

EAST AYRSHIRE COUNCIL

**MINUTES OF MEETING HELD ON THURSDAY 11 OCTOBER 2007 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, Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Alan Brown, Stuart Finlayson, Robert McDill, Eric Jackson, Jimmy Kelly, Neil McGhee, Jim Roberts, William Crawford, Barney Menzies, Kathy Morrice, Eric Ross, Elaine Dinwoodie, Drew Filson and Jim 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; John Clayton, Head of Corporate Development and Communication; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; David Morgan, Public Relations Officer; and Julie McGarry, Administration Manager.

APOLOGY: Councillor Maureen McKay.

CHAIR: Provost Young, Chair.

PROVOST'S REMARKS

1. The Provost began the Council meeting by congratulating Cameron Robertson, a former pupil of Auchinleck Academy, who had won a Silver Medal in the Special Olympics in China as a member of the basketball team.

The Provost advised that Cameron, who suffers from Aspergers Syndrome attended Auchinleck Academy between 2001 and 2004 and did very well at school but particularly in sports.

The Provost further advised that Cameron's father is a builder and his mother was a former Principal Teacher at Gargieston Primary School but now lectures at Craigie Campus in Ayr.

The Provost congratulated Cameron on his achievement and stated that Cameron would be invited to a future Council meeting to mark his success.

PRESENTATION BY THE PROCURATOR FISCAL

2. The Provost then welcomed Mr Les Brown, District Procurator Fiscal, and Mr John Dunn, Area Procurator Fiscal, to the Council meeting.

Mr Brown and Mr Dunn thereafter gave a presentation to the Council on the work of the Procurator Fiscal Service; the implications and impact of the Summary Justice Reform; the Violence Reduction Programme and various local initiatives in terms of anti-social behaviour, knife crime and drug crime.

Members thereafter had the opportunity to ask questions to Mr Brown and Mr Dunn and following a question raised by Councillor Eric Ross, it was noted that the Head of

Legal, Procurement and Regulatory Services would clarify the position regarding new Police powers for spot fines and advise all Members accordingly.

The Provost then thanked the representatives from the Procurator Fiscal's office for their attendance.

PREVIOUS MINUTES

3. There were submitted (circulated) and approved as a correct record, Minutes of Meeting of Council held on 21 June 2007 (pages 44-62).

MINUTES OF MEETINGS

4. There were submitted (circulated) and approved, both as correct records and in respect 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:-
 - 4.1 **EMERGENCY POWERS COMMITTEE OF 13 JUNE 2007 (pages 30-31).**
 - 4.2 **LOCAL GOVERNMENT LICENSING PANEL OF 19 JUNE 2007 (pages 32-33).**
 - 4.3 **SOUTHERN LOCAL COMMUNITY PLANNING FORUM OF 20 JUNE 2007 (pages 34-43).**
 - 4.4 **SOUTHERN LOCAL PLANNING COMMITTEE OF 22 JUNE 2007 (page 63).**
 - 4.5 **NORTHERN LOCAL PLANNING COMMITTEE OF 22 JUNE 2007 (pages 64-67)**
 - 4.6 **APPEALS PANEL OF 27 JUNE 2007 (page 68).**
 - 4.7 **PRINCIPAL PLANNING COMMITTEE OF 29 JUNE 2007 (pages 69-70).**
 - 4.8 **EMERGENCY POWERS COMMITTEE OF 5 JULY 2007 (pages 71-72).**
 - 4.9 **SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 16 JULY 2007 (page 73).**
 - 4.10 **EMERGENCY POWERS COMMITTEE OF 17 JULY 2007 (page 74).**
 - 4.11 **APPEALS PANEL OF 1 AUGUST 2007 (page 75).**
 - 4.12 **EMERGENCY POWERS COMMITTEE OF 7 AUGUST 2007 (pages 76-77).**

MATTER ARISING - APPOINTMENTS TO CoSLA EXECUTIVE GROUPS (Item 2, Page 76, 07/11)

Councillor Jackson, seconded by Councillor Knapp, moved to reconsider this matter in terms of Standing Order 40 in that the nominations to the five CoSLA Executive Groups should reflect the political make-up of the Council to allow each of the political parties to be represented.

On a request by Councillor Knapp that a roll call vote be taken and there being at least one-third of the Members present in agreement following a show of hands (12), in accordance with Standing Order 36.2, the vote was taken by calling the roll as follows:-

For the motion to reconsider - Councillors Rose-Ann Cuninghame, John McGhee, Tom Cook, Robert Keohone, Gordon Cree, Drew McIntyre, John Knapp, Stuart Finlayson, Provost Stephanie Young, Councillors Eric Jackson, Jimmy Kelly, Neil McGhee, William Crawford, Barney Menzies, Eric Ross and Elaine Dinwoodie.

Against the motion to reconsider - Councillors John MacKay, Helen Coffey, Willie Coffey, Iain Linton, Douglas Reid, Jim Buchanan, John Campbell, Hugh Ross, Jim Todd, Alan Brown, Robert McDill, Jim Roberts, Kathy Morrice, Drew Filson and Jim Sutherland.

The motion to reconsider this matter failed to receive the requisite support of two-thirds of the Members voting, there being 16 votes to reconsider and 15 votes against.

