

South Ayrshire Council

Report by Director of Communities and Transformation
to Cabinet
of 21 January 2025

Subject: Low Green, Ayr: Digital Connectivity - Common Good Consultation

1. Purpose

- 1.1 The purpose of this report is to provide the Cabinet with the results from the statutory community consultation (under Section 104 of the Community Empowerment (Scotland) Act 2015) in relation to the proposed Events Space WiFi Service on the Low Green and Shorefront areas of Ayr, and having regard to the results of that consultation, seek Cabinet approval to conclude the process to establish the new service.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 **notes the results of the public consultation carried out under section 104 of the Community Empowerment (Scotland) Act 2015;**
- 2.1.2 **considers and agrees the responses to the representations received as outlined in [Appendix 1](#), approves publication of the responses on the Council website and notification of those who responded to the consultation;**
- 2.1.3 **grants authority to the Chief Governance Officer to submit a Petition to the Sheriff Court to obtain Court authority to proceed with the proposal, which constitutes a change of use of a Common Good asset; and**
- 2.1.4 **if Court authority is obtained, approves the proposal as presented to Cabinet on 29 October 2024 and authorises the Director of Communities and Transformation to proceed with installation of the necessary equipment to establish the Events Space WiFi Service.**

3. Background

- 3.1 The Cabinet meeting of 29 October 2024 noted the proposal to create an Event Space WiFi service on the Low Green and Shorefront areas of Ayr to attract visitors and enhance the digital experience at major events, subject to completion of a public consultation and subsequent reporting of the Consultation results back to Cabinet;

- 3.2 The proposal is to create a public WiFi network, which will provide event space internet access on the Low Green and Shorefront in Ayr. This will require hardware installations on existing street lighting in the area, augmented by installation of four new galvanised columns along the path through the centre of the Low Green.
- 3.3 The Council has secured £200,000 (two hundred thousand pounds) of grant funding to cover the installation costs through a pan-Ayrshire bid to the 5G Innovation Regions Programme, provided by the Department of Science, Innovation and Technology. Grant conditions require these funds to be spent by 31st March 2025.
- 3.4 It is anticipated the WiFi Service will provide Economic Development and Tourism benefits through two types of digital internet access:
- Private and restricted service for trader access, to guarantee bandwidth for sales related activities.
 - Event attendee service via general public access, which is important for attracting and supporting major events and enhancing the visitor experience.
- 3.5 The Low Green and Esplanade are held in the Ayr Common Good account. A public consultation was undertaken by the Service Lead for Asset Management and Community Asset Transfer, as required under section 104 of the Community Empowerment (Scotland) Act 2015 when proposing to change the use of a Common Good property. The representations received to that Consultation and the Council's responses are included at [Appendix 1](#). The Council is required to have regard to any representations received.
- 3.6 Furthermore, as the Low Green and Esplanade are 'inalienable' Common Good, in terms of Section 75(2) of the Local Government (Scotland) Act 1973, the Council is required to obtain court authority for the change of use to proceed.
- 3.7 The Low Green, Ayr Digital Connectivity Common Good Consultation was open between 09:00hrs on 4 November 2024 and 17:00hrs on 29th December 2024. Notices were placed at locations around the Low Green, and it was hosted on the South Ayrshire Council website <https://www.south-ayrshire.gov.uk/consultations>. Details of the consultation were circulated to Fort, Seafield and Wallacetown Community Council. Ayr West ward elected members were notified. A copy of the notice as posted at the site is included as [Appendix 2](#).
- 3.8 A total of 15 representations were received. Breakdown of responses here:

For	Against	Neutral
6 (40%)	5 (33%)	4 (27%)

- 3.9 The submissions and proposed Council responses are detailed in [Appendix 1](#).

