

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 26 JUNE 2008 AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Provost Stephanie Young and Councillors Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost John Campbell, Councillors Gordon Cree, John Knapp, Hugh Ross, Jim Todd, Alan Brown, Stuart Finlayson, Robert McDill, Eric Jackson, Neil McGhee, Jim Roberts, William Crawford, Barney Menzies, Kathy Morrice, Elaine Dinwoodie, Drew Filson and James Sutherland.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie Jamieson, Chief Accountant; Joe McLachlan, Corporate Accounting Manager; Iain Tough, Corporate Business Manager; Robin Baker, Financial Controller; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors Maureen McKay, Drew McIntyre and Jimmy Kelly.

CHAIR: Provost Stephanie Young, Chair.

PROVOST'S REMARKS

1. The Provost began the Council meeting by stating that she was delighted to attend the official opening of Dumfries House on Friday 6 June and to have been there to welcome HRH The Duke of Rothesay, Prince Charles. The Provost commented on the difference which had been made to the property in less than a year. The Provost stated that she was very proud and Past Provost Boyd was also delighted as His Royal Highness, in his speech, thanked East Ayrshire Council first and foremost for their involvement in this remarkable transformation.

The Provost then advised that the Cumnock Town Centre development was moving at a pace with the project office in the shopping centre having opened earlier in the week to great anticipation. She then stated that the Chief Executive and all the team, deserved the Council's profound congratulations.

The Provost and Elected Members then thanked the Chief Executive, the Executive Director of Neighbourhood Services and the team for their hard work on the above developments.

The Provost then went on to congratulate some local citizens on receiving the Member of the British Empire Award in the Queen's Birthday Honours List which had recently been announced.

The Provost congratulated Christine Fulton, President of Care of Police Survivors, for voluntary services to the families of Police Officers who have lost their lives in the line of duty. The Provost advised that Christine's husband, Lewis, had been killed in the line of duty as he responded to an emergency call in 1994. The Provost further

advised that the Care of Police Survivors had been launched in 2003 by Christine and former Strathclyde Police Detective, the late Jim McNulty.

The Provost then congratulated Kate Sandra Fyfe, for services to the kilt making industry in Scotland. Kate first began making kilts when she was 16 and in 2006, whilst working with Argyll Bagpipe and Kilts, made the sample kilt for the newly formed Royal Regiment of Scotland, which was now the standard for all other Royal Regiment of Scotland kilts. The Provost stated Kate had been instrumental in helping Argyll Bagpipes gain Quality Standard ISO9001:2000 and that the company had been the first kiltmakers to achieve this accreditation. Kate originally came from Balloch but recently moved to Kilmarnock and still ran her own handmade kilt business.

The Provost then congratulated Robert Noble, for voluntary services to equestrian sport in Ayrshire. The Provost advised that Robert had been involved in training the Eglinton Pony Club games team since 1974 and had only missed two occasions since 1978 when the Club first won the Prince Philip Cup. The Provost intimated that the club had won the cup a total of 12 times, a record for any Club, let along one trainer and that Robert at 83 had only recently retired from the Games.

The Provost then congratulated Miss Maureen McKiernan from Catrine for voluntary service to the community. The Provost advised that Maureen had been involved in various groups within the community, was a fantastic community servant and very proactive in promoting Catrine, especially on environmental issues. The Provost advised that Maureen continued to work tirelessly to promote the community.

Finally, the Provost congratulated Julie Fleeting for services to women's football. The Provost advised that Julie, the daughter of the former Kilmarnock FC manager, Jim Fleeting, had been awarded the MBE for services to women's football. The Provost advised that Julie played for Arsenal Ladies and was Captain of the Scottish women's team.

PROVOST/DEPUTE PROVOST

2.1 ELECTION OF PROVOST

Councillor Cook, seconded by Councillor Cuninghame, moved that Councillor Young be elected as Provost.

Councillor Jackson, seconded by Councillor Knapp, moved as an amendment that Councillor Cree be elected as Provost.

