

South Ayrshire Council

**Report by Director - Place
to Leadership Panel
of 11 June 2019**

Subject: Ayr Esplanade Review

1. Purpose

- 1.1 The purpose of this report is to seek the Leadership Panel's agreement to amend the Policy for the use of the Low Green to allow individual applications for the area to be used and to develop plans for the future use of Ayr Esplanade and the Low Green to enable a sustainable approach, to maximise revenue for the Ayr Common good account and make the esplanade a more attractive destination for residents and visitors all year round.

2. Recommendation

2.1 It is recommended that the Panel:

2.1.1 agrees to:

- (i) amend the Policy for the Use of the Low Green to allow individual applications for the area to be used;**
- (ii) amend the Policy to delegate authority to the Director – Place, administered by the Service Lead – Asset Management and Community Asset Transfer, to grant permission for the use of the Low Green after consultation with the Head of Regulatory Services and issue the documentation granting the permission to occupy the site;**
- (iii) develop plans for alternative facilities on the Low Green and provide an overview on land and property assets held in other common good accounts and report back to Leadership Panel on 26 November 2019;**



2.1.2 requests the Head of Regulatory Services to undertake the necessary legal work [REDACTED]

3. Background

3.1 The Policy for the Use of the Low Green was approved by Leadership Panel on 9 March 2010. The Low Green is held in the Ayr Common Good Account and is to be used for the benefit of the people of Ayr. The policy sets out activities, uses and events which are considered acceptable in order that applications for permission to use the Low Green can be dealt with in a consistent and transparent manner.

3.2 The Council is now considering options to make the most effective use of Ayr seafront and the Low Green. There are a total of 4 agreements in place for various land and buildings within the esplanade area that generate annual income for Ayr Common Good fund.

3.3 These agreements include the leasing of [REDACTED] small area of land adjacent to the Pavilion. The Council has also recently entered a licensing arrangement with Circus Zyair allowing it to operate on the Low Green for 1 week during August for a period of 3 years from August 2018 to August 2021.

3.4 In 2017, the lease for the putting green and crazy golf ended and both sites remain vacant.

4. Proposals

4.1 The Council Plan sets out the Council's priority to increase the number of visitors and tourists to South Ayrshire and making the most of our natural assets. The Low Green and seafront at Ayr is a popular destination for locals and visitors alike. The Council wishes to consider options to enhance the visitor experience in these areas.

4.2 In the first instance, to attract more visitors it is proposed to amend the existing Policy for the Use of the Low Green to allow individual applications for the area to be used more frequently for other attractions (revised policy attached as [Appendix 1](#)).

4.3 Responsibility for granting permission for use of the Low Green and the determination of the standard Terms and Conditions of Use (subject to the need for the other statutory consents and licences) should be delegated to the Director – Place and be administered by the Service Lead – Asset Management and Community Asset Transfer. The permission for use will be exercised after consultation with the Head of Regulatory Services.

4.4 To encourage greater usage of the seafront and esplanade, proposals will be developed to replace the existing kiosks with modern facilities. Detailed design options and implications for Ayr Common Good account will be presented to Leadership Panel on 26 November 2019.

5. Legal and Procurement Implications

5.1 The recommendations within this report are consistent with legal requirements. Legal Services may be required to conclude new lease agreements in due course.

5.2 There are no procurement implications arising from this report.

6. Financial Implications

6.1 Ayr Common Good fund receives annual rental income for the facilities currently on site. The implications of any proposals on the fund will be established as part of the development process and reported to Leadership Panel in November. Options to protect income for the fund and meet the Council's strategic objectives will be prioritised.

7. Human Resources Implications

7.1 Not applicable.

8. Risk

8.1 Risk Implications of Adopting the Recommendations

8.1.1 There are potential risks to short term income of the Ayr Common Good fund as a result of adopting this recommendation. Actions to mitigate loss of income will be considered as part of the development process.

8.2 Risk Implications of Rejecting the Recommendations

8.2.1 If this is not implemented, the Council will not be able to put in place a strategy for the esplanade and the Low Green that is both realistic in its goals and generates income. This could have an impact on an area that is important to the tourism of the town.

9. Equalities

9.1 The proposals in this report have been assessed through the Equality Impact Assessment Scoping process. There are no significant potential positive or negative equality impacts of agreeing the recommendations and therefore an Equalities Impact Assessment is not required. A copy of the Equalities Scoping Assessment is attached as [Appendix 2](#).

10. Sustainable Development Implications

10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

11.1 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

12.1 The matters referred to in this report contribute to the Council strategic objective of 'Tourism, culture and heritage opportunities are developed and promoted'.