4. Proposals

- 4.1 It is proposed that the Cabinet:

- 4.1.1 agrees the responses to the representations received as outlined in [Appendix 1](#), approves publication of the responses on the Council website and notification of those who responded to the consultation;
- 4.1.2 approves the proposal to create an Events Space WiFi Service on the Low Green and Shorefront, having regard to the outcome of the consultation;
- 4.1.3 requests the Chief Governance Officer to submit a Petition to the Sheriff Court to obtain Court authority to proceed with the proposal; and
- 4.1.4 if Court authority is obtained, requests the Director of Communities and Transformation to proceed with installation of the necessary equipment to establish the Events Space WiFi Service.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements. Legal Services will be required to petition the Sheriff Court and the subsequent introduction of the service will be dependent on authorisation first being granted by the court. In requesting permission from the Sheriff, it is necessary to demonstrate that the proposed change of use would be for the benefit of the inhabitants of Ayr. A Sheriff may wish to see evidence of community support for the proposal. It is difficult to assess how a Sheriff might judge the arguments for and against the proposal. Nonetheless, the court, in balancing the arguments from both sides is likely to take into consideration the number of responses and the reasons for any objections against any evidence the Council presents of support within the community.
- 5.2 Procurement engagement is in process and due to the tight timescales, is planned via a direct award from Crown Commercial Service (CCS) RM6116 Lot 3a (Smart Cities).

6. Financial Implications

- 6.1 The allocated 5GIR funding is time limited and must be spent before 31 March 2025.
- 6.2 Year 1 costs are covered via the external grant funding and a report will be brought during the term, which will review appetite for ongoing service provision. Indicative costs would be in the region of £23,000 (twenty three thousand pounds) per annum, with some costs from ARA to be confirmed in terms of ongoing maintenance of the 4 new poles and ongoing power costs. It should be noted, if the Council does not support an ongoing provision, there will be no significant remedial costs.
- 6.3 There are cost implications in organising a consultation and any petition to the Sheriff under section 75(2) of the Local Government (Scotland) Act 1973. With reference to the lodging of a petition to the Sheriff, these costs will depend on the complexity of the legal case, whether counsel is required to be instructed, and whether the petition is the subject of challenge. From experience of previous such applications the cost could range from £5,000 where counsel is not involved, to between £20,000 and £40,000 or higher, where there was a lengthy hearing with witnesses and counsel involved.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

8.1.1 There is a risk that the benefits realised from the proposal do not justify the ongoing maintenance costs

8.1.2 If the Cabinet decides to authorise the Chief Governance Officer to request permission from the Sheriff Court, there is a risk that the Sheriff will not grant a petition and authorise the change of use of Common Good property. Or, if consent is granted, there may be additional conditions imposed by the Sheriff.

8.2 *Risk Implications of Rejecting the Recommendations*

8.2.1 There is a risk that any delay may result in insufficient time to implement the proposal and draw down the funding.

8.2.2 As the property is held in the Ayr Common Good Account, any proposal for change of use without following the required legal processes could be subject to legal challenge.

9. Equalities

9.1 The report does not involve proposals for policies, strategies, procedures, processes, financial decisions and activities (including service delivery), both new and at review, that affect the Council's communities and employees, therefore an equality impact assessment is not required.

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to all three priority areas within the Council Plan: Spaces and Places; Live, Work and Learn; and Civic and Community Pride.

13. Results of Consultation

13.1 The public was consulted through the Common Good Consultation as outlined in section 3.5 to 3.8.

13.2 Consultation has taken place with Councillor Bob Pollock, Portfolio Holder for Economic Development, and Councillor Alec Clark, Portfolio Holder for Tourism and Rural Affairs, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, the Director of Communities and Transformation will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
Petition Lodged with Sheriff Court	7 February 2025	Chief Governance Officer
Installation Underway and Draw Down of Funding	31 March 2025	Director of Communities and Transformation

Background Papers **Report to Cabinet of 29 October 2024 - Destination South Ayrshire – Event Space Digital Connectivity (Members only)**

Person to Contact **Jane Bradley, Director of Communities and Transformation
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 612045
E-mail jane.bradley@south-ayrshire.gov.uk**

Date: 13 January 2025

Low Green, Ayr Digital Connectivity

Feedback from Public Consultation

Feedback and response on Statutory Consultation with the Local Community - under Section 104 of the Community Empowerment (Scotland) Act 2015 - for the proposed new Events Space WiFi Service on the Low Green and Shorefront areas of Ayr, which will enhance digital connectivity and the user experience during major events held in that location.