On a division by a show of hands the motion was carried by 17 votes to 10.

2.2 ELECTION OF DEPUTE PROVOST

Councillor Reid, seconded by Councillor McDill, moved that Councillor Campbell be elected as Depute Provost.

Councillor Jackson, seconded by Councillor Knapp, moved as an amendment that Councillor Menzies be elected as Depute Provost.

On a division by a show of hands the motion was carried by 17 votes to 10.

**PRESENTATION TO HAMISH CORMACK, CHIEF CONSTABLE,
STRATHCLYDE POLICE**

3. The Provost intimated and it was noted that due to another commitment, Hamish Cormack had been unable to attend the meeting today.

PREVIOUS MINUTES

4. There were submitted and approved as a correct record the Minutes of Council held on 24 April 2008 (pages 339-344).

REPORT BY THE LEADER OF THE COUNCIL

5. There was submitted and noted a report dated 19 June 2008 (circulated) by Councillor Douglas Reid, Leader of the Council.

Councillor Reid spoke to the report and Members were given the opportunity to put questions to the Leader.

During discussion, it was agreed to take up the offer from David Valentine, Development Officer, Angus Council, to give a presentation to Council on sharing information on building business opportunities and links with China and that Officers explore the possibility of local businesses linking to this presentation.

COMMITTEE MINUTES

6. There were submitted, for approval as correct records and approval of any recommendations contained therein (with the exception of the Minutes of the Governance and Scrutiny Committee which were for noting only) the Minutes of the undernoted Meetings, viz:-
- 6.1 **EDUCATION APPEALS PANEL HELD OVER 25, 26 MARCH AND 12 MAY 2008 (pages 322-324)**
- 6.2 **GOVERNANCE AND SCRUTINY COMMITTEE OF 4 APRIL 2008 (FOR NOTING ONLY) (pages 325-327).**
- 6.3 **SOUTHERN LOCAL PLANNING COMMITTEE OF 22 APRIL 2008 (pages 328-329).**
- 6.4 **CABINET OF 23 APRIL 2008 (pages 330-338).**
- 6.5 **NORTHERN LOCAL PLANNING COMMITTEE OF 25 APRIL 2008 (pages 345-347).**
- 6.6 **APPEALS PANEL OF 29 APRIL 2008 (page 348).**
- 6.7 **APPEALS PANEL OF 30 APRIL 2008 (page 349).**
- 6.8 **GOVERNANCE AND SCRUTINY COMMITTEE OF 2 MAY 2008 (FOR NOTING ONLY) (pages 350-353).**
- 6.9 **LOCAL GOVERNMENT LICENSING PANEL OF 8 MAY 2008 (pages 354-356).**
- 6.10 **NORTHERN LOCAL GRANTS COMMITTEE OF 8 MAY 2008 (pages 357-360).**
- 6.11 **CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 13 MAY 2008 (pages 361-363).**

- 6.12 CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 14 MAY 2008 (pages 364-367).**
- 6.13 SOUTHERN LOCAL GRANTS COMMITTEE OF 15 MAY 2008 (pages 368-373).**
- 6.14 SOUTHERN LOCAL PLANNING COMMITTEE OF 16 MAY 2008 (pages 374-375).**
- 6.15 APPEALS PANEL OF 20 MAY 2008 (page 376).**
- 6.16 CABINET OF 21 MAY 2008 (pages 377-384).**
- 6.17 NORTHERN LOCAL PLANNING COMMITTEE OF 23 MAY 2008 (pages 385-387).**
- 6.18 APPEALS PANEL OF 28 MAY 2008 (page 388).**
- 6.19 GOVERNANCE AND SCRUTINY COMMITTEE OF 30 MAY 2008 (FOR NOTING ONLY) (pages 389-390).**
- 6.20 CABINET OF 4 JUNE 2008 (pages 391-395).**
- 6.21 SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 10 JUNE 2008 (page 396).**
- 6.22 APPEALS PANEL OF 11 JUNE 2008 (page 397).**
- 6.23 SOUTHERN LOCAL PLANNING COMMITTEE OF 13 JUNE 2008 (pages 398-399).**

APPOINTMENTS

7.1 APPOINTMENT OF LEADER OF THE COUNCIL/DEPUTE LEADER AND CABINET PORTFOLIO SPOKESPERSONS ETC

There was submitted a report dated 29 May 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which requested Council to consider the appointment of the Leader of the Council, Depute Leader of the Council, Cabinet Portfolio Spokespersons, Chairs and Vice-Chairs etc as outlined in the Appendix to the report.

