

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 23 SEPTEMBER 2010 AT 1000 HRS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Provost Stephanie Young and Councillors Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost John Campbell, Councillors Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Alan Brown, Stuart Finlayson, Robert McDill, Jimmy Kelly, Neil McGhee, Jim Roberts, David Shaw, Barney Menzies, Kathy Morrice, Eric Ross, Elaine Dinwoodie and Drew Filson.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; Bill Walkinshaw, Head of Democratic Services; Craig McArthur, Head of Finance; David Mitchell, Head of Legal, Procurement and Regulatory Services; Eddie Fraser, Head of Service: Community Care; Gwen Barker, Community Planning and Partnership Manager; Danny Stuart, Police Liaison Officer; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors Gordon Cree, William Crawford and Moira Pirie.

CHAIR: Provost Stephanie Young, Chair.

ADDITIONAL ITEMS

1. The Provost advised that there were additional items in the form of Motions from Councillor Maureen McKay regarding road signage at main entrances to Cumnock and Glenbuck, which would be taken at the end of the Agenda.

The Provost also intimated that a formal question had been received by the Chief Executive within the specified timescales as provided within the Standing Orders and that this formal question would be dealt with as the last item of Council business.

PROVOST'S REMARKS

2. The Provost expressed her shock and sadness at the tragic death of Gillian Cochrane, who had died in a road traffic accident on Tuesday 10 August 2010 when travelling home from work. Gillian was 26 years old and had joined East Ayrshire Council in July 2009 where she had initially worked as a Support Assistant after gaining her professional Social Work qualification and then as a Social Worker from 6 November 2009. Gillian was a bright and enthusiastic person who had brought fun and laughter to people's lives, who adored her work in supporting children and their families and who used her natural strengths to benefit others. The Provost, on behalf of the Council, extended sincere condolences to Gillian's family and friends and also advised that her family had commented that Gillian had loved her work with Children and Families and had found her role with the Council to be very rewarding. Gillian would be greatly missed and fondly remembered by all her colleagues.

The Provost also expressed her regret that Councillor Cree was still unable to attend the Council meeting as he had been re-admitted to hospital and wished him a speedy recovery.

The Provost introduced to the Council, Craig McArthur, who had recently taken up the post of Head of Finance.

The Provost then referred to four members of Glaisnock Valley Bowling Club, James Gribben, Stuart Anderson, Brian Jolly and Murray Thomson, who had won the British Isles Fours; the team, which had formed last year, represented Scotland at the finals held in Worthing and Councillor Morrice had presented a Quaich on her behalf to the team.

The Provost also referred to the Ayrshire Bowling Championships which had been held in Ayr where Robert Gemmell from Auchinleck had become Ayrshire Juniors Singles Champion; Gerry King from Northwest Kilmarnock had won the coveted singles title; and Philip Mouzer and Derek McClue from Ochiltree had won the pairs title. The Provost asked Members to join her in congratulating everyone on their success.

The Provost intimated that Crosshouse Boys Club Under 13s had won the prestigious Loch Lomond Cup International Football Tournament which had been held in Stirling; teams from as far away as Saudi Arabia had taken part in the competition and the Provost congratulated not only the winning team but also the coaches and parents.

The Provost then advised that unfortunately, the East Ayrshire Team had been unsuccessful in bringing back to East Ayrshire the Inter-Authority Bowling Tournament Trophy despite them having a strong team on the day.

The Provost reported that it had been her pleasure to present an engraved Quaich to Townholm Bowling Club in recognition of their achievement in winning the Eglington Jug at Glasgow/Ayrshire Tournament held in July. The Provost commented that the last club in Kilmarnock to have won this trophy was Kilmarnock Bowling Club who had won it in 1889.

The Provost referred to the launch of her charity, Alzheimer Scotland, which had taken place in the Northwest Area Centre on 4 August and expressed her hope to have the same success as she had with her charity last year; several local events are scheduled, the first one to be held on 24 September 2010 where she would attend the Stewarton Friendship Club in the new Area Centre. The Provost intimated that she would keep Members and Council employees informed of the up-and-coming events and hoped that they would give the same support as they had last year.

The Provost intimated her congratulations to the organisers of the Auchinleck Alive and Kicking Festival. The Provost had attended the opening event and commented on the great local talent from artists who had performed. The Provost congratulated everyone who had been involved in making the Festival a success which she was sure would continue to flourish in the years to come.

