

SOUTH AYRSHIRE COUNCIL (SPECIAL)

Minutes of a hybrid webcast reconvened meeting
on 14 May 2025 at 10.00 a.m.

Present in County Buildings: Councillors Mary Kilpatrick (Depute Provost), Kenneth Bell, Laura Brennan-Whitefield, Iain Campbell, Ian Cavana, Alec Clark, Brian Connolly, Ian Davis, Julie Dettbarn, Stephen Ferry, William Grant, Hugh Hunter, Martin Kilbride, Alan Lamont, Craig Mackay, Brian McGinley, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson; and George Weir.

Present Remotely: Councillors Ian Cochrane, Chris Cullen, Mark Dixon, Martin Dowey and Lee Lyons.

Apology: Councillor Bob Pollock.

Attending in County Buildings: M. Newall, Chief Executive; L. McRoberts, Depute Chief Executive and Director of Education; K. Braidwood, Director of Housing, Operations and Development; J. Bradley, Director of Communities and Transformation; C. Caves, Chief Governance Officer; T. Baulk, Chief Financial Officer; C. Cox, Assistant Director – Planning and Development; D. Yuille, Service Lead – Special Property Projects; T. Burns, Service Lead - Asset Management and Community Asset Transfer; R. Jamieson, Co-ordinator (Asset Management); J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; J. Chapman, Committee Services Officer; and C. McCallum, Clerical Assistant.

Attending Remotely: C. McGhee, Chief Internal Auditor.

1. Depute Provost.

The Depute Provost

- (1) welcomed everyone to the meeting, outlined the procedures for conducting this meeting and advised that this meeting would be broadcast live; and
- (2) intimated that apologies had been received from Councillor Bob Pollock.

2. Sederunt and Declarations of Interest.

The Chief Executive called the Sederunt for the meeting and having called the roll, confirmed that there were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

Member's Comment

Councillor Cavana referred to the recent sad death of an employee at Dalmilling Primary School while on duty; and Depute Provost outlined that all Members sent their condolences to the employee's family.

3. Appointments to Panel.

There was submitted a report (issued) of 25 April 2025 by the Chief Governance Officer seeking approval to make alterations to the membership of Panels.

The Chief Governance Officer introduced the report and advised

- (1) that the last meeting of South Ayrshire Council of 1 May 2025 had been suspended by the previous Provost during consideration of this item, therefore, this matter required to be completed;
- (2) that Standing Orders No. 28.1 and 28.3 required that any decision to remove the Deputy Leader from the post "required a majority of the Councillors present and voting thereon to do so" and that an Amendment had been proposed and seconded which had been the direct negative, namely not to remove the Deputy Leader, Councillor Bob Pollock;
- (3) that a vote had been taken on the proposed and seconded Motion and Amendment to establish whether the Deputy Leader was to be removed leaving a vacancy to be filled; and that the Council's decision had been to remove Councillor Pollock as Deputy Leader leaving a vacancy and that, in accordance with Standing Order No. 28.1 and the Motion which had been proposed by Councillor Kenneth Bell and seconded by Councillor Ian Davis, Members were therefore now required to take a vote on the recommendation to appoint Councillor Connolly; and
- (4) that Provost had previously agreed that a roll-call vote be undertaken on this matter, therefore, each Member should confirm if they were for or against the appointment of Councillor Connolly as Deputy Leader or abstaining.

The Chief Governance Officer then called the roll For or Against the Motion as follows:

Mary Kilpatrick	For
Kenneth Bell	For
Laura Brennan-Whitefield	Against
Iain Campbell	For
Ian Cavana	Against
Alec Clark	For
Ian Cochrane	Against
Brian Connolly	For
Chris Cullen	For
Ian Davis	For
Julie Dettbarn	Against
Mark Dixon	For
Martin Dowey	For
Stephen Ferry	Against
William Grant	For
Hugh Hunter	For
Martin Kilbride	For
Alan Lamont	For
Lee Lyons	For
Craig Mackay	Against
Brian McGinley	Against
Cameron Ramsay	Against
Philip Saxton	Against
Gavin Scott	For
Bob Shields	For
Duncan Townson	Against
George Weir	Against

Eleven Members voted against the Motion and sixteen Members voted for the Motion, therefore, the Council

Decided:

- (a) to agree that Councillor Brian Connolly be agreed as Depute Leader of South Ayrshire Council; and
- (b) to request that officers make the required amendments to the list of Panels to reflect this change.

4. Representation on Working Groups

There was submitted a report (issued) of 22 April 2025 by the Chief Governance Officer seeking approval to make alterations to the membership of Working Groups.

The Chief Governance Officer introduced the report.

Councillor Hugh Hunter, seconded by Councillor Alec Clark, moved the recommendations as outlined in the report.

The Council, having thanked Councillor Clark for his work on the Community Planning Board and having considered any other amendments which might be required to membership of Working Groups

Decided: to agree by 19 votes to 8, the request by the Independent Members that Councillor Mark Dixon replace Councillor Alec Clark on the Community Planning Board.

