

SOUTH AYRSHIRE COUNCIL.

Minutes of a hybrid webcast meeting
on 1 March 2023 at 10.00 a.m.

Present in County Buildings: Councillors Iain Campbell (Provost), Kenneth Bell, Laura Brennan-Whitefield, Ian Cavana, Alec Clark, Brian Connolly, Chris Cullen, Ian Davis, Julie Dettbarn, Mark Dixon, Martin Dowey, Stephen Ferry, William Grant, Peter Henderson, Hugh Hunter, Martin Kilbride, Mary Kilpatrick, Lee Lyons, Craig Mackay, Brian McGinley, Bob Pollock, Cameron Ramsay, Philip Saxton, Gavin Scott, Bob Shields, Duncan Townson and George Weir.

Present Remotely: Councillor Ian Cochrane.

Attending in County Buildings: E. Howat, Chief Executive; M. Newall, Depute Chief Executive and Director of Housing, Operations and Development; L. McRoberts, 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; L. Reid, Assistant Director – Strategic Change; C. Cox, Assistant Director – Housing, Operations and Development; W. Wesson, Chief HR Adviser; C. Iles, Service Lead – Planning and Building Standards; L. Kerr, Service Lead – Destination South Ayrshire; K. Anderson, Service Lead – Policy, Performance and Community Planning; J. Tait, Service Lead – CLD & Employability and Skills; M. Alexander, Service Lead – Housing Services; B. Harris, Co-ordinator (Health and Wellbeing); K. Gallagher, Team Leader (Golf, Sport and Leisure); A. Valenti, Quality Improvement Manager; J. McClure, Committee Services Lead Officer; A. Gibson, Committee Services Officer; C. Buchanan, Committee Services Officer; C. Griffiths, Committee Services Assistant; C. McCallum, Committee Services Assistant; and E. Moore, Committee Services Assistant.

Attending Remotely: T. Eltringham, Director of Health and Social Care; and K. Dalrymple Assistant Director - Housing and Operations.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting;
- (2) intimated that no apologies had been received;
- (3) outlined the procedures for conducting this meeting and advised that part of this meeting would be broadcast live;
- (4) advised that opinion had been sought from King's Counsel (KC) in respect of the use of the Provost's casting vote and he would be presiding over this meeting on the basis of this advice which had been circulated to all Members;
- (5) reminded all Members that all Councillors must respect the Provost, fellow Councillors and Council employees during this meeting; and
- (6) referred to Standing Order No. 15.4 which stated that "the decision of the Provost on all matters within his/her powers shall be final and shall not be open to questions or discussion".

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.

3. Minutes of previous meeting of Council.

(1) Minutes of 15 December 2022.

Provost Campbell, seconded by Councillor Kilpatrick, moved the [Minutes](#) of South Ayrshire Council of 15 December 2022 as a correct record.

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

Decided: by a majority, to approve the Minutes of 15 December 2022 and authorise these minutes to be signed as a correct record.

A Member commented that Members should be asked of any inaccuracies within the previous Minutes as a Member had not agreed the unopposed Motion, however, had not moved an Amendment to the Minutes; and the Head of Legal and Regulatory Services advised that, by not agreeing the unopposed Motion, this then gave Members the opportunity to abstain when voting For or Against the Motion which they were entitled to do.

(2) Minutes of previous meetings of Panels.

The Minutes of the undernoted Panels were submitted for information:-

- (i) Audit and Governance Panel of [7 December 2022](#) and [25 January 2023](#).
- (ii) Cabinet of [29 November 2022](#); and [17 January 2023](#).

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as contained in the 'C' paragraph of the Cabinet minutes of 17 January 2023 entitled "Treasury Management Mid-Year Report 2023-24"; (copy of [minute excerpt](#) herewith).

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

Decided: by a majority, to approve the recommendations as contained in the 'C' paragraph.

In accordance with the Scheme of Delegation and Standing Orders for Meetings, Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as contained in the 'C' paragraph of the Cabinet minutes of 17 January 2023 entitled "Procurement Strategy Update 2023/24" (copy of [minute excerpt](#) herewith).

Decided: to approve the recommendations as contained in the 'C' paragraph.

- (iii) Local Review Body of [29 August 2022](#), [4 October 2022](#) and [6 December 2022](#)
- (iv) Partnerships Panel of [21 September 2022](#).
- (v) Regulatory Panel – Licensing of [1 December 2022](#), [14 December 2022 \(Special\)](#) and [19 January 2023](#)
- (vi) Regulatory Panel – Planning of [17 November 2022](#), [13 December 2022 \(Site Visit\)](#) and [14 December 2022](#)
- (vii) Service and Performance Panel of [22 November 2022](#).

Section 112 of the Local Government Finance Act 1992

The Chief Executive

- (1) referred to the note on the agenda calling the meeting, to the effect that Members were subject to the provisions of Section 112 of the Local Government Finance Act 1992 which provided that a Member of the Council could not vote on a range of Council Tax issues, including setting or adjusting the rate of Council Tax, if he or she was three months or more in arrears with payment of Community Charge (Poll Tax) or two months in arrears with Council Tax;
- (2) indicated that if Section 112 applied to any Member, he or she was required to disclose that fact; and
- (3) gave the opportunity to any Member to disclose the fact that Section 112 applied to him or her and indicated that failure to disclose was also an offence.