The Provost then congratulated James Hamilton Academy on being awarded Green Flag status and commended the hard work of all concerned.

The Provost expressed her delight in having attended the opening of the new community centre in Netherthird at the beginning of September and commented on

the wonderful new facility, which would undoubtedly be a great asset to the community.

The Provost then referred to East Ayrshire Council's 2010/11 budget consultation and engagement exercise with the community and voluntary sector which had recently been highlighted as an "exemplar" case study and that a Certificate for Achievement had been presented to the Council at an event hosted by Consumer Engagement Scotland in August. The Provost advised that the award recognised achievement not only for Councils but across the private sector.

The Provost then expressed her delight to learn that East Ayrshire Positive Play initiative had won the Best Promotion of Outdoor Play at the recent Nancy Ovens Play Awards held in Stirling. The Provost congratulated the Leisure Development team on their success and for bringing such a range of services to the people of East Ayrshire.

The Provost then stated that it had been an honour on Saturday 18 September 2010 to unveil the Green Flag Award which had been attained by Woodroad Park in Cumnock; the award to Woodroad Park had been the first in Southwest Scotland and that this had been made even more special as it was the 500th Anniversary of the Burgh. The Provost intimated her congratulations to everyone who had been involved.

In conclusion, the Provost advised that it would be her intention, at the end of each Council meeting, to provide Group Leaders with a copy of her remarks.

PREVIOUS MINUTES

3. There were submitted and approved as a correct record, Minutes of Council Meeting of 24 June 2010 (pages 1248-1261), Special Council Meeting of 24 June 2010 (page 1262) and Special Council Meeting of 26 August 2010 (pages 1311-1315) (circulated).

CABINET/COMMITTEE MINUTES

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 **CABINET OF 16 JUNE 2010 (pages 1217-1226).**
 - 4.2 **GOVERNANCE AND SCRUTINY COMMITTEE OF 18 JUNE 2010 (FOR INFORMATION ONLY) (pages 1227-1232).**
 - 4.3 **SPECIAL CABINET OF 23 JUNE 2010 (pages 1233-1245).**
 - 4.4 **APPEALS PANEL OF 23 JUNE 2010 (pages 1246-1247).**
 - 4.5 **SPECIAL NORTHERN LOCAL PLANNING COMMITTEE OF 24 JUNE 2010 (pages 1263-1268).**
 - 4.6 **SOUTHERN LOCAL PLANNING COMMITTEE OF 25 JUNE 2010 (pages 1269-1270).**
 - 4.7 **APPEALS PANEL OF 30 JUNE 2010 (pages 1271-1272).**

- 4.8 SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE OF 2 JULY 2010 (page 1273).
- 4.9 RECRUITMENT PANEL OF 22 JULY 2010 (page 1274).
- 4.10 SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 29 JULY 2010 (pages 1275-1284).
- 4.11 LOCAL REVIEW BODY OF 30 JULY 2010 (page 1285).
- 4.12 RECRUITMENT PANEL OF 30 JULY 2010 (page 1286).
- 4.13 APPEALS PANEL OF 4 AUGUST 2010 (page 1287).
- 4.14 RECRUITMENT PANEL OF 13 AUGUST 2010 (pages 1288-1289).
- 4.15 SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE OF 13 AUGUST 2010 (pages 1290-1291).
- 4.16 CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 17 AUGUST 2010 (pages 1292-1293).
- 4.17 CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 17 AUGUST 2010 (pages 1294-1295).
- 4.18 LOCAL REVIEW BODY OF 17 AUGUST 2010 (pages 1296-1297).
- 4.19 CABINET OF 18 AUGUST 2010 (pages 1298-1304).
- 4.20 NORTHERN LOCAL GRANTS COMMITTEE OF 18 AUGUST 2010 (pages 1305-1306).
- 4.21 SPECIAL NORTHERN LOCAL PLANNING COMMITTEE OF 19 AUGUST 2010 (pages 1307-1309).
- 4.22 SOUTHERN LOCAL GRANTS COMMITTEE OF 19 AUGUST 2010 (page 1310).
- 4.23 LOCAL GOVERNMENT LICENSING PANEL OF 26 AUGUST 2010 (pages 1316-1317).
- 4.24 GOVERNANCE AND SCRUTINY COