

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of a special meeting in County Buildings, Wellington Square, Ayr,
on 24 March 2020 at 2.00 p.m.

Present: Councillors Helen Moonie (Provost), Siobhian Brown, Douglas Campbell, Iain Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Brian Connolly, Julie Dettbarn, Martin Dowey, Peter Henderson, Lee Lyons, Brian McGinley and Philip Saxton.

Apologies: Councillors Laura Brennan-Whitefield, Andy Campbell, Peter Convery, Chris Cullen, Ian Davis, Ian Fitzsimmons, William Grant, Hugh Hunter, Mary Kilpatrick, Craig Mackay, Derek McCabe, Bob Pollock, Arthur Spurling and Margaret Toner.

Attending: E. Howat, Chief Executive; D. Hutchison, Depute Chief Executive and Director – People; D. Gillies, Director – Place; C. Caves, Head of Regulatory Services; J. Nicol, Service Lead – Planning and Building Standards; K. Briggs, Service Lead – Legal and Licensing; 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 the Councillors listed above.

2. 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.

3. Appointments to Panel.

There was submitted a report of 19 March 2020 by the Head of Regulatory Services seeking approval to make alterations to the membership of a Panel.

The Council,

Decided: to nominate and appoint Councillor Philip Saxton to replace Councillor Brian McGinley as a member of the Chief Officers' Appointments/Appraisal Panel.

4. Approvals Under Delegated Authority – Emergency Powers.

There was submitted a report of 20 March 2020 by the Head of Regulatory Services seeking approval to enable effective decision making during the 2020 COVID-19 Pandemic (the "Pandemic").

Councillor Douglas Campbell moved the recommendations within the report subject to the following amendments:-

- (1) An additional recommendation to read “to request that the Head of Regulatory Services review the governance arrangements approved within the report and consider whether there required to be a variation to the arrangements and provide a report to Members by the middle of May 2020”;
- (2) The wording on page 3 of the report, section 4.6 “G03 – lines 4 and 5 be changed after (where expenditure is required) to “and consult the appropriate portfolio holder and advise local members where possible”;
- (3) The wording on page 3 of the report, section 4.6 “G21 – line 5 after portfolio holder(s) remove the word **or** i.e. and the Leader of the Council”;
- (4) The wording on page 3 of the report, section 4.7 G21B, line 4 after “Independent Member” add “appropriate portfolio holder”;
- (5) An addition to the wording of paragraph 4.13 of the report to read:-

“in order to relieve pressure on both the trade and the Licensing Team, it is recommended that the Head of Regulatory Services is given power to **vary the terms and to** extend any licence which would otherwise expire during the emergency, to 30 November 2020”; and
- (6) An addition to the wording of paragraph RS63 in Appendix 1 to the report to read:-

“authority during the 2020 COVIC-19 Pandemic **to vary the terms and** to extend any licence which would otherwise expire during the emergency to 30 November 2020”.

Thereafter, Councillor McGinley seconded the Motion and proposed a further amendment to the recommendations (with the agreement of the mover of the Motion, Councillor Douglas Campbell) that paragraph 2.1.4 of the report be amended to read “to agree that each member should identify up to four substitutes to represent them in the event they were unavailable”, to provide more flexibility and enable decision making.

The Head of Regulatory Services then advised that, in relation to paragraph 4.15 of the report, the Appeals Panels scheduled to be held in the next few weeks would not now be taking place and would require to be re-arranged at a later date; that the appellants would be advised of this and of their right to make application to the Employment Tribunal; and the Mover and Secunder of the Motion agreed to incorporate this into the Motion.

Following a question from a Member on whether Chief Officers had substitutes to make decisions in their absence, the Chief Executive confirmed that all Chief Officers had Deputies they could delegate powers to.

The Council,

Decided:

- (a) to agree to cancel all meetings of Council and Panels with immediate effect until 30 June 2020;
- (b) to grant powers to the Chief Executive in consultation with the Group Leaders and an Independent Member to cancel or rearrange the dates of other meetings, if required, during the Pandemic;

- (c) to agree that any meetings which proceeded during the Pandemic and which were conducted remotely did not require to have physical public attendance;
- (d) to agree that each Member should identify up to four substitutes to represent them in the event they were unavailable;
- (e) that, in terms of Section 35 of the Local Government (Scotland) Act 1973 and Paragraph 11.1 of the Council's Standing Orders, which stated that a Member ceased to be a member of the authority if they failed to attend any meeting of the authority for a period of six consecutive months, unless the failure was due to some reason approved by the authority; to agree that non-attendance of Members while meetings were cancelled during the emergency was a reason approved by the authority under Section 35 of the Local Government (Scotland) Act 1973;
- (f) to approve the changes to the Governance Documents as set out in Appendix 1 to the report;
- (g) to request that the Head of Regulatory Services review the governance arrangements approved within the report and consider whether there required to be a variation to the arrangements and provide a report to Members by the middle of May 2020; and
- (h) to approve the amendments to the report and Appendix as outlined at paragraphs (2) to (6) above.