No Members so declared.

4. Revenue Estimates 2023/24, Capital Estimates 2023/24 to 2034/35 and Carbon Budget 2023/24

There was submitted a [report](#) (issued) of 22 February 2023 by the Head of Finance, ICT and Procurement advising of the issues to be considered in setting revenue budgets for 2023/24, setting capital budgets for 2023/24 to 2034/35 and setting a Carbon Budget for 2023/24; and recommending that the Council

- (1) notes the funding proposal as outlined by the Deputy First Minister and Cabinet Secretary for Covid Recovery's letter of 15 December 2022 (attached as Appendix 2 to the report);
- (2) notes the requirements in relation to protecting Teacher numbers, pupil support staff and learning hours as outlined in the Parliamentary statement by the Cabinet Secretary for Education and Skills on 7 February 2023 and confirmed in the letter from the Deputy Director: Workforce, Infrastructure and Digital of 9 February 2023 (attached as Appendix 3 to the report);
- (3) notes that the funding levels included within Finance Circular 11/2022 remained provisional until the Finance Order was approved in March/ April 2023;
- (4) presents and approves budget proposals for revenue and capital for 2023/24 taking account of the conditions of the settlement that need to be met and incorporating:
 - (a) planned net revenue expenditure on services for 2023/24;

- (b) the level of reserves and fund balances held and contributions to/from these;
 - (c) the appropriate Band D Council tax levy for 2023/24 and associated level of bad debt provision for non-collection of Council Tax;
 - (d) the proposed capital programme for 2023/24 and beyond and associated debt charge implications; and
 - (e) consideration of the financial projections for 2024/25;
- (5) note the required remuneration for Basic Councillors and the Leader of the Council, as determined by The Local Governance (Scotland) Act 2004 (Remuneration), Amendment Regulations 2023, and include appropriate budget provision for all Elected Member remuneration for 2023/24;
- (6) presents and approves proposals for Common Good budgets for 2023/24; and
- (7) presents a Carbon Budget for the period 2023/24 in support of the Council's policies on Climate Change.

Councillor Davis, seconded by Councillor Pollock, moved that the Council approve the proposals of the [Conservative and Independent Members](#) (issued), accept the recommendations at (1) to (7) above and that a report be submitted to a future meeting of Cabinet outlining the process to be followed in allocating the investments in each Council ward on place planning and community led projects; on the investment in Ayr Town Centre; and on the investment into the regeneration of Girvan.

By way of Amendment, Councillor Henderson, seconded by Councillor Grant, moved that the Council approve the proposals of the [SNP Group](#) and accept the recommendations at (1) to (7) above.

Point of Order

A Point of Order was raised by Councillor Lyons that Councillor Henderson had referred to the UK Government when moving his budget when this was not relevant to a local authority budget; and Provost advised that this should not be a political statement when moving a budget.

By way of Counter Amendment, Councillor McGinley, seconded by Councillor Saxton, moved that the Council approve the proposals of the [Labour Group](#) and accept the recommendations at (1) to (7) above.

Discussion took place in relation to the three budgets submitted including the challenges faced in producing these budgets; resource pressures; the excellent work of Council employees ensuring services continued to be provided within limited resources; the various proposed savings within each of the budgets and the impact of these savings; the investments within each of the budgets; and the disappointment that the Council could not agree a single cross-party budget.

Questions were raised by various Members and responded to: by Councillor Davis in relation to the refurbishment of the Citadel; and how the impact of the budget savings would be monitored; by the Head of Finance, ICT and Procurement in relation to settlement funding changes; by Councillor Dowey and the Director of Strategic Change and Communities in relation to utilising Stables Café; and by Councillor Davis and the Director of Strategic Change and Communities in relation to Community Halls.

Following questions from various Members, the Chief Executive confirmed that the Council had a No Compulsory Redundancy Policy.

Point of Order

A Point of Order was raised by Councillor Pollock that Councillor Henderson had referred to the investment in Golf Courses and this matter was being discussed at item 13 on the agenda. Councillor Henderson responded that the investment in golf courses was contained within the Conservative and Independent Members' budget, therefore, could be discussed at this point.

Adjournment

Due to technical issues, the time being 11.35 a.m., the Council agreed to adjourn for fifteen minutes.

Resumption of Meeting

The time being 11.50 a.m., the meeting resumed.

A Member requested a roll-call vote.

Point of Order

Councillor Henderson outlined that himself and Councillor McGinley had not had the opportunity to sum up; and the Head of Legal and Regulatory Services advised that, in terms of Standing Order No. 20.10, the mover of a motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote, however, the mover of an amendment or counter amendment has no right of reply to the debate on that amendment or counter amendment.

