

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 30th August 2016 at 2.00 p.m.

Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Allan Dorans, Ann Galbraith, Sandra Goldie, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and John Wallace.

Apologies: Councillors Brian Connolly, Hywel Davies, Ian Douglas and Brian McGinley.

Attending: E. Howat, Chief Executive; V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; D. Hutchison, Director of Educational Services; and J. McClure, Committee Services Lead Officer.

1. Provost.

The Provost

- (1) welcomed everyone to the meeting; and
- (2) intimated that apologies had been received from Councillors Brian Connolly, Hywel Davies, Ian Douglas and Brian McGinley.

2. Sederunt.

The Chief Executive called the Sederunt for the meeting.

3. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

4. Response to the June 2016 Best Value Audit Report.

There was submitted a [report](#) (issued) of 19th August 2016 by the Chief Executive seeking approval of the response developed by the Best Value Working Group (BVWG) to address the matters raised by Audit Scotland and the findings of the Audit Commission.

Questions were raised by a Member on what discussions had taken place with the Accounts Commission regarding the savings being made by this Council; and whether the Accounts Commission had concerns regarding future service delivery due to these savings. Following the Chief Executive's response, the Member sought clarification on where these issues were included within the recommendation to be agreed and the Chief Executive advised accordingly.

The Council, having congratulated the Chief Executive and her staff on this work,

Decided:

- (1) to agree to continue the tenure of the Best Value Working Group with its current membership and remit as detailed in 4.1 and 4.2 of the report;
- (2) to approve the response developed by the Best Value Working Group;
- (3) to approve the action plan for reviewing and evaluating progress as outlined in Appendix 1 to the report; and
- (4) to request that a summary of the Council's decisions in respect of the Best Value Audit be submitted to the Accounts Commission for approval and subsequent publication.

5. Formal Questions.

In terms of Council Standing Order No. 26(2), there were submitted (tabled) Formal Questions

- (a) from Councillor Allan Dorans, details of which, together with the Answers, are outlined below:-

In relation to the creation of a bi-directional cycle lane and other changes to the carriageway at Holmston Road, Ayr, to ask the Portfolio Holder:

- (i) Were they consulted on this matter?

Answer: No

- (ii) Did they agree to the work being carried out?

Answer: No

- (iii) Which other Elected Members were involved in the decision to approve this work?

Answer: None.

- (iv) Was this matter considered or approved by the Ayrshire Shared Services Joint Committee?

Answer: No.

- (v) What action does the Portfolio Holder propose to take to investigate this situation?

Answer: Discussions have taken place between the Portfolio Holder, the Executive Director – Economy, Neighbourhood and Environment and the Head of Roads, Ayrshire Roads Alliance.

- (vi) What evidence is there that there is demand from cyclists for the creation of a bi-directional cycle lane at this location? Specifically what research was undertaken to support this option?

Answer: I understand from Ayrshire Roads Alliance that no specific research was carried out in relation to this work. The Council Plan notes three strategic outcomes which support this work and these are: work towards a sustainable, low carbon future; people have healthier lifestyles including more exercise; and people feel safer. The point of creating dedicated, protected cycleways is to encourage people have don't currently cycle to start and to encourage people to commute by cycle.

- (vii) What research and traffic flow management surveys were carried out prior to the work commencing?

Answer: I understand from Ayrshire Roads Alliance that no surveys were carried out prior to the work commencing because there was no change to the lane widths of the road.

- (viii) Was the upgrading of the existing Cycle Route which runs along the south side of the River Ayr at this location considered?

Answer: I understand from Ayrshire Roads Alliance that upgrading of the River Ayr Way was considered, however, the likely costs were judged to be higher than those of Holmston Road and the likelihood of securing external funding for the works was lower.

- (ix) What other options were considered – was an options appraisal carried out? If so, are there copies available?

Answer: I understand from Ayrshire Roads Alliance that officers considered the options and concluded by reasons of cost and likelihood of securing external funding, that the best option was Holmston Road. I understand that there was no written options appraisal.

- (x) What consideration was given to the effects of this work on other road users?

Answer: I understand from Ayrshire Roads Alliance that officers gave consideration to the effects on other road users in the design of the scheme.

- (xi) What consultation was undertaken with Elected Members, Community Councils, local residents, other Council Service providers specifically Bereavement Services in relation to car parking for those attending burials at Ayr Cemetery, local educational establishments, other road users, emergency services and public transport providers?

Answer: I understand from Ayrshire Roads Alliance that no consultation was undertaken and that no consultation required to be undertaken. I know that ARA has indicated that dialogue regarding this work should have been better.

