale as separate units with a closing date in both cases of 18 August 2023, for the reasons detailed within the report;
- (2) to agree that the offers for the sale as one unit of the former Belleisle Hotel and Lodge House, Ayr, be rejected and that the Belleisle Hotel be re-marketed once consideration had been given to the issues on the appropriate boundary line for parking and rights of way in accordance with the recommendations of the Addendum (confidential) to this report;
- (3) to grant authority to officers to conclude missives for the sale of the former Belleisle Lodge House, Ayr, in accordance with the recommendations of the Addendum (confidential) to this report; and
- (4) to agree that the officers provide Members with a Briefing Note that provides further detail of the boundary for the remarketed Belleisle Hotel and responds to the questions raised on the process, criteria and timescales that apply where a building is listed.

Variation in Order of Business.

In terms of Council Standing Order No. 13.3, the Cabinet agreed to vary the order of business, as hereinafter minuted.

17. Sale of 15-17 Sandgate, Ayr.

There was submitted a report (issued) of 7 February 2024 by the Assistant Director – Planning and Development seeking approval to sell the property at 15-17 Sandgate, Ayr on the basis of the terms and conditions contained within the Addendum (confidential) to this report and subject to the outcome of a Common Good consultation.

The Cabinet

Decided:

- (1) to request that a Common Good consultation be carried out in terms of the Community Empowerment (Scotland) Act 2015 Section 104 on the proposed disposal of 15-17 Sandgate, Ayr on the basis of the terms and conditions contained within the Addendum (confidential) to this report and the result of the consultation be reported to the Cabinet;
- (2) to grant authority to conclude the sale of 15-17 Sandgate, Ayr, in accordance with the terms and conditions contained within the Addendum (confidential) to this report, subject to the outcome of the Common Good consultation and to satisfactory compliance with subsidy control requirements, as detailed within the Addendum (confidential) to this report; and
- (3) to agree that officers consider and advise members in a briefing note whether the previous consultation would satisfy the legal requirements.

Corporate and Strategic/Economic Development.

18. AGD Commercial Build Project – Company A.

There was submitted a report (issued) of 8 February 2024 by the Director of Strategic Change and Communities seeking an update on the Ayrshire Growth Deal Commercial Build Project - Company A and approval for next steps.

The Cabinet

Decided:

- (1) to note the update on the Commercial Build Project - Company A provided by the project Delivery Partner, Scottish Enterprise;
- (2) to note the changes to the Full Business Case proposed by Scottish Enterprise; and
- (3) to agree that a further report be brought to Cabinet once the outcome of the private sector fundraising exercise was known at the end of March 2024, with decision making on the project being subject to regional AGD governance arrangements.

19. AGD – Spaceport Project

There was submitted a report (issued) of 12 February 2024 by the Chief Executive providing an update on the Ayrshire Growth Deal Spaceport project and sharing the recent correspondence from Glasgow Prestwick Airport.

The Cabinet

Decided:

- (1) to agree the update on the AGD Spaceport project being presented to the meeting of the Ayrshire Economic Joint Committee on 19 February 2024, as detailed in Annex 1 of the report and its response to proposals by Glasgow Prestwick Airport (GPA) of 24 January 2024;
- (2) to note that the Council must be reasonably satisfied that there was a feasible operating model and that the benefits of the project must justify the risks and costs and represent Best Value;
- (3) to agree that the Council does not support the continued spend of public money on the development of the project given the inability of all interested parties to address the significant risks and issues, as highlighted in Annex 1 pages 13 and 14 of the proposed AEJC report, and in particular the failure to identify funding to meet the significant shortfall for the increased costs required to complete the project; and
- (4) to agree that as Lead Authority for the Ayrshire Growth Deal Spaceport project, the Council could not support the additional proposed spend to establish the viability of the project and that officers request the Ayrshire Economic Joint Committee consider the re-apportioning of AGD funds allocated to the Spaceport project.

Councillor Ferry, having previously declared an interest, left the meeting at this point.

20. Potential Purchase of X.

There was submitted a report (issued) of 8 February 2024 by the Assistant Director – Planning and Development seeking approval for officers to undertake work to explore the potential for the Council to acquire X.

The Cabinet

Decided:

- (1) to note that Property X was identified as a potential redevelopment site in the Draft Ayr Town Centre Framework;
- (2) to note the steps officers required to take to comply with the Acquisition and Disposals Policy and to identify the purpose and associated powers to acquire Property X;
- (3) to authorise officers to identify potential uses for a redeveloped Property X and to prepare a Masterplan for those uses taking into account the work set out in the report (the draft Masterplan would be brought back to Council on 27 June 2024);
- (4) to note that the approved Masterplan would enable a business case to be developed to acquire Property X, but work would progress on potential outline business cases(s) in parallel with the preparation of a Masterplan; and
- (5) to agree that an update report on the progress with the work identified in recommendation 3 be presented to Cabinet at its meeting in April 2024.

21. Consideration of Disclosure of the above confidential reports.

Decided: to agree that under Standing Order 32.4

- (1) not to authorise the disclosure of the following report until
 - Legal documentation is concluded for the grant to Merlin Cinemas Ltd of the Support Grant.
- (2) not to authorise the disclosure of the following report until
 - Legal documentation is concluded for the Sale of Former Belleisle Hotel and Lodge House, Ayr.
- (3) not to authorise the disclosure of the following report until
 - the Masterplan or a decision in relation to the purchase is taken by members whichever is the earlier.
- (4) not to authorise the disclosure of the following report until
 - Legal documentation is concluded for the Sale of 15-17 Sandgate, Ayr.

(5) not to authorise the disclosure of the following report until

- A decision is taken by the Joint Committee at the AGD in relation to the recommendations in the report to the Commercial Build Project – Company A and a report is taken back to members.

(6) not to authorise the disclosure of the following report until

- A decision is taken in accordance in relation to the recommendations in the report by the AGD in relation to the Spaceport Project and a report is taken back to members.

The meeting ended at 1.15 p.m.

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