In accordance with the terms of the Council's Standing Orders, the Council then firstly proceeded to vote on the terms of the Counter-Amendment by Councillor McGinley and seconded by Councillor Saxton and the Amendment moved by Councillor Henderson and seconded by Councillor Grant.

The Head of Legal and Regulatory Services took the vote by calling the roll as follows:-

| | |
|--------------------------|-------------------|
| Iain Campbell | Abstain |
| Mary Kilpatrick | Abstain |
| Kenneth Bell | Abstain |
| Laura Brennan-Whitefield | Amendment |
| Ian Cavana | Counter Amendment |
| Alec Clark | Abstain |
| Ian Cochrane | Amendment |
| Brian Connolly | Abstain |
| Chris Cullen | Amendment |
| Ian Davis | Abstain |
| Julie Dettbarn | Amendment |
| Mark Dixon | Amendment |
| Martin Dowey | Abstain |
| Stephen Ferry | Abstain |
| William Grant | Amendment |

| | |
|-----------------|-------------------|
| Peter Henderson | Amendment |
| Hugh Hunter | Abstain |
| Martin Kilbride | Abstain |
| Lee Lyons | Abstain |
| Craig Mackay | Amendment |
| Brian McGinley | Counter Amendment |
| Bob Pollock | Abstain |
| Cameron Ramsay | Counter Amendment |
| Philip Saxton | Counter Amendment |
| Gavin Scott | Abstain |
| Bob Shields | Abstain |
| Duncan Townson | Counter Amendment |
| George Weir | Amendment |

Five Members voted for the Counter-Amendment and nine Members voted for the Amendment with fourteen Members abstaining. The Amendment was accordingly declared to be carried and became the substantive Amendment.

The Council then proceeded to vote on the terms of the Motion moved by Councillor Davis and seconded by Councillor Pollock and the substantive Amendment moved by Councillor Henderson and seconded by Councillor Grant.

The Head of Legal and Regulatory Services then took the vote by calling the roll as follows:-

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

Fourteen Members voted for the Amendment and fourteen for the Motion. Provost then exercised his casting vote in favour of the Motion and the Council, having thanked the Head of Finance, ICT and Procurement and his staff for their assistance during the budget setting,

Decided:

- (i) to accept the recommendations in the report by the Head of Finance, ICT and Procurement and to approve the proposals of the Conservative and Independent Members;
- (ii) to record its appreciation of the work undertaken on the Revenue Estimates 2023/24, Capital Estimates 2023/24 to 2034/35 and Carbon Budget 2023/24 by the Head of Finance, ICT and Procurement and his Finance team and all Officers involved in the process; and
- (iii) that a report be submitted to a future meeting of Cabinet outlining the process to be followed in allocating the investments in each Council ward on place planning and community led projects; on the investment in Ayr Town Centre; and on the investment into the regeneration of Girvan.

5. Treasury Management and Investment Strategy 2023/24

There was submitted a [report](#) (issued) of 22 February 2023 by the Head of Finance, ICT and Procurement seeking approval of the proposed Treasury Management and Investment Strategy for financial year 2023/24.

Councillor Davis, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

Comments were made by Members in relation to the Council benefiting from higher interest rates; the need to borrow when interest rates were lower; the volatility of the financial market; and the PWLB rates; and the Head of Finance, ICT and Procurement advised that he regularly took advice from the Council's financial advisers; that he would know more over the next few months as interest rates settled, however, it depended on the Bank of England interest rates.

The Council, having thanked the Head of Finance, ICT and Procurement and his staff for the work undertaken,

Decided: to approve the draft Treasury Management and Investment Strategy for 2023/24 (attached as Appendix 1 to the report).

6. Rent Setting and Housing Revenue Account (HRA) – Revenue Budget 2023/24 and Capital Budget 2023/24 to 2027/28

There was submitted a joint [report](#) (issued) of 20 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development and the Head of Finance, ICT and Procurement confirming rent setting for 2023/24; and seeking approval of the proposed Housing Revenue Account (HRA) Revenue Budget for 2023/24 and the proposed 5-year Capital Budget for 2023/24 – 2027/28.

Councillor Kilbride, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Questions were raised by Members in relation to:-

- (1) HRA Debt, the estimated future debt and the implications of this; and the Service Lead – Housing Services advised that, within Appendix 1 of the report was an entry for “Financing Costs” of £4.257m which represented 12.7% of the overall budget and that, as part of the last review of the business plan a debt affordability level of 35% had been set within the business plan which gave manoeuvrability over the course of the HRA business plan;
- (2) an entry in the budget regarding investment in footpaths for 2023/24, however, there had been no investment since then; and the Service Lead – Housing Services advised that the 2023/24 entry was historical where there had been specific funding granted for upgrade work with a view to adoption of those footpaths by ARA; and that, in the overall HRA Capital budget there was a line for environmental improvements and any footpath issues would be picked up through that;
- (3) there being no figure highlighted for window replacement; and the Service Lead – Housing Services advised that there was no entry in 2023/24, however, the Cabinet, at its meeting of 15 February 2023, had agreed a commitment towards a contribution for window replacement of £950,000; and
- (4) how the Council would be publicising the “buy back programme”; and the Service Lead – Housing Services advised that there was £800,000 within the Capital budget which was supported by the funding from the Scottish Government for this programme; and that a high number of enquiries had been received regarding the programme, however, he would investigate making more information available on the Council website in relation to this.

