

## **EAST AYRSHIRE COUNCIL**

### **MINUTES OF MEETING HELD ON THURSDAY 24 APRIL 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, 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; Jackie Donnelly, Executive Head of Social Work; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie Haig, Public Relations Officer; and Julie McGarry, Administration Manager.

**APOLOGY:** Maureen McKay.

**CHAIR:** Provost Stephanie Young, Chair.

#### **ADDITIONAL ITEMS**

1. It was agreed to consider two additional items arising from the Cabinet meeting on 23 April 2008 in respect of (i) Appointments to a Member/Officer Group on the Review of Cabins and Day Centres; and (ii) Appointments to the Scottish Parliamentary Cross Party Group on China and that these items be taken prior to the Exclusion of Press and Public item.

#### **PROVOST'S REMARKS**

2. The Provost referred to the recent great loss in the tragic death of Mary Kelly, Personal Carer, Department of Educational and Social Services and the sudden death of Craig McMurray, Technical Officer and Engineer in the Roads Section, Department of Neighbourhood Services. The Provost stated that both employees had made a valuable contribution to the Council and would be sadly missed by colleagues and Members who knew them and that our thoughts were with their families at this very difficult time. The Provost also wished a speedy recovery to Anne Riddick, Personal Carer, Department of Educational and Social Services, who had been injured in the road traffic accident which had resulted in Mary's sad death.

The Provost then referred to recently accredited awards and achievements by East Ayrshire Council and some of the area's young residents.

Firstly, the Provost congratulated the Park School, who had won the National Shinty Tournament in Aviemore after beating Oban in the Final. The Provost was delighted to cheer them on at the Ayrshire Shinty Festival in March where they went on to win that round.

The Provost then announced that the Planning and Economic Development Division had won the overall Scottish Award at the Scottish Government's Quality Award for Planning which was supported by the Royal Town Planning Institute and stated that the Award was for the work in support of Kilmarnock Town Centre Regeneration. The Provost advised that the Award had been presented by Cabinet Secretary John Swinney MSP who had commented that "overall, this is an innovative regeneration and conservation project which demonstrates the Council's commitment to actively managing the enhancement of the historic environment and is an outstanding example of good practice". The Provost further stated that the Planning and Economic Development Division had also received a commendation at the same Awards for the Barony A Frame Restoration Project and the Outdoor Access Team won an Award under the Community Involvement Category, in partnership with North Ayrshire, for the Outdoor Access Toolkits.

The Provost then commented that the Council's approach to risk management had received international recognition by winning first prize at the Zurich European Risk Management Awards. The Provost advised that the award recognised the Council's achievements in building the new Risk Management Centre and reducing the insurance premiums by over £1m per year.

The Provost then advised that the Council was also a recent winner in the Green Apple Awards, the first award was for the preservation of the character and fabric of the Dick Institute which had been the subject of considerable investment over the past few years. The Provost stated that the most recent work was, of course, the cleaning of the exterior sandstone and that this wonderful building now stood proud in the landscape of Kilmarnock.

The second Green Apple Award was in respect of the Barony A Frame which had been formally opened by HRH Prince Charles, Duke of Rothesay, on 21 January 2008 and the award recognised the significant amount of work undertaken by the Barony A Frame Trust to preserve this iconic structure which served as a lasting monument to all who had worked and had lost their lives in the Barony Colliery.

Councillor McIntyre left the meeting during the above item.

**PRESENTATION TO AUCHINLECK SUMMER PROJECT FOR WINNING  
THE HERITAGE CATEGORY OF THE SUNDAY MAIL AND LLOYDS TSB  
YOUNG SCOT AWARD 2008**

3. The Provost stated that she was delighted to welcome to the Council meeting today some of the young people who took part in the Auchinleck Summer Landscaping Project. The Provost advised that the project won the prestigious Heritage Category of the Young Scot Award in March 2008. The Provost intimated that the success of the Project was achieved exclusively by young people who had the commitment to sacrifice a large part of their summer holidays to do the work. The Provost stated that their dedication clearly showed they recognised and respected their local history and heritage and that the memorial garden, created under the Auchinleck Summer Landscaping Project, would ensure that the mining industry and those who worked in it were never forgotten.