5. Common Good Funds: Finance, Governance and Property Review

There was submitted a report (issued) of 22 April 2025 by the Director of Housing, Operations and Development seeking approval of proposed changes to South Ayrshire Council management of Common Good Funds.

The Assistant Director – Planning and Development introduced the report and advised

- (1) that the report set out the background of the pressures on the Common Good Fund and reserves in recent years and outlined line by line the review undertaken and identified the modest opportunities for income growth, previously identified and progressed through Cabinet decisions;
- (2) that, with the limitations on the charging levels and lack of surplus land and premises, a different transactional relationship between the Council and Common Good was required;
- (3) that the report set out the new transactional arrangement with reviewed management arrangements being recommended (as outlined in Appendix 5 to the report) with the most effective of these changes being a move to rental agreements between the Council and Common Good to being on a full insurance and repairing basis;

- (4) that it was also proposed that a review of ground maintenance charges be undertaken to reflect the cost of providing these services and that a report would be brought before Members in due course on this matter with a further report on the financial impact of these proposals being submitted in November 2025; and that a further report on the review of Common Good in relation to car parks would also be submitted; and
- (5) that this project had been a massive undertaking and that she would like to thank the officers involved for their work on this matter.

Councillor Ian Davis, seconded by Councillor Martin Kilbride, moved the recommendations as outlined in the report.

Comments were made and questions raised by Members in relation to:

- (a) Common Good being a very sensitive issue with a lot of rules and that it was important to get it right; that the Common Good Fund required a review to ensure long-term financial sustainability; that the Ayr Common Good Capital Reserves had depleted for more than a decade which could not be ignored; and that the recommendations within the report were the most sensible way forward, however, this came at a cost;
- (b) noting the Council's policy was to maximise income to maintain financial stability, particularly of Ayr Common Good Fund; and could assurances be provided that the policy regarding maximising income to maintain stability of Ayr Common Good would be reflected in future remuneration paid by the Council to the Common Good Fund for the use of Common Good land; and the Service Lead – Asset Management and Community Asset Transfer advised that independent valuations were carried out for major events and that the Council charged itself to the Common Good Fund for any Council events on the Low Green; and that the aim was to maximise income at all times;
- (c) that, as Common Good funds required to pay the Council for cutting the grass on the seafront areas, there was a case to be made that the Council was renting the seafronts from the Common Good and using it for the good of South Ayrshire, therefore, it should be considered when the report was submitted regarding grounds maintenance that there be a full repairing and maintenance lease to the Council for the seafront grassed areas. The Service Lead – Asset Management and Community Asset Transfer advised that this had not been considered as part of the report as officers had merely been instructed to review the ground maintenance costs as these had not been reviewed for some time. The Member further advised that, as these areas were of use to the whole of South Ayrshire, it was not unreasonable to examine the seafront areas being leased to the Council and the Common Good funds to receive income for this; and the Service Lead – Corporate Accounting advised that he could examine this from a financial point of view, however, there were legal requirements that would also require to be examined and he would discuss this with colleagues in the Legal Department; and
- (d) that the register of Common Good properties was to be welcomed; that this report did not solve all Common Good issues, however, it shone a spotlight on the Common Good Funds and it was hoped that this was the first of many reports until the funds were restored to doing a lot of good for the area.

The Council, having thanked the officers involved for their work on this matter,

Decided:

- (i) to note the long-term financial position of the Common Good Fund as set out in Appendix 1;
- (ii) to note the options available for managing the Common Good Fund as set out in Appendix 2;
- (iii) to note the heritable property assets (land, buildings, and structures) held in the Ayr Common Good, Prestwick Common Good, Troon Common Good, and Girvan Common Good Funds as per Appendix 3, and agree that further work would be undertaken to review the potential for car park charges for Common Good car parks and charging of events on Common Good land with a report coming back to Council in October 2025;
- (iv) to note the existing 'Management of Common Good Statement of Objectives, Management Principles and Governance Arrangements' set out in Appendix 4 and approve the 'Revised Management of Common Good Funds: Statement of Objectives, Management Principles and Governance Arrangements' outlined in Appendix 5 and the transition of all management agreements to Full Repairing and Insuring (FRI) terms for all Common Good properties;
- (v) to agree that property costs previously funded by Common Good Funds for properties used by the Council should be borne by the Council's General Fund on the basis of FRI terms, to be factored into future budget considerations;
- (vi) to agree that these arrangements should be introduced from 1 October 2025 and would be reviewed operationally and financially every three years and reported to Council accordingly; and
- (vii) to note the financial impact of these new arrangements in 2025-26 would be reported as part of the Budget Monitoring arrangements for Common Good and the Council during 2025-26.

6. Appointments to Panel.

The Chief Governance Officer advised that an omission had been made and a decision had not been taken on the second recommendation in the report at Item 3 above of this Minute moved by Councillor Kenneth Bell and seconded by Councillor Ian Davis, namely

- to note the request for the change in the representative intimated by the Conservative Group and Independent Members on Cabinet, that Councillor Lee Lyons be replaced by Councillor Mark Dixon on the South Ayrshire Integration Joint Board.