The Consultation for the Low Green, Ayr Digital Connectivity service was open between 9am on Monday 4th November 2024 and 5:00pm on Sunday 29th December 2024. Notices regarding the consultation were displayed around the Low Green and it hosted on the South Ayrshire Council website at [Consultations - South Ayrshire Council \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/consultations). Details of the consultation were circulated to Fort, Seafield & Wallacetown Community Council. Elected members for the Ayr West ward were also notified.

As detailed in the table below, 15 representations were received summarise breakdown (For/Against/Neutral) here:

For	Against	Neutral
6 (40%)	5 (33%)	4 (27%)

Respondent	Representation	Category: For, Against or Neutral.	Council's Response (where applicable)
A	While I do not really understand the benefit to be gained by these instillations, so will not comment on that, it strikes me as disappointing that it is necessary to install 4 poles at different points across the Low Green. Part of the great attraction of the Low Green is its openness and I wonder if the poles could/should be replaced by bluetooth technology, so avoiding the break up of the vista? Maybe something for consideration at the Planning Application stage.	Neutral	The installation of a small number of poles is required to provide connectivity across the Low Green area. Bluetooth is not a suitable technology for this purpose.

Respondent	Representation	Category: For, Against or Neutral.	Council's Response (where applicable)
B	<p>Fully support the changes covered in the consultation.</p> <p>Ayr seafront is a great asset that needs to continue to develop and grow as an attraction. Some positive changes in recent years .</p> <p>No doubt there will be (the usual) objectors who want nothing to change.</p>	For	
C	<p>Connectivity at the Ayr Show was poor. Being able to coordinate family meeting locations is safety critical.</p> <p>Enjoyment of the programme is enhanced by being able to understand what is currently happening. The dynamic nature of the programme means that this cannot be static.</p> <p>Good connectivity is vital to the Ayr Show being well received.</p>	For	
D	Seems a good idea.	For	
E	<p>The big problem with public WiFi is security, how will SAC make sure connected devices are kept secure? Who will be responsible for managing it? Who will be responsible for the security?</p> <p>In this day and age people are warned against connecting to public WiFi networks as it's very hard to know for sure there are no bad actors on the system.</p> <p>I just fear that with mobile connectivity over 4 and 5g, there isn't a huge need or demand for WiFi and that money would be better used elsewhere.</p>	Against	<p>The service is aimed at improving the digital user experience and will be open and available to anyone, when attending events at the Low Green. With regards to accessing any public WiFi, attendees should always consider how they use a shared network, for example it would not be recommended to conduct financial or sensitive transactions.</p> <p>It is the not responsibility of public WiFi providers to secure personal devices.</p>
F	While the idea is good in principal, it raises security questions for users in this zone with regards to hacking of devices to harvest personal and financial data	Neutral	See above response re Security.

Respondent	Representation	Category: For, Against or Neutral.	Council's Response (where applicable)
G	Can you advise of height of wi fi intallations at Low Green	Neutral	The height of the columns are 8 metre's high.
H	Nowadays with mobile phones this might be an innovated idea to relay event information and provide a platform for the vendor to include their whereabouts. It might be useful to provide quick responses to emergency incidents. You might consider a speaker perhaps. Post should be painted to camouflage in two tone to be least visible, my only concern. There might be issues with kite fliers and is it not possible to place them on the edges rather than the path?	Neutral	RAL9005 is the colour of the columns, which are 8 metre's high. For coverage of the large area, it is required to have hosting capability on the path area.
I	I feel posts for wifi would be unsightly and there is no need for wifi in this area . It is for public good and there is limited benefit encouraging people to be more on there phones than they are	Against	
J	I am dead against putting up these pylons on the low green. These events happen occasionally but the Low Green will be scarred permanently. People should be able to do without Wi-Fi for a few hours. If the event is sufficiently entertaining they won't be using it, anyway.	Against	
K	I do not think free public access to Wifi on the Low Green is necessary. The costs will outweigh the benefits. 90%+ of public who have mobile devices use their own data which they pay to their provider. Internet costs for visiting Traders too are negligible.The cost and maintenance of such installation as well as the ongoing cost of provision under SAC management would easily get out of control.	Against	Mobile connectivity is not available, in the area, during periods of high demand and public attendance. The provision of digital connectivity is aimed at addressing this