Councillor McDill, seconded by Councillor Buchanan, moved the following:-

Leader of the Council and Spokesperson for Community Planning and Equalities - Councillor Douglas Reid.

Depute Leader of the Council and Spokesperson for Lifelong Learning - Councillor Iain Linton

Spokespersons for Management and Resources - Councillors Hugh Ross and Jim Todd

Spokespersons for Environment and Regeneration - Councillors Jim Buchanan and Bobby McDill

Spokespersons for Community Wellbeing - Councillors John MacKay and Kathy Morrice

Spokesperson for Lifelong Learning - Councillor Jim Roberts

Governance and Scrutiny Committee - Councillor Tom Cook (Chair), Councillor Willie Coffey (Vice-Chair)

Appeals Panel - Councillor Jim Todd (as Spokesperson for Management and Resources) and Councillors Hugh Ross and Bobby McDill as other two potential Chairs

Local Government Licensing Panel - Councillor Hugh Ross (Chair)

Planning Function

Principal Planning Committee - Councillor Alan Brown (Chair), Councillor Drew Filson (Vice-Chair)

Northern Local Planning Committee - Councillor Alan Brown (Chair), Councillor John Campbell (Vice-Chair)

Southern Local Planning Committee - Councillor Drew Filson (Chair), Councillor Jim Sutherland (Vice-Chair)

Local Grants Committees

Northern Area Local Grants Committee - Councillor Bobby McDill (Chair), Councillor Rose-Ann Cuninghame (Vice-Chair)

Central North Local Grants Committee - Councillor Jim Buchanan (Chair), Councillor Helen Coffey (Vice-Chair)

Central South Local Grants Committee - Councillor Jim Todd (Chair), Councillor Tom Cook (Vice-Chair)

Southern Area Local Grants Committee - Councillor Jim Sutherland (Chair), Councillor Kathy Morrice (Vice-Chair)

Councillor Jackson, seconded by Councillor Knapp, moved as an amendment the following:-

Leader of the Council and Spokesperson for Management and Resources - Councillor Eric Jackson

Depute Leader of the Council and Spokesperson for Management and Resources - Councillor John Knapp

Spokespersons for Environment and Regeneration - Councillors Eric Ross and Stuart Finlayson

Spokespersons for Community Wellbeing - Councillors Elaine Dinwoodie and Gordon Cree

Spokespersons for Lifelong Learning - Councillors Maureen McKay and Drew McIntyre

Spokesperson for Community Planning and Equalities - Councillor Barney Menzies

Governance and Scrutiny Committee - no proposal

Appeals Panel - Councillor Eric Jackson (as Spokesperson for Management and Resources) and Councillors John McGhee and John Knapp as two other potential Chairs

Local Government Licensing Panel - Councillor Neil McGhee (Chair)

Planning Function

Principal Planning Committee - Councillor William Crawford (Chair) Councillor John McGhee (Vice-Chair)

Northern Local Planning Committee - Councillor Maureen McKay (Chair), Councillor Gordon Cree (Vice-Chair)

Southern Local Planning Committee - Councillor Eric Ross (Chair), Councillor Elaine Dinwoodie (Vice-Chair)

Local Grants Committees

Northern Area Local Grants Committee - Councillor Stuart Finlayson (Chair), Councillor John McGhee (Vice-Chair)

Central North Local Grants Committee - Councillor Gordon Cree (Chair), Councillor Maureen McKay (Vice-Chair)

Central South Local Grants Committee - Councillor Robert Keohone (Chair), Councillor John Knapp (Vice-Chair)

Southern Area Local Grants Committee - Councillor Barney Menzies (Chair), Councillor Elaine Dinwoodie (Vice-Chair)

On a division by a show of hands the motion was carried by 17 votes to 10.