Comments were made by Members in relation to:-

- (a) no rent increase was ever welcomed, however, the 1.5% rent increase was gratifying with the current rate of inflation; and that the engagement with tenants had been worthwhile and it was hoped this engagement continued; and
- (b) the necessity for the Council to make representation to ARA regarding allocating funding for repair of footpaths as the footpaths in South Ayrshire were deteriorating and unless addressed there would be more accidents due to uneven, broken footpaths.

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

A Member requested a Roll Call Vote, however, the Head of Legal and Regulatory Services advised that a Roll Call Vote required to be requested prior to the vote commencing.

The Council, having thanked the Service Lead – Housing Services for his work on this matter,

Decided:

- (i) to note the decision taken by South Ayrshire Council on 20 January 2021 which approved increases of 1.5% per annum for rent and other charges, and specific rent setting provisions for new build housing for the 3 year period from 2021/22 to 2023/24. In accordance with the statutory requirements, arrangements were in place to notify tenants of their 2023/24 rental charge which would be effective from 6 April 2023;

- (ii) to include 1 bedroom new build flats within the rent freeze provision for other new build properties for 2023/24;
- (iii) to approve the 2023/24 HRA Revenue Budget outlined in section 4.6 of the report and [Appendix 1](#) and the proposed 5 year Capital Budget as outlined in section 4.8 of this report and [Appendix 2](#); and
- (iv) to note the requirements as outlined in paragraph 4.7 of the report to review and update the Housing Revenue Account Business Plan and conduct consultation with tenants on rent setting proposals for 2024/25 onwards.

7. Review of Political Decision Making Structure, Working Groups and Outside Bodies

There was submitted a [report](#) (issued) of 23 February 2023 by the Head of Legal and Regulatory Services seeking approval of changes to the Political Decision Making Structure, composition of Working Groups and list of Outside Bodies.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

Councillor Henderson, seconded by Councillor Grant, moved an Amendment (tabled) as follows:-

“It is recommended that Council agrees existing recommendations 2.1.1, 2.1.5, 2.1.6, 2.1.7 and 2.1.8 as they are set out in the paper and substitutes the following amended recommendations:-

- (1) that paragraph 2.1.2 should read “approves the creation of an additional Portfolio Holder for Developing South Ayrshire with oversight of future developments and special projects – SNP Member and deletes the proposals contained in the second and third bullet points in Paragraph 4.1 of the Paper;
- (2) that paragraph 2.1.3 should read “approves the addition of Age Concern and SOPA to the list of approved Outside Bodies and agrees that the Council is represented on these bodies by a member of the SNP Group and replaces the word “Conservative “ where it appears in paragraph 4.2.2 with the word “SNP”; and
- (3) that paragraph 2.1.4 should read “requests that SNP confirm their representative for Cabinet and Group Leaders, for their Groups, to the Outside Bodies and Working Groups as identified in paragraphs 4.1, 4.2 and 4.3.

Councillor Saxton, seconded by Councillor Cavana, moved a Counter Amendment (tabled) as follows:-

“that the Council agrees recommendations 2.1.1, 2.1.3, 2.1.5, 2.1.6, 2.1.7 and 2.1.8 and the following amended recommendations:-

- (a) that paragraph 2.1.2 should read “approves the creation of an additional Portfolio Holder for Developing South Ayrshire with oversight of future developments and special projects – Labour and nominates the representative for Labour Councillor as Brian McGinley and deletes the proposals contained in the second and third bullet points in Paragraph 4.1 of the Paper; and
- (b) requests that Group Leaders confirm their representatives, for their Groups, to the Outside Bodies and Working Groups as identified in paragraphs 4.1, 4.2 and 4.3.

Councillor Henderson advised that he would withdraw paragraph (1) above of his Amendment regarding paragraph 2.1.2 of the report, in favour of Councillor Saxton's paragraph (a) above regarding paragraph 2.1.2 of the report; and subsequently amend paragraph (3) above of Councillor Henderson's Amendment accordingly. This was accepted by Councillor Saxton who subsequently agreed to withdraw his Counter Amendment.