Respondent	Representation	Category: For, Against or Neutral.	Council's Response (where applicable)
L	public Wi-Fi access is definitely a good idea. What is not clear is whether this will only be available during events. As a frequent traveller to places all over the world I find it fantastic when I visit some places which provide free Wi-Fi access throughout the main town area. For overseas visitors who do not have UK SIM card free Wi-Fi in town would be a very positive benefit. Currently it can be difficult to find Wi-Fi spots in Ayr	For	
M	I think this is a fantastic idea. We need to do as much as possible to bring Ayr back to life.	For	
N	Sounds a good addition to the area as when lots of people there the phone network doesn't cope with everyone trying to connect to social media while others trying to make calls/ Looks like done in a non-intrusive way.	For	
O	I consider that the erection of galvanised columns for WiFi on the Low Green would be a detrimental move adding more urban clutter to the green space. Although WiFi would be a convenience for events, the events are only temporary whereas the infrastructure is permanent. If the Low Green is to remain an attractive open space then care should be taken in adding to the infrastructure or the Green will take on the appearance of an urban environment.	Against	
Totals 15			

Common Good Consultation – Low Green, Ayr

Notice of consultation under Section 104 of the Community Empowerment (Scotland) Act 2015.

Reason for Site Notice Being Displayed: South Ayrshire Council is proposing to provide an Events Space WiFi Service on the Low Green and Shorefront areas of Ayr, which will enhance digital connectivity and the user experience during major events held in that location. The Council has secured grant funding from the Department of Science, Innovation and Technology (DSIT), as part of the 5G Innovation Regions Programme (5GIR), to establish the Events Space WiFi. Provision of this new WiFi service will require a combination of hardware installation on existing street lighting, augmented by the installation of four new galvanised columns along the path located at the centre of the Low Green.

Notice is hereby given of a **PUBLIC CONSULTATION**.

In terms of Section 104 of the Community Empowerment (Scotland) Act 2015, local authorities are required to consult with the local community when planning a change of use of common good property.

The proposal is to create a public WiFi network, which will provide event space internet access on the Low Green.

This would be created by a combination of hardware installations on existing street lighting, augmented by installation of four new galvanised columns along the path running through the centre of the Low Green. The proposed columns for the Low Green will be for public WiFi infrastructure only.

The Council has secured grant funding to cover the installation costs through a pan-Ayrshire bid to the 5G Innovation Regions Programme, provided by the Department of Science, Innovation and Technology.

It is anticipated the WiFi Service will provide Economic Development and Tourism benefits through two types of digital internet access:

- Private and restricted service for trader access, to guarantee bandwidth for sales related activities.
- Event attendee service via general public access, which is important for attracting and supporting major events and enhancing the visitor experience.

The extent of the area covered by the proposal is shown **outlined in the plan below**.

Description of the Consultation Process

Anyone may make representations about this proposal to South Ayrshire Council. Representations must be in writing, by email, or by online response as detailed below and include the name and address of the person making it. All representations must be received by **17:00hrs on Sunday 29th December 2024**. All representations received will be published with the exception of those considered to be potentially offensive or libellous. The names of individuals and organisations making representations and their postcode will be published alongside the representation made. The Council will remove any telephone numbers, mobile numbers, personal email addresses, residential addresses and signatures from published information.