The Provost then asked Scott, Alex, Natalie and their Project Worker, Willie McCann, to accept gifts in recognition of their achievements.

**PRESENTATION TO LEWIS ATHA FOR BRONZE AWARD FOR  
YOUTH WORKER OF THE YEAR AND ASHLEY ROXBURGH FOR SILVER  
AWARD FOR VOLUNTEER OF THE YEAR**

4. The Provost welcomed Margaret McLeod, Policy and Information Manager with Youthlink Scotland who was present at the Council today to present Certificates to Lewis Atha and Ashley Roxburgh. The Provost informed the meeting that Ashley and Lewis had been recently honoured in the Youthlink Scotland National Youth Awards.

The Provost advised that Ashley was nominated by the Youth Advocacy Project, a voluntary organisation based in Kilmarnock for the "Volunteer of the Year" category and she had won the Silver award.

The Provost then advised that Lewis was nominated by the Community Learning and Development Services where he works as a Youth Literacy Worker, for the Youth Worker of the Year (Sessional or Part Time) category, and that he had won the Bronze award.

The Provost then asked Ashley and Lewis to accept a small gift on behalf of the Council. Margaret McLeod also presented Ashley and Lewis with their certificates.

**PREVIOUS MINUTES**

5. There were submitted and approved as a correct record, Minutes of Special Council Meeting of 14 February 2008 (pages 258-262), Minutes of Council Meeting of 28 February 2008 (pages 281-284) and Minutes of Special Council Meeting of 13 March 2008 (pages 290-291).

Councillor McIntyre rejoined the meeting during discussion of the above item.

**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 **CABINET OF 13 FEBRUARY 2008 (pages 256-257).**
- 6.2 **GOVERNANCE AND SCRUTINY COMMITTEE OF 15 FEBRUARY 2008 (FOR NOTING ONLY) (pages 263-266).**
- 6.3 **INTERIM CENTRAL LOCAL GRANTS COMMITTEE OF 19 FEBRUARY 2008 (pages 267-268).**
- 6.4 **CABINET OF 20 FEBRUARY 2008 (pages 269-273).**
- 6.5 **INTERIM NORTHERN LOCAL GRANTS COMMITTEE OF 20 FEBRUARY 2008 (pages 274-275).**
- 6.6 **INTERIM SOUTHERN LOCAL GRANTS COMMITTEE OF 21 FEBRUARY 2008 (pages 276-278).**
- 6.7 **APPEALS PANEL OF 25 FEBRUARY 2008 (page 279).**
- 6.8 **APPEALS PANEL OF 27 FEBRUARY 2008 (page 280).**
- 6.9 **APPEALS PANEL OF 3 MARCH 2008 (page 285).**

- 6.10 CABINET OF 5 MARCH 2008 (pages 286-288).
- 6.11 SPECIAL SOUTHERN LOCAL GRANTS COMMITTEE OF 13 MARCH 2008 (page 289).
- 6.12 LOCAL GOVERNMENT LICENSING PANEL OF 13 MARCH 2008 (pages 292-293).
- 6.13 GOVERNANCE AND SCRUTINY COMMITTEE OF 14 MARCH 2008 (FOR NOTING ONLY) (pages 294-295).
- 6.14 CABINET OF 19 MARCH 2008 (pages 296-302).
- 6.15 SOUTHERN LOCAL PLANNING COMMITTEE OF 20 MARCH 2008 (pages 303-304).
- 6.16 SPECIAL CABINET OF 26 MARCH 2008 (pages 305-311).

**Decision for Ratification of Council**

- (i) **SCOTLAND EXCEL COLLABORATIVE PROPOSAL (Item 13, Page 310, 07/11)**

It was agreed to ratify the recommendations of Cabinet to nominate Councillor Hugh Ross, as a Spokesperson for Management and Resources, as the Council's representative to the Scotland Excel Joint Board.