Comments were made by Members in relation to:-

- (i) both scrutiny panels should be retained at this time and not merged while responses were awaited on the Best Value Audit report; that there would be a democratic deficit if the Council was not seen to be adequately scrutinising matters; and that it was to the benefit of all constituents that all Council decisions were scrutinised appropriately;
- (ii) 2.1.3 of the report, the SNP Group believed that the SNP Councillor appointed to Age Concern and SOPA should remain as the Council's representative due to the experience gained, the relationships established and the work carried out to date;
- (iii) whilst accepting the advice of the KC, meetings should be democratic; a Labour Councillor would be an asset to Cabinet; and merging the two scrutiny panels would be a risk to the Council;
- (iv) Age Concern and SOPA had requested that the Depute Provost be the Council's representative on their organisation; and that Councillor Shields would bring a great deal of life experience to the Cabinet;
- (v) that the Labour Group were willing to work with the Administration in every way to impart their experience; and that there had been a lack of consultation in relation to this report;
- (vi) that the South Ayrshire Sports Council Executive and the South Ayrshire Waste and Environment Trust no longer existed; and the Chief Executive advised that she would take this on board and update the list of Outside Bodies;
- (vii) the need for separate reports in relation to changes to Panel membership and changes of Outside Bodies/Working Groups membership; that the legal advice being issued to Members two days prior to the Council meeting which did not allow sufficient time for Members to prepare an Amendment to the report; and that the recommendation within the report was not a change to the political decision making structure but was creating a position of Portfolio Holder for a named individual;
- (viii) that the KC advice had been received by all Members well in advance of this meeting;
- (ix) concerns regarding the very detailed questions put to the KC which had gone beyond clarifying the Standing Orders and were clearly a search for a loophole in the Standing Orders; that the report due to be considered at the Council meeting in December 2022 which had been withdrawn had named a Councillor to be the Portfolio Holder, however, this report now stated an Independent Member; and that this was not in the spirit of these long-standing Standing Orders;
- (x) noting thanks to the Head of Legal and Regulatory Services for protecting the Council's name and democracy in her duties; being happy to accept the advice of the KC; supporting the suggestion that the schedule of meetings be examined to possibly increase the frequency of the new Panel; and suggesting that the public may appreciate having representation on Cabinet from an Independent Member for impartial decision making;

- (xi) that having an Independent Member on Cabinet would not be an erosion of democracy but would in fact be strengthening democracy; that the scrutiny panels were only reducing from three panels to two; and that the business of scrutiny panels was not efficient at times as some panels had little business which was not a good use of officers' time, therefore, merging the panels was a better use of resources;
- (xii) whilst accepting KC's advice, the four Independent Members were not a party; and the Head of Legal and Regulatory Services advised that KC's advice made it clear that the Independents could agree who would represent them in this case; and, should they not agree on which Independent Member represented them, this would then be decided by the matter being referred to Council in terms of the Standing Orders for a decision to be taken by lot ; and
- (xiii) that the three scrutiny panels were for distinct different purposes; that the time each panel took depended on the nature of the business on the agenda; that democracy had to be served and had to be seen to be served; and that other Local Authorities with Independent Members had a Group and a designated leader of that group;

Questions were raised by Members in relation to:-

- (A) whether Audit Scotland had been consulted on the merging of two scrutiny panels and whether it had been considered in terms of best value as best practice for the Council, as constructive challenge was integral to democracy and gave every Councillor the opportunity to monitor the administration's progress and highlight areas of concern; and Councillor Dowe advised that advice had been taken on this matter. ;
- (B) whether the administration would consider reviewing the cycle of meetings with a view to increasing the frequency of meetings of the new Panel within the cycle and increase the membership of the Panel if appropriate; and the Head of Legal and Regulatory Services advised that this was a matter for Council to decide on, however, Partnerships Panel had been cancelled on a number of occasions due to lack of business for the agenda; and that, to ensure proper scrutiny took place, the Council required to assess how the new Panel progressed and call Special meetings if it was felt they were required; and
- (C) as the KC's advice was clear that a Group could be named and not an individual, did the KC's advice still stand as an individual had been named several times at this meeting; and the Head of Legal and Regulatory Services advised that the advice did still stand as the individual was being nominated from the Independents, should this report be approved.

In relation to comments made by Members regarding the KC advice, the Head of Legal and Regulatory Services advised

- (I) that she had been asked for legal advice from the Administration and had provided an opinion, thereafter, proposals had been put forward which differed from that and she therefore took legal advice from a KC on those proposals which it was her responsibility to do;
- (II) that she shared the opinion of both memorials that were submitted and the Opinions received from KC ; however, it was open to Members to take alternative legal advice if they so wished;

- (III) that she had shared the legal advice with Members as soon as it was available; and
- (IV) that Standing Orders and the advice of the KC were being followed; that the advice given by the KC was regarding a procedural matter only; and that any Member was entitled to seek further legal advice on this matter if they so wished.

Following a comment by Councillor Pollock which was deemed inappropriate, Councillor Pollock agreed to retract this comment.

Councillor Davis moved that the Council Move to Vote and that the vote be undertaken by roll-call.