5. Proposed Replacement South Ayrshire Local Development Plan (PLDP2).

There was submitted a [report](#) (issued) of 20 March 2020 by the Director – Place outlining the outcome of the public consultation undertaken in respect of the proposed replacement South Ayrshire Local Development Plan (PLDP2); and recommending how to progress the Plan towards adoption, taking account of representations received.

The Service Lead – Planning and Building Standards provided an update on the present position and a full discussion took place in relation to the target dates by which matters were to be completed and the Director – Place advised that these were “worst case scenario” dates and that he would seek to improve these targets; whether any sites could be removed from the Plan and the Service Lead – Planning and Building Standards advised that sites could be removed as a notifiable modification and would form part of the consultation; and the assurances previously provided that other sites could be added to the Plan and the Service Lead – Planning and Building Standards outlined that, although it was not proposed to add any further sites, on adoption of the Plans, flexibility would allow for proposals to be examined.

A Member expressed concerns that, in his view, the Plan was not greatly beneficial to the South Carrick area and that the consultation undertaken had not had a great response from the public.

Following a question from a Member on why the Corton Development could not be removed from the Plan and the Darley Golf Course site could, the Director – Place advised that this was a consented site and had been included in the LDP1, which the Darley Golf Course site had not, therefore, it was acceptable to remove the Darley Golf Course site. The Service Lead – Planning and Building Standards further advised that the Corton Development formed a significant part of the Council's housing site and that effectiveness of sites was monitored and would continue to be monitored.

Councillor Brian McGinley, seconded by Councillor Brian Connolly moved the recommendations within the report subject to an amendment in relation to paragraph 4.4 on page 4, whereby the proposed affordable housing site at Darley Golf Course should be withdrawn from the Proposed Plan due to matters related to site effectiveness and the volume of public concern.

The Council, having commended the Service Lead – Planning and Building Standards and her officers for their work on this matter,

Decided:

- (1) to note the representations received to PLDP2 and agree the proposed responses thereto;
- (2) to agree to make the notifiable modifications to PLDP2 as set out in [Appendix 1](#) to the report and, in accordance with statutory requirements, publish the modified Proposed Plan (modified PLDP2) and associated Addendum to the Environmental Report (ER Addendum) for public consultation;
- (3) to agree to withdraw the proposed affordable housing site at Darley Golf Course from the Proposed Plan due to matters related to site effectiveness and the volume of public concern
- (4) to grant delegated powers to the Director – Place to make any non-substantive changes to the modified PLDP2 and ER Addendum, to rectify drafting, graphical or technical errors;
- (5) to agree that, on publication, the provisions of the modified PLDP2 would become a material consideration in determining planning applications, with the weight accorded to it increasing as it progressed through the statutory process;
- (6) to agree to update the statutory Development Plan Scheme (DPS) accordingly; and
- (7) to request officers to submit a further report to the Council in August 2020 advising of any representations received to the modified PLDP2; and to agree to submit the modified PLDP2, together with those representations, to the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA) for formal examination.

6. The South Ayrshire Way Strategic Change Programme – Preparing for the Future.

There was submitted a joint [report](#) of 19 March 2020 by the Depute Chief Executive and Director – People and the Director – Place seeking approval for proposals for a strategic change programme and to change the remit and delegated responsibilities of the Executive Managers to deliver this programme in support of the Council's strategic objectives as set out in the Council Plan 2018 to 2022 and the Financial Plan 2020-2030.

Following Members' concerns on the imbalance of budgetary responsibilities within the four Assistant Director posts, the Depute Chief Executive and Director – People advised that this work was at an early stage; that a review of the management of education quality and improvement would be carried out, aligning the work with the Assistant Directors; and he would report back to Leadership Panel on this once further work had been undertaken.

The Council,

Decided:

- (1) to agree that the remit of Executive Managers should be amended to include responsibility for a group of services ([Appendix 1](#)) and to re-designate Executive Managers as Assistant Directors to better reflect these responsibilities;
- (2) to agree that the Depute Chief Executive and Director – People carry out a review of the management of Education Quality and Improvement, the alignment of this work with the Assistant Directors and submit a report on this to Leadership Panel by June 2020;
- (3) to approve the proposed themes for a strategic change programme as outlined at paragraph 4.4 of this report and to agree that the Assistant Directors bring forward a detailed change programme for 2020-21 and beyond, to be presented to Leadership Panel by June 2020;
- (4) to approve the associated governance arrangements as outlined at paragraph 4.5 of the report; and
- (5) to agree that support to deliver this work would be drawn from the Efficiency and Improvement Fund with further details to be provided by June 2020.

7. Formal Questions.

In terms of Council Standing Order No. 26(2), there was submitted (tabled) a Formal Question from Councillor Hugh Hunter, details of which, together with the Answer, is outlined below:-

Question

Prestwick was voted best town in Scotland and runner up UK wide in the recent Great British High Street Competition and I would like to ask the Council Leader what steps are being taken by the Administration to celebrate and build on Prestwick being recognised as having the No. 1 town centre in Scotland.

Response

The Council would seek to add a sign at the entrances to Prestwick along the lines of 'Scottish Town of the Year 2020'.

8. Closing Remarks.

The Provost thanked Members for their attendance during a difficult time and thanked all staff for continuing to carry out their work under challenging circumstances.

The meeting ended at 2.40 p.m.