13. Results of Consultation

13.1 There has been no public consultation on the contents of this report.

13.2 Consultation has taken place with Councillor Peter Henderson, Portfolio Holder for Resources and Performance, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

14.1 If the recommendations above are approved by Members, Director – Place will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Leadership Panel in the 'Council and Leadership Panel Decision Log' at each of its meetings until such time as the decision is fully implemented:

<i>Implementation</i>	<i>Due date</i>	<i>Managed by</i>
[REDACTED]	[REDACTED]	[REDACTED]
Submit a further report with detailed options to Leadership Panel	26 November 2019	Service Lead – Asset Management and Community Asset Transfer
Install new kiosk facilities	31 May 2020	Service Lead – Asset Management and Community Asset Transfer

Background Papers **None**

Person to Contact **Tom Burns, Service Lead – Asset Management and Community Asset Transfer**
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Date: **5 June 2019**

Policy for Use of the Low Green

1. Considerations

- 1.1 It is proposed that permission to use the Low Green should be restricted to those uses, activities and events which will meet at least one of the following criteria;
 - 1.1.1 providing additional leisure, recreation, entertainment and similar facilities for the people of Ayr.
 - 1.1.2 having the potential to attract visitors to Ayr during and after the event. This would include major events such as the existing 'Burns and A' that' Festival.
 - 1.1.3 enhancing and complementing the facilities and activities already available in and around the Seafront and Low Green area.
 - 1.1.4 extending the season into the shoulder months. The tourist season in Ayr is generally restricted to the months of May to September, with some additional trade in April and October due to the school holidays in these months. and also which will not conflict with other planned tourism-related activities or events taking place in the local or wider area over the same period.
- 1.2 Permission to use the Low Green will be subject to charges for ground rental (in addition to fees due for licensing, etc) and will be calculated at a standard rate per square metre of occupancy, which will include any access routes, etc. In addition, a bond, in a specified financial sum, to ensure satisfactory reinstatement of grounds, may be required. Use by Community Groups, voluntary organisations, Registered Charities, partner organisations to the Council and HM Armed Forces may, at the Council's sole discretion, be granted without charge or at a discounted rate.
- 1.3 Should permission to use be granted, all applications will be required to seek appropriate further consents, such as Licensing, Planning and Building Warrant approvals.

2. Procedures

- 2.1 It is recommended that responsibility for granting permission for the use of the Low Green should be delegated to the Director - Place and be administered by the Service Lead – Asset Management and Community Asset Transfer, who will consider the detail of all applications for permission to use and will issue documentation relating to permission to occupy the site, without prejudice to the need for other statutory consents/licenses.
- 2.2 Local Councillors will be consulted on each application in order that any local issues may be fully considered prior to a decision on whether to grant consent being reached.
- 2.3 Permission to use the Low Green, where granted, will require the applicant to agree to standard Terms and Conditions of Use, as determined by the Director - Place.

1. Proposal details

Proposal Title Ayr Esplanade Review	Lead Officer Tom Burns
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2. Which communities, groups of people, employees or thematic groups do you think will be, or potentially could be, impacted upon by the implementation of this proposal? Please indicate whether these would be positive or negative impacts

Community, Groups of People or Themes	Negative Impacts	Positive impacts
The whole community of South Ayrshire	No	No
People from different racial groups, ethnic or national origin.	No	No
Women and/ or men (boys and girls)	No	No
People with disabilities	No	No
People from particular age groups for example Older people, children and young people	No	No
Lesbian, gay, bisexual and heterosexual people	No	No
People who are proposing to undergo, are undergoing or have undergone a process to change sex	No	No
Pregnant women and new mothers	No	No
People who are married or in a civil partnership	No	No
People who share a particular religion or belief	No	No
Thematic Groups: Health, Human Rights, Rurality and Deprivation	No	No

3. Do you have evidence or reason to believe that the proposal will support the Council to:

General Duty and other Equality Themes	Level of Negative and/ or Positive Impact (high, medium or low)
Eliminate discrimination and harassment faced by particular communities or groups	-
Promote equality of opportunity between particular communities or groups	-
Foster good relations between particular communities or groups	-
Promote positive attitudes towards different communities or groups	-
Increase participation of particular communities or groups in public life	-
Improve the health and wellbeing of particular communities or groups	-
Promote the human rights of particular communities or groups	-
Tackle deprivation faced by particular communities or groups	-

4. Summary Assessment

Is a full Equality Impact Assessment (EQIA) required? (A full EQIA must be carried out on all high and medium impact proposals)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Rationale for decision: The proposal does not have a significant negative or positive impact on any particular group.			
Signed :	Donald Gillies	Director	
Date:	17 May 2019	Copy to	