The Head of Legal and Regulatory Services then took the vote by calling the roll as follows:-

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

Fourteen Members voted for the Amendment and fourteen for the Motion. Provost then exercised his casting vote in favour of the Motion and the Council, having considered the contents of the report

Decided:

- (aa) to approve the amendments to the Political Decision Making Structure as outlined at 4.1;

- (bb) to approve the addition of Age Concern and SOPA to the list of approved Outside Bodies and agree that the Council be represented on these bodies by a member of the Conservative Group;
- * subsequently agreed as Councillor Mary Kilpatrick (as Older People's Champion)
- (cc) to request that the Independents confirm their representative for Cabinet and Group Leaders for their Groups to the Service and Partnerships Performance Panel, Outside Bodies and Working Groups as identified in paragraphs 4.1, 4.2 and 4.3 of the report;
- * subsequently agreed that Councillor Bob Shields be the Portfolio Holder for Developing South Ayrshire and the new Service and Partnerships Performance Panel comprise of the following Members:- Councillors Phil Saxton (Chair), Chris Cullen (Vice Chair), Kenneth Bell, Ian Cochrane, Mark Dixon, Mary Kilpatrick, Gavin Scott and George Weir.
- (dd) to approve the changes to the composition of Working Groups as outlined at 4.3;
- * subsequently agreed that Councillor Kenneth Bell be added to the membership of the Planning Liaison Group; and that Councillor Cameron Ramsay be added to the membership of the Equality and Diversity Forum
- (ee) to request that the Head of Legal and Regulatory Services make revisions to the proposed timetable of Panel meetings for the period August 2023 to June 2024;
- (ff) to request that the Head of Legal and Regulatory Services arrange publication of the revised Scheme of Delegation incorporating any proposed amendments; and
- (gg) to note the update in respect of Freeport (Scotland) Limited.

Time of Meeting

The time being 1.30 p.m., Provost, seconded by Councillor Hunter moved that Council agree to continue the meeting beyond 2.00 p.m. as the business of the meeting was not likely to be completed by 2.00 p.m., in accordance with Standing Order No. 6.2.

Following an enquiry from a Member on whether this Motion required Standing Orders to be suspended and a two thirds majority achieved, the Head of Legal and Regulatory Services confirmed that this was not the case.

A Member commented that, if this vote was not carried out with a two thirds majority required, it was not a democratic decision; and the Head of Legal and Regulatory Services advised that the Standing Orders did not state that a two thirds majority was required, however, Members may wish to review the Standing Orders in relation to this matter.

Fourteen Members voted for the Motion and fourteen Members voted against the Motion. Provost then exercised his casting vote for Motion and the

Decided: to continue the meeting beyond 2.00 p.m. in accordance with Standing Order No. 6.2.

Adjournment

The time being 1.40 p.m. the Council to adjourn for ten minutes.

Resumption of Meeting

The time being 1.50 p.m., the meeting resumed.

8. Members' Remuneration

There was submitted a [report](#) (issued) of 23 February 2023 by the Head of Legal and Regulatory Services seeking approval of changes to the Members' Remuneration.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

Point of Order

A Point of Order was raised by Councillor McGinley on paragraph 4.3 of the report regarding the Depute Provost being a Senior Councillor as page 2 of the Standing Orders stated that the Depute Provost was defined as "any Vice-Convener or Chair of the Council duly appointed as such by a full meeting of the Council in terms of Section 4 (2) of the 1994 Act" which he stated indicated that the Depute Provost could not be a Member with no position and that a payment was already provided for the post of Depute Provost; the Head of Legal and Regulatory Services advised that it was not outlined within the Standing Orders that the Depute Provost required to be a Chair; and the Chief Executive further advised that it was a decision for the Council to make regarding which positions attracted a senior Councillor allowance, that the definition of Depute Provost did not determine that they were not entitled to be deemed a Senior Councillor and that up to fourteen Councillors could be Senior Councillors.

Following a question from a Member on whether there could be a challenge by Vice-Chairs of Panels in terms of the Equalities Act, the Head of Legal and Regulatory Services advised that she would respond to the Member in writing; and the Chief Executive further advised that paragraph 3.2 of the report confirmed that it was for the Council to determine which posts were Senior Councillor posts and the remuneration attributed to that post as there were different rates for different posts. A Member advised that paragraph 9 of the report addressed this issue.

A comment was made by a Member that the post of Depute Provost was a senior position, that the Depute had to represent the Provost at events and may have to Chair the Council meeting; that when a previous Member had been Depute Provost, they had also been a Portfolio Holder and received one additional payment..

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

The Council, having considered the contents of the report

Decided: by a majority, to approve the revisions to Members' Remuneration as outlined at paragraphs 4.2 and 4.3 of the report.

Councillors Dettbarn, Henderson and McGinley left the meeting during consideration of the above item.

9. Appointments to Panels, Working Groups, Etc

There was submitted a [report](#) (issued) of 23 February 2023 by the Head of Legal and Regulatory Services seeking approval to make alterations to the lists of Panels, Working Groups, etc.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

The Council

Decided:

- (1) to note that Councillor Bob Pollock replace Councillor Ian Davis on the Ayrshire Shared Services Joint Committee, as outlined at paragraph 4.1.1 of the report;
- (2) to note that Councillors Julie Dettbarn and Duncan Townson, respectively, replace Councillors Peter Henderson and Brian McGinley as the SNP and Labour members on the Best Value Member/ Officer Working Group, as outlined in paragraph 4.1.2 of the report;
- (3) to note that Councillor Craig Mackay replace Councillor Ian Cochrane on the Sustainable Development and Climate Change Member/Officer Working Group, as outlined in paragraph 4.1.3 of the report; and
- (4) to request that officers make the required amendments to the lists of Panels and Working Groups to reflect these changes.