7.2 EXCERPT FROM CABINET MEETING OF 18 JUNE 2008 (Item 14, Page 404, 07/11)

There was submitted an excerpt from the Cabinet meeting of 18 June 2008 (circulated) in respect of the review of Community Health Partnerships and the Council's representation thereon.

It was agreed to the recommendation from the Cabinet meeting that the Council's representation on the Community Health Partnership be Councillor John MacKay, Councillor Reid and that the nominee from the majority Opposition Group be Councillor Elaine Dinwoodie.

7.3 APPOINTMENT TO CUMNOCK TOWN CENTRE LIAISON GROUP (Item 5, Page 47, 07/11)

There was submitted a report dated 16 June 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of the Council to amend its appointment of Elected Members to serve on the Cumnock Town Centre Liaison Forum.

It was agreed to the revised representation on the Cumnock Town Centre Liaison Forum as follows:-

- (i) to increase Council representation by two Elected Members and nominate Councillor Jim Buchanan, Spokesperson for Environment and Regeneration whose Portfolio included responsibility for the Cumnock Town Centre Regeneration Project and Councillor Barney Menzies to include all Local Members for Ward 8; and
- (ii) that Councillor Kathy Morrice, Local Member for Ward 8, replace Councillor Jim Roberts.

EMPLOYEE RECOGNITION EVENT - APPOINTMENT OF JUDGING PANEL

- 8.** There was submitted a report dated 4 June 2008 (circulated) by the Chief Executive which asked Council to appoint four Members to form the Judging Panel for the Employee Recognition Event which would be held on Thursday 30 October 2008.

It was agreed to appoint Councillor Reid (Chair) and Councillors Cook, Campbell and McIntyre.

**THE ROLE OF THE PROVOST'S OFFICE -
SUPPORT TO VARIOUS TRUSTS/CHARITIES**

9. There was submitted a report dated 2 June 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed the Council of the intention of the Provost to establish a protocol whereby the Provost of the Council supported a particular Trust/charity within the area and, for this year, to focus on East Ayrshire Carers.

It was agreed to recognise and endorse the approach being taken by the Provost in respect of support to local charities/Trusts and, in particular, East Ayrshire Carers Centre this year.

Councillor Eric Ross joined the meeting at this point.

STATEMENT OF ACCOUNTS 2007/08

10. There was submitted a report dated 19 June 2008 (circulated) by the Executive Head of Finance and Asset Management which submitted the Statement of Accounts for the year ended 31 March 2008 to the Council and which sought approval to forward them to the Controller of Audit.

It was agreed:

- (i) to approve the transfer of £0.050m from Trading Operations as indicated in paragraph 5.1.1 to the Renewals and Repairs Fund;
- (ii) to approve the transfer from the Insurance Fund to General Fund of £5.877m as indicated in paragraph 5.1.2;
- (iii) to approve the transfer of £1.500m to the Renewals and Repairs Fund as indicated in paragraph 5.1.2;
- (iv) to approve the transfer of £2.439m to the Capital Fund indicated in paragraph 5.2;
- (v) to approve the Statement of Accounts for 2007/08;
- (vi) to approve the submission of the Group Statement of Accounts to the Controller of Audit; and
- (vii) otherwise, to note the contents of the report.

**SCOTTISH GOVERNMENT CONSULTATION -
A FAIRER LOCAL TAX FOR SCOTLAND**

11. There was submitted a report dated 19 June 2008 (circulated) by the Executive Head of Finance and Asset Management which proposed the Council's response to the current Scottish Government consultation paper "A Fairer Local Tax for Scotland".