- (xii) At what political forum was this course of action agree?

Answer: None that the Portfolio Holder is a member of.

(xiii) Who ultimately made the decision that this work would take place?

Answer: Relevant officers within the Ayrshire Roads Alliance.

(xiv) What was the cost of this work and what was the source of funding?

Answer: Ayrshire Roads Alliance applied for and received capital funding of £60,000 from Cycling Walking Safer Streets, Sustrans and Strathclyde Passenger Transport.

(xv) How much has this project cost South Ayrshire Council?

Answer: There is no cost to South Ayrshire Council.

(xvi) Will consideration be given to stopping this work and reinstating the carriageway to the road layout prior to this work being carried out?

Answer: I understand from Ayrshire Roads Alliance that there are no traffic management reasons to revert to the former layout and indeed the former layout does not encourage cycling. ARA has indicated that there will be an independent safety audit of the scheme and if that suggests changes are required then ARA will carry those out.

(xvii) What action does the Portfolio Holder plan to take to remedy this situation?

Answer: Officers have been instructed to consider what improved procedures might be followed in relation to future projects.

Councillor Dorans raised supplementary questions asking the Portfolio Holder

(A) if he was satisfied with the work carried out and Councillor McDowall advised that he was satisfied with the quality of work, however, he was not satisfied with the lack of consultation undertaken; and

(B) if the road would be reinstated to its original layout and Councillor McDowall advised that, once the safety audit had taken place, the Ayrshire Roads Alliance would make a decision on the future layout.

(b) from Councillor Nan McFarlane, details of which, together with the Answers, are outlined below:-

(i) What type of car parking request was made by the R&A to sub-lease the hockey pitches from the Council?

Answer: The lease request was for a temporary car park to be used in conjunction with the Open Golf Championship.

(ii) What car parking request from the Council was given to the Marr Trust for a sub-lease?

Answer: An e-mail was sent to the Trust on 6th June 2016 seeking landlord's consent for this proposed sub-lease.

- (iii) Was the Portfolio Holder aware the use was a Mercedes-Benz promotional car park?
- Answer: The request for the use of the hockey pitches was for car parking facilities only. This has been confirmed by the R&A.
- (iv) Is the Portfolio Holder aware that prestigious events like the Open Golf can generate between £500,000 and £800,000 for promotional car parking from corporate companies like Mercedes Benz?
- Answer: Yes. Prestigious and major events of this magnitude attract a considerable amount of sponsorship from a variety of large named brands.
- (v) Did the Council receive a financial payment from Mercedes-Benz?
- Answer: No.
- (vi) As the sub-lease holder, did the R&A receive a financial payment from Mercedes-Benz?
- Answer: This information was not shared with the Council.
- (vii) Were any conditions attached when the sub-lease was passed to the R&A?
- Answer: Conditions were the standard terms and conditions of entering into a temporary license to occupy with the Council including the requirement for reinstatement and making good any damage, if necessary.
- (viii) Was there a condition of the lease for a financial percentage to be paid to the Council?
- Answer: No.
- (ix) Who agreed that Mercedes-Benz could use car parking at Marr College to valet their promotional saloons?
- Answer: The request was received by Enterprise Service, with approval from the Education Service.
- (x) Who agreed that Mercedes-Benz could connect to the utilities at Marr College for the purpose of valeting their promotional saloons?
- Answer: Estates.
- (xi) Did Mercedes-Benz have permission to divert cyclists on the cycle path at Marr College when valeting their promotional saloons?
- Answer: All legal exemption orders were put in place during the Open and there were no exemption orders for the Marr College car park and no request was made from the R&A.

- (xii) Did the Council receive a financial payment for the use of Marr College car park?

Answer: No.

- (xiii) Did the Council take any bookings for the all-weather pitches during the first three weeks in July?

Answer: No bookings were taken for the period of the Open Championships as access was limited and H&S and event management considerations were paramount.

Councillor McFarlane raised supplementary questions asking

- (A) with regard to question (iv), as a large amount of money may be generated from promotional car parking and this Council received no recompense for the use of its ground, could the Portfolio Holder guarantee that lessons had been learned and that future income generated from promotional car parks would be received by this Council and not the Royal and Ancient; and
- (B) with regard to question (x), would the Portfolio Holder ensure for future events that the Head Teacher would be kept advised of all arrangements.

Councillor Reid advised that he would respond to these questions in writing at a later date.

The meeting ended at 2.20 p.m.