- 4.13 SOUTHERN LOCAL PLANNING COMMITTEE OF 10 AUGUST 2007 (pages 78-79).**
- 4.14 NORTHERN LOCAL PLANNING COMMITTEE OF 17 AUGUST 2007 (pages 80-85).**
- 4.15 CABINET OF 22 AUGUST 2007 (pages 86-92).**
- 4.16 NORTHERN LOCAL COMMUNITY PLANNING FORUM OF 23 AUGUST 2007 (pages 93-97).**
- 4.17 GOVERNANCE AND SCRUTINY COMMITTEE OF 24 AUGUST 2007 (pages 98-100) (FOR NOTING ONLY).**
- 4.18 CENTRAL LOCAL COMMUNITY PLANNING FORUM OF 28 AUGUST 2007 (pages 101-105).**
- 4.19 LOCAL GOVERNMENT LICENSING PANEL OF 30 AUGUST 2007 (pages 106-108).**
- 4.20 CABINET OF 5 SEPTEMBER 2007 (pages 109-110).**
- 4.21 SOUTHERN LOCAL COMMUNITY PLANNING FORUM OF 6 SEPTEMBER 2007 (pages 111-115).**
- 4.22 PRINCIPAL PLANNING COMMITTEE OF 7 SEPTEMBER 2007 (pages 116-117).**
- 4.23 APPEALS PANEL OF 18 SEPTEMBER 2007 (page 118).**
- 4.24 CABINET OF 19 SEPTEMBER 2007 (pages 119-121).**
- 4.25 GOVERNANCE AND SCRUTINY COMMITTEE OF 28 SEPTEMBER 2007 (pages 122-124) (FOR NOTING ONLY)**

DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR FOR JANUARY TO DECEMBER 2008

- 5.** There was submitted a report dated 27 September 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which submitted, for consideration of Council, a draft East Ayrshire Council Meetings Calendar for January to December 2008.

There was also circulated revised dates for Licensing Board meetings.

It was agreed:

- (i) to approve the Meetings Calendar enclosed with the report subject to (a) the inclusion of the meeting dates of the outside agencies identified at paragraph 2.4; and (b) the revised dates for the Licensing Board meetings (circulated separately);

- (ii) to note that dates for Local Area Forum meetings would be inserted within the Meetings Calendar following conclusion of the consultation exercise and consideration by Council at its meeting on 6 December 2007 in respect of the Developing Community Engagement Initiative; and
- (iii) otherwise, to note the contents of the report.

APPOINTMENTS TO OUTSIDE ORGANISATIONS (Item 7, Page 6, 07/11)

6. There was submitted a report dated 23 July 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited Council to consider various Member appointments to outside organisations, the organisations in question being Barony A Frame Trust and Borderline Theatre.

It was agreed:

- (i) to appoint Councillor Neil McGhee as the Member of East Ayrshire Council for Ward 7 ex officio, and Councillor Barney Menzies, as the Member of East Ayrshire Council for Ward 8 ex officio to the Barony A Frame Trust and that the Trust be requested to amend the Trust Deed to increase the Trustees from two to three members, and that the third Trustee be Councillor Jim Roberts; and
- (ii) to appoint Councillor Douglas Reid to the Board of Borderline Theatre.

**APPOINTMENT TO CoSLA EXECUTIVE GROUP -
STRATEGIC HUMAN RESOURCES MANAGEMENT (Item 2, Page 76, 07/11)**

7. There was submitted a report dated 26 September 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought a nomination for the appointment of an Elected Member to the CoSLA Executive Group on Strategic Human Resources Management.

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved that Councillor Jim Todd be nominated to the Executive Group.

Councillor John Knapp, seconded by Councillor Barney Menzies, moved as an amendment to nominate Councillor Eric Jackson to the Executive Group.

On a division by a show of hands the motion was carried by 18 votes to 13.

**EAST AYRSHIRE COUNCIL (PROHIBITION OF THE CONSUMPTION
OF ALCOHOLIC LIQUOR IN DESIGNATED PLACES)
(AMENDMENT NO 1) BYE-LAWS 2007**

8. There was submitted a report dated 11 October 2007 (circulated) by the Head of Legal, Procurement and Regulatory Services which sought approval for a change to the existing Bye-Laws prohibiting the consumption of alcoholic liquor in designated places.

It was agreed:

- (i) to approve the proposed East Ayrshire Council (Prohibition of the Consumption of Alcoholic Liquor in Designated Places) (Amendment No 1) Bye-Laws 2007 which were appended to the report;
- (ii) to authorise the Depute Chief Executive/Executive Director of Corporate Support to seek confirmation of the amendments;

- (iii) to note that the revised Bye-Laws would be publicised; and
- (iv) otherwise, to note the contents of the report.

Councillors Elaine Dinwoodie and Eric Ross left the meeting during consideration of the above item.

**EAST AYRSHIRE LOCAL LICENSING FORUM -
APPOINTMENT OF ADDITIONAL MEMBERS (Item 4.3, Page 46, 07/11)**

9. There was submitted a report dated 28 September 2007 (circulated) by the Solicitor to the Council/Clerk to the Licensing Board which appraised Members of a number of additional applications received in respect of membership of the Forum and which recommended the appointment to the Forum of such additional applicants as members deemed appropriate and necessary.

It was agreed:

- (i) to appoint the following applicants to serve on the East Ayrshire Local Licensing Forum: Kyle Burns, 2 Sherwood Road, Hurlford (Young People); James Boyd, 33 McQueen Avenue, Cumnock (Resident); Sharon Flynn, Public Health, Strathlea Resource Centre, Kilmarnock (Health);
- (ii) subject to the receipt of his acceptance, to also appoint Patrick McGuire, London Road, Kilmarnock (Young People) to serve on the East Ayrshire Local Licensing Forum; and
- (iii) otherwise to note the contents of the report.

The meeting terminated at 1135 hrs.