Councillor Cook, seconded by Councillor Jackson, moved to submit the response to the consultation paper as set out in Appendix I as the Council response subject to a change to the answer detailed at Question 5 - Income from Savings, the answer yes to this question should be qualified so that income from savings for retirement etc should be encouraged and no tax levied on these types of savings.

Councillor Hugh Ross, seconded by Councillor Douglas Reid, moved as an amendment that in recognition of the diverse views on this matter that existed within the political groups that made up East Ayrshire Council that no Council response be submitted but that each political group respond individually to the consultation.

On a division by a show of hands, the amendment was carried by 15 votes to 14.

UNAUDITED STATUTORY PERFORMANCE INDICATORS 2007/08

- 12.** There was submitted a report dated 5 June 2008 (circulated) by the Head of Finance and Asset Management which submitted the unaudited Statutory Performance Indicators for 2007/08 and which sought agreement to forward these for audit to the Council's External Auditor in line with established practice,

It was agreed:

- (i) to note the draft 2007/08 performance information submitted by Departments as contained within the Appendix to the report;
- (ii) to submit the draft performance information to the Council's External Auditor, following the Audit of selected Indicators by Internal Audit;
- (iii) to note that following the Audit of the performance information a further report on the audited figures would be submitted to Cabinet; and
- (iv) otherwise, to note the contents of the report.

LOCAL CODE OF CORPORATE GOVERNANCE

- 13.** There was submitted a report dated 28 May 2008 (circulated) by the Chief Executive which (i) advised Council on progress in implementing the Council's Corporate Governance Action Plan for 2007/08; (ii) sought approval for the new Local Code of Corporate Governance for 2008/09; and (iii) sought agreement of a new Action Plan for 2008/09.

It was agreed:

- (i) to note the new process of review for the Council's Corporate Governance arrangements;
- (ii) to note the excellent progress made in the implementation of the Corporate Governance Action Plan for 2007/08 as set out in Appendix I to the report;
- (iii) to the East Ayrshire Code of Local Governance for 2008/09 as set out in Appendix II to the report;
- (iv) to the proposed Corporate Governance Improvement Action Plan for 2008/09 as set out in Appendix III to the report;
- (v) to note that the new East Ayrshire Local Code of Corporate Governance for 2008/09 and the Corporate Governance Improvement Action Plan would be published and made available to the general public; and
- (vi) otherwise, to note the contents of the report.

PROPOSED POLICY OF LETTING OF COUNCIL OWNED SITES

- 14.** There was submitted a report dated 18 June 2008 (circulated) by the Head of Legal, Procurement and Regulatory Services which invited Council to consider the adoption

of a policy concerning the letting of Council owned sites to circuses or similar types of organisations which travel with and utilise wild and exotic animals in their operation.

It was agreed:

- (i) to adopt a Policy of refusing to let Council owned sites to travelling circuses or any other organisations which utilised or travelled with wild and/or exotic animals including those specified in Appendix V to the report but excluding birds of prey;
- (ii) that it be remitted to the Head of Legal, Procurement and Regulatory Services to ensure the appropriate application of the policy to each future request for any let of a Council owned site, with each case being determined on its own merit; and
- (iii) otherwise, to note the content of the report.

**EAST AYRSHIRE COUNCIL (RESTRICTION OF ACCESS RIGHTS TO A71
UNDERPASS BETWEEN CARRON AVENUE AND QUEENS DRIVE,
KILMARNOCK) BYE-LAWS 2008**

15. There was submitted a report dated 1 May 2008 (circulated) by the Head of Legal, Procurement and Regulatory Services which sought approval for Bye-Laws in terms of Section 12(i)(c) of the Land Reform (Scotland) Act 2008 restricting the exercise of access rights at the A71 Underpass between Carron Avenue and Queens Drive, Kilmarnock.

It was agreed:

- (i) to approve the proposed East Ayrshire Council (Restriction of Access Rights at A71 Underpass between Carron Avenue and Queens Drive, Kilmarnock) Bye-Laws 2008, as amended, which were appended to the report;
- (ii) to authorise the Solicitor to the Council to seek confirmation of the Bye-Laws; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1135 hrs.