10. Station Hotel Update.

There was submitted a [report](#) (issued) of 23 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development providing an update on matters relating to the Station Hotel in Ayr; and seeking approval for the continuation of funding for the protective measures in place at the building until the end of September 2023 and for the appointment of an external expert to support the development of a programme of works for the demolition of the southern wing of the building and for securing all necessary permissions for doing so.

Councillor Dowey, seconded by Councillor Lyons, moved the recommendations as outlined in the report.

Comments were made by Members in relation to:-

- (1) the monies being spent on this Hotel when finances were already tight; and that any groups or organisations with a credible plan for the Hotel and the finances for this should contact the Council timeously as time was now running out;
- (2) the frustration felt by Members at the monies which required to be spent to ensure public safety;
- (3) being happy to support this report to ensure a conclusion was imminent;
- (4) the importance of the Government bodies and rail company meeting with the Council to reach a conclusion; and

- (5) the monies already spent on keeping the Hotel safe and that the Council had to follow Best Value for the public pound.

A question was raised by a Member in relation to the meeting of the Strategic Governance Group of 14 November 2022 which had requested a meeting with the Transport Minister Jenny Gilruth and whether there had been a response to this request; and the Depute Chief Executive and Director of Housing, Operations and Development advised that no response had been received and that the next meeting of the Strategic Governance Group would take place on 9 March 2023 and this request would be made again to the Strategic Stakeholders following that meeting.

A full discussion took place regarding the terms of Councillor Dowey's Motion and, following a suggested amendment to the Motion by Councillor Cullen, Councillor Dowey accepted a change to the Motion to amend 2.1.3 of the report to read "to note the ongoing engagement with interested action groups and potential developers of the building and that officers then develop the proposals to be considered at a Special Council meeting in September 2023".

The Council

Decided:

- (a) to agree funding of £500,000 from uncommitted reserves to continue the building encapsulation until the end of September 2023; to carry out works to future-proof the encapsulation to extend the lifetime of the protective measures; and to appoint an external expert to support the development of a programme of works for the demolition of the southern wing of the building and for securing all necessary permissions for doing so;
- (b) to note the activity undertaken by the stakeholders and the Ayr Station Hotel Strategic Governance Group on the Atkin's Phase 2 Option Appraisal Review;
- (c) to note the ongoing engagement with interested action groups and potential developers of the building and that officers then develop the proposals to be considered at a Special Council meeting in September 2023; and
- (d) to request that officers submit an update report to the Cabinet in September 2023.

11. LDP2 Supplementary Guidance Site Design Brief: South East Ayr

There was submitted a [report](#) (issued) of 20 February 2023 by the Depute Chief Executive and Director of Housing, Operations and Development seeking approval to publish the draft Local Development Plan 2 Supplementary Guidance Site Design Brief for South East Ayr for public consultation.

Councillor Pollock, seconded by Councillor Dowey, moved the recommendations as outlined in the report.

Comments were made by Members in relation to:-

- (1) this document being a draft which would then go out to public consultation and also to landowners and developers for comment; the additional jobs this would provide in the area; and thanking officers for the work carried out on this document;
- (2) the need to bring this matter to a conclusion;
- (3) who would pay for the upgrade of the development of the A77 trunk road going through this development as this required to be done, otherwise the development was unsustainable; and
- (4) that, for a development of this size, infrastructure was vital as a school, footpaths and shops were required in creating a sustainable community; that the developers were proposing to create a convenience store which was not suitable and would force people to travel further for shopping; the requirement to have facilities in place at an early stage; and seeking assurances that, following the public consultation, agreement would be reached on conditions that were watertight; and the Service Lead – Planning and Building Standards advised that the intention was to ensure delivery of all key elements were tied into the development so they were funded and brought forward at the appropriate time to ensure there was an appropriate development for all residents.

Decided: to approve the draft Site Design Brief for South East Ayr for public consultation.

12. **Council Plan 2023-28.**

There was submitted a [report](#) (issued) of 22 February 2023 by the Director of Strategic Change and Communities seeking approval of the Council Plan for 2023-2028.

Councillor Dowey, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Comments were made by Members in relation to:-

- (1) the Council Plan building on the work which had taken place over the last few years;
- (2) ensuring that the agenda for the Council meeting in June 2023 had fewer items of business to allow each item to be considered fully, particularly the action plans which would merit close scrutiny;
- (3) ensuring that those people with a disability would be a large part of the consultation process; and
- (4) commending this document which highlighted that South Ayrshire was an attractive area and a lovely place to live.

The Council, having thanked the Director of Strategic Change and Communities and her staff for their work on this Plan

Decided:

- (a) to approve the Council Plan for 2023-2028 attached as Appendix 1 to the report; and
- (b) to note that, following approval, service plans based on the agreed outcomes would be developed by each service area and made available for scrutiny by Members at the Council meeting in June 2023.