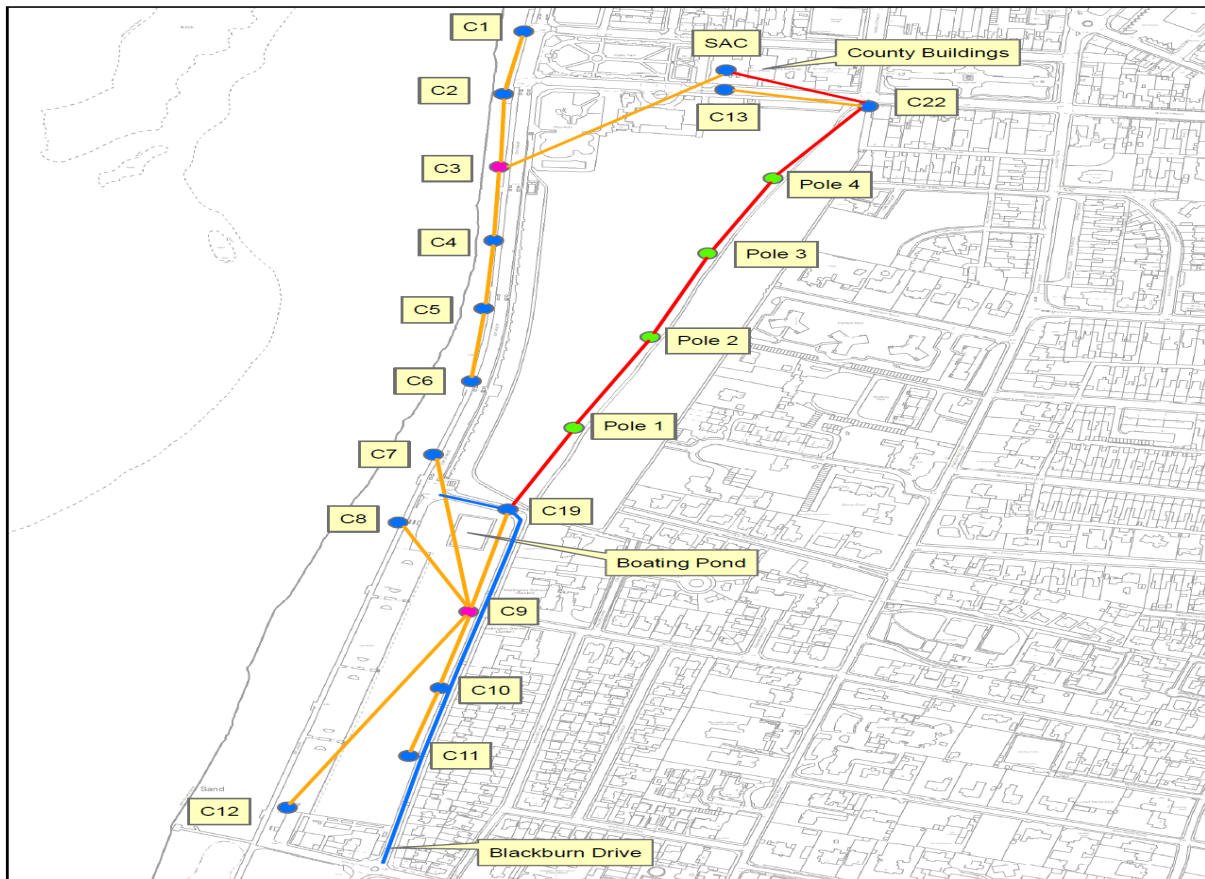
You can submit a response using the online comment response sheet via the Have Your Say section of the Council's website (<https://www.south-ayrshire.gov.uk/consultations>), by email to estates@south-ayrshire.gov.uk or in writing to:

Asset Management and Community Asset Transfer
South Ayrshire Council

County Buildings
Wellington Square
Ayr
KA7 1DR

By no later than **17:00hrs on Sunday 29th December 2024**. Any correspondence should be clearly marked 'Low Green, Ayr - Common Good Consultation'

South Ayrshire Council's Asset Management and Community Asset Transfer Privacy Notice can be viewed on the Council's website at: www.south-ayrshire.gov.uk/Asset-Management-and-Community-Asset-Transfer-privacy-notice



Event Space Digital Connectivity.

Scale 1:5000



This product includes mapping data licenced from Ordnance Survey with the permission of the Controller of His Majesty's Stationery Office. © Crown copyright and/or database right 2024. All rights reserved. Licence number 100020765.

Notes:

1. Installation of hardware on lighting columns at C1-C22.
2. New columns installed on Low Green path (Pole 1 to Pole 4) will connect into C19 and C22.