The Chief Governance Officer, having conducted a roll-call vote for the previous recommendation in this report then called the roll For or Against the Motion for the second recommendation as follows:

Mary Kilpatrick	For
Kenneth Bell	For
Laura Brennan-Whitefield	Against
Iain Campbell	For
Ian Cavana	Against
Alec Clark	For
Ian Cochrane	Against
Brian Connolly	For
Chris Cullen	For
Ian Davis	For
Julie Dettbarn	Against
Mark Dixon	For
Martin Dowey	For
Stephen Ferry	Against
William Grant	For
Hugh Hunter	For
Martin Kilbride	For
Alan Lamont	For
Lee Lyons	For
Craig Mackay	Against
Brian McGinley	Against
Cameron Ramsay	Against
Philip Saxton	Against
Gavin Scott	For
Bob Shields	For
Duncan Townson	Against
George Weir	Against

Eleven Members against the Motion and sixteen Members voted for the Motion, therefore, the Council, having considered any other amendments which might be required to membership of Panels

Decided:

- (1) to note the request for the change in the representative intimated by the Conservative Group and Independent Members on Cabinet that Councillor Mark Dixon replace Councillor Lee Lyons on the South Ayrshire Integration Joint Board; and
- (2) to request that officers make the required amendments to the list of Panels to reflect these changes.

Councillor Mark Dixon left the meeting at this point.

Exclusion of press and public.

Councillor Brian Connolly, seconded by Councillor Iain Campbell, moved that the remaining items of business on the agenda be considered in private; and following a vote, the Council

Decided: to agree to consider the following items of business in private.

The Council 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 paragraphs 1 and 9 of Part 1 of Schedule 7A of the Act.

7. Redevelopment of Y

There was submitted a report (Members only) of 25 April 2025 providing an update on the early work undertaken on the Burns Statue Square Project and seeking approval for the next steps.

The Assistant Director – Planning and Development introduced the report.

Councillor Bob Shields, seconded by Councillor Martin Kilbride, moved the recommendations as outlined in the report.

Following a full discussion and questions responded to by the Assistant Director – Planning and Development and the Service Lead – Special Property Projects, the Council

Decided:

- (1) to note the finalised traffic modelling for the proposed reconfiguration of roads through and around Burns Statue Square as set out in Appendix 1A;
- (2) to note the outline design proposals for the project by Ironside Farrar as set out in Appendix 2;
- (3) to note the approval of the realigned Levelling Up Fund (LUF) funding from the UK Government of £16M to cover the cost of the project;
- (4) to agree that, on the basis of 2.1.1 and 2.1.2 of the report, the project should progress to appointment of a main contractor and design team by Ayrshire Roads Alliance to carry out the design and construction of the project, with a further report to Cabinet prior to entering into the construction contract;
- (5) to agree that officers commence early public consultation on the traffic changes and concept design and agree that the finalised design would be subject of further public consultation; and
- (6) to note that a further report would be submitted to Council in October to approve the construction stage of the contract, following detailed design and outcome of public consultation.

8. Review of Management Structure

There was submitted a report (Members only) of 29 April 2025 outlining proposals for a revised Chief Officer structure.

The Chief Executive introduced the report.

Councillor William Grant, seconded by Councillor Brian Connolly, moved the recommendations as outlined in the report.

Following a full discussion and questions responded to by the Chief Executive and the Chief Governance Officer, including a request that an update report be submitted to South Ayrshire Council in one year, the Council

Decided: to approve the revised staffing and structural arrangements in respect of Chief Officers, namely:

- (1) to approve the change of post to Director of Education;
- (2) to approve the transfer of the Corporate Policy, Strategy and Performance service under the direct leadership of the Chief Executive;
- (3) to approve the arrangements for rotation of Depute Chief Executive responsibilities; and
- (4) that an update report on the rotation arrangements be submitted to a meeting of South Ayrshire Council in twelve months time.

9. Investigation

The Chief Executive advised that, following the meeting of South Ayrshire Council of 1 May 2025 when the meeting had been suspended due to the use of inappropriate language by a Member, an investigation had been carried out and Councillor Scott who had used this language had apologised to the Member to whom the profanity had been directed and provided an unreserved apology to the Chief Executive and to all those who had joined the meeting. The Chief Executive confirmed he would arrange to have the apology published on the Council website; and that would conclude the matter for the Council.

Councillor Scott then thanked all Members for accepting his apology and outlined that he looked forward to working with all Members and Officers going forward.

10. Consideration of Disclosure of the above Confidential Reports.

The Council

Decided: to authorise the disclosure of this report under Standing Order 32.4 subject to the required redactions for GDPR issues:

- Redevelopment of Y

The Council

Decided: to authorise the disclosure of this report under Standing Order 32.4 subject to the required redactions for GDPR issues:

- Review of Management Structure

Depute Provost

Provost thanked everyone in attendance for their contribution.

The meeting ended at 11.10 a.m.

DRAFT