13. Golf Strategy 2022-2032

There was submitted a [report](#) (issued) of 20 February 2023 by the Director of Strategic Change and Communities providing an update on progress made with the implementation of the Golf Strategy; and seeking approval to provide an additional £5m investment for a programme of works to upgrade Darley and Belleisle Golf Courses.

Councillor Connolly, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

Councillor Brennan, Whitefield, seconded by Councillor Weir, moved an Amendment namely:-

“it is recommended that the Council:

- (1) considers the progress made by officers in the implementation of the Golf Strategy (a full update report is outlined in Appendix 1); and
- (2) requests officers to present a report to Council providing detailed reasons for the requirement to allocate £5m from the Capital Programme to invest in a programme of works to upgrade Darley and Belleisle Golf Courses and setting out how long it will take to recoup the capital investment prior to the allocation of these sums to the Capital Programme for such programme of works.”

Comments were made by Members in relation to:-

- (a) the public money being spent on the two golf courses during the cost of living crisis and with a constrained budget; that detailed information on the capital investment of £5m should be justified with an in-depth business case; if the administration were so confident that this investment would provide value for money for the people of South Ayrshire, they should clearly evidence this before spending the monies; and whether the economic impact assessment would have a positive impact on those most economically disadvantaged;
- (b) that upgrading facilities for staff should be a priority as the current staff facilities were not fit for purpose;
- (c) that the residents of South Ayrshire may not understand the rationale behind this programme of works; and
- (d) the important role golf had to play in South Ayrshire to improve the health and wellbeing of residents; that golf courses would also have paths for everyone to walk and enjoy the green spaces; that the monies were earmarked primarily for Darley and Belleisle Golf Courses to improve them and market them as a tourist attraction with the aim being to bring money back into the Council; and that financial targets had been achieved for this year which could be improved upon next year.

Questions were raised by a Member on the progress made on the works to resolve the flooding issues and the works to find alternative staff quarters; and the Co-ordinator (Health and Wellbeing) advised that works had been undertaken in relation to flooding with the fairways now in a very good condition; and that he was currently liaising with Professional Design Services examining the suitability of a building to replace the current building which had roof damage to create staff accommodation and storage for machinery, however, the costs had significantly exceeded the £500,000 estimated costs.

The Council, having considered the progress made by officers in the implementation of the Golf Strategy (a full update report outlined in [Appendix 1](#)),

Decided: to approve the allocation of £5m from the capital programme to invest in a programme of works to upgrade Darley and Belleisle Golf Courses (as outlined in [Appendix 2](#)).

Councillor Dowey left the meeting at this point.

14. Formal Questions.

In terms of Council Standing Order No. 26.2, there were submitted [Formal Questions](#) from Councillors McGinley, Dettbarn and Mackay, along with responses which were made available to all Members.

- (1) Councillor Mackay raised a supplementary question in relation to his Formal Question as follows:-
- my concern is related to the Active Travel Strategy which I understand was due to be published after it was approved in March 2022 but was then held off until after the Council election and has now sat on a shelf awaiting Councillor Dowey writing the introductory page. The Strategy was meant to be overseen by quarterly meetings of the Active Travel Forum but so far we have only seen the renaming of the Forum to the Cycle Forum. Could someone advise when the Active Travel Strategy will be live?

In the absence of Councillor Dowey, Councillor Lyons advised that a response would be submitted in writing to Councillor Mackay. A response was subsequently provided to Councillor Mackay on 29 March 2023 by the Chief Executive advising that the Active Travel Strategy had been launched and providing a link to this document: [South Ayrshire Active Travel Strategy 2022 \(ayrshireroadsalliance.org\)](https://www.southayrshire.gov.uk/active-travel-strategy-2022)

Councillor Dowey re-joined the meeting at this point.

Exclusion of press and public.

Following a vote on whether the remaining item of business on the agenda should be considered in private, in terms of Standing Order No. 19.9, there was no general agreement, therefore, the Council moved to a vote for or against the Motion.

Decided: by a majority, to agree to consider the following item 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 paragraph 8 of Part 1 of Schedule 7A of the Act.

15. Public Engagement on Relocation of Troon Early Years Centre.

There was submitted a report (issued – members only) of 20 February 2023 by the Director of Educational Services seeking agreement to undertake a public engagement process on the relocation of Troon Early Years Centre.

Councillor Kilbride, seconded by Councillor Pollock, moved the recommendations as outlined in the report.

A full discussion took place in relation to this report and questions were raised and responded to by the Director of Education; the Service Lead – Destination South Ayrshire; the Service Lead – CLD & Employability and Skills and the Quality Improvement Manager.

The Council

Decided:

- (1) to agree to officers undertaking an engagement process on the relocation of Troon Early Years Centre; and
- (2) to request that officers bring a report on the outcome of the engagement process to Council on 12 October 2023.

16. Consideration of Disclosure of the above confidential report.

Following advice from the Head of Legal and Regulatory Services, the Council

Decided: to authorise the disclosure under Standing Order 32.4 of the following report:-

- Public Engagement on Relocation of Troon Early Years Centre.

17. Closing Remarks.

The Provost thanked all in attendance for their contribution.

The meeting ended at 3.15 p.m.