

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of a special meeting in County Buildings, Wellington Square, Ayr,
on 18 February 2020 at 2.00 p.m.

Present: Councillors Helen Moonie (Provost), Laura Brennan-Whitefield, Siobhian Brown, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Peter Convery, Chris Cullen, Ian Davis, Julie Dettbarn, Martin Dowey, Ian Fitzsimmons, William Grant, Peter Henderson, Hugh Hunter, Mary Kilpatrick, Lee Lyons, Craig Mackay, Derek McCabe, Brian McGinley, Bob Pollock and Margaret Toner.

Apologies: Councillors Iain Campbell, Philip Saxton and Arthur Spurling.

Attending: E. Howat, Chief Executive; D. Hutchison, Depute Chief Executive and Director – People; D. Gillies, Director – Place; C. Caves, Head of Regulatory Services; C. Monaghan, Service Lead - Community Services and Facilities; 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 Iain Campbell, Philip Saxton and Arthur Spurling.

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 Council in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

4. Formal Question.

The Council noted that no formal questions had been submitted.

5. Exclusion of press and public.

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 following items of business on the grounds that they involved the likely disclosure of exempt information in terms of paragraphs 1 and 4 of Part 1 of Schedule 7A of the Act.

6. Scottish International Airshow.

There was submitted a report (members only) of 17 February 2020 by the Head of Regulatory Services providing a further update in relation to compliance with the Minute of Agreement (MoA) which set out the operational arrangements agreed by both the Council and the Scottish International Airshow (TSIA) for the staging of both the 2018 and 2020 Airshows.

A full discussion took place in relation to this issue and the Council commended the Officers involved for their work on this matter.

The Council, having considered the responses provided by TSIA and their proposals to settle the dispute,

Decided:

- (1) to request the Head of Regulatory Services to agree a settlement with the Organisers providing for the mutual agreement by both parties to terminate the MoA and confirmation that the figure of £80,000 paid to TSIA in error represented full and final payment of any liabilities due by the Council to TSIA in terms of the MoA or the 2020 Event. Also that the figure of £80,000 would be used to pay the outstanding invoice due to the statutory authority identified in Appendix 2; and return the payments made in advance by customers, businesses and sponsors in respect of the 2020 Event set out in Appendix 2; and
- (2) in the event that the Head of Regulatory Services could not agree this settlement, to agree to terminate the MoA and to instruct officers to serve a termination notice on TSIA in accordance with the MoA.

7. Disclosure of Confidential Information.

There was submitted a report (members only) of 17 February 2020 by the Head of Regulatory Services seeking approval to report the disclosure of personal and confidential information to Police Scotland to undertake an investigation and, should Police Scotland advise that they were unable to investigate this, seeking approval to carry out an internal investigation into the disclosure of this confidential and personal information.

A full discussion took place in relation to this matter and the Council

Decided:

- (1) to agree that the Head of Regulatory Services report to Police Scotland the appearance of the personal and confidential information, as detailed in the report, in the Ayrshire Post and request that they investigate this to confirm whether this was a breach of the Data Protection Act 2018 and, if so, they would proceed with an investigation; and
- (2) to agree that, where Police Scotland decided that this was not a matter suitable for them to investigate, an investigation be undertaken by an external party into the disclosure of the confidential and personal information, as outlined in the report.

8. **Consideration of Disclosure of the above Confidential Reports.**

Decided:

- (1) to authorise the disclosure of part of the undernoted report falling under Standing Order 32.4 and that this report be redacted following consultation with the Head of Regulatory Services and relevant officers:-
 - The Scottish International Airshow; and
- (2) not to authorise the disclosure under Standing Order 32.4 of the whole or part of the following report:-
 - Disclosure of Confidential Information.

The meeting ended at 2.50 p.m.