- 6.17 NORTHERN LOCAL PLANNING COMMITTEE OF 28 MARCH 2008 (pages 312-314).
- 6.18 CABINET OF 2 APRIL 2008 (pages 315-321).

**APPOINTMENT OF SUBSTITUTE REPRESENTATIVE TO THE WEST OF SCOTLAND ROAD SAFETY FORUM**

- 7. There was submitted a report dated 7 March 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked Council to consider appointing a Substitute Representative to the West of Scotland Road Safety Forum.  
It was agreed to nominate Councillor Kelly as Substitute Member to the West of Scotland Road Safety Forum.

**APPOINTMENTS TO WEST OF SCOTLAND EUROPEAN FORUM**

- 8. Following a request from the SNP Group, it was agreed that Councillor Douglas Reid (with Councillor Hugh Ross as substitute) replace Councillor Hugh Ross (with Councillor Jim Todd as substitute) as the Council's representatives on the Forum.

**MOTION BY COUNCILLOR DOUGLAS REID**

- 9. Councillor Reid, seconded by Councillor Willie Coffey, moved to adopt the following motion:- "This Council supports the position that the people of East Ayrshire be given the right to vote in a referendum to determine the political future of Scotland, and this Council would encourage the people of East Ayrshire to sign the petition 'Let Scotland Decide' ".

Councillor Cook, seconded by Councillor Jackson, moved as an amendment the following alternative motion:- "This Council re-affirms that our principal commitment is to the people of East Ayrshire, to the continuing improvement of the services we

provide ensuring Best Value at all times. National constitutional matters are for the Government. This Council does, however, recognise the democratic rights of the people of East Ayrshire to participate in any election or referendum for which they are legitimately entitled to do so”.

On a division by a show of hands the amendment was carried by 16 votes to 14.

### **ADDITIONAL ITEMS**

#### **10.1 REVIEW OF CABINS AND DAY CENTRES (Item 23, Page 337, 03/11)**

Following the decision of the Cabinet meeting held on 23 April 2008, which approved the establishment of a short-term Member/Officer Group, Council agreed:

- (i) to note that Cabinet on 23 April 2008 had established a short-term Member/Officer Working Group;
- (ii) to the Cabinet recommendations that five Elected Members (2/2/1) be appointed to serve on the Member/Officer Group, Members for the Administration being Councillors Jim Roberts and Alan Brown with Councillor Roberts as Spokesperson for Lifelong Learning chairing the Member/Officer Group;
- (iii) to appoint Councillor Tom Cook to the Group; and
- (iv) to note that the names of the two Members of the main Opposition Group would be submitted to the Head of Democratic Services in due course.

Councillor McIntyre left the meeting during discussion of the above item.

#### **10.2 SCOTTISH PARLIAMENTARY CROSS PARTY GROUP ON CHINA (Item 3E, Page 330, 03/11)**

Following the decision of the Cabinet meeting held on 23 April 2008, Council agreed to the recommendation from Cabinet that Councillor Douglas Reid be appointed to serve on the Group. It was also agreed that Councillor Eric Jackson, as Leader of the main Opposition Group, be appointed as substitute member.

### **EXCLUSION OF PRESS AND PUBLIC**

- 11. Council resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 of Schedule 7A of the Act.

### **CHILDREN'S PANEL ADVISORY COMMITTEE MEMBERSHIP**

- 12. There was submitted a report dated 16 April 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Council's decision in respect of a Council-appointed vacancy on the Children's Panel Advisory Committee (CPAC).

It was agreed:

- (i) to note the nominations process undertaken by the Depute Chief Executive/Executive Director of Corporate Support; and

- (ii) that in line with guidance from the Scottish Executive, Karlene Mackie be appointed for a period of three years until 31 December 2011, as Council-appointee, subject to satisfactory Disclosure Scotland Criminal Records check.

The meeting terminated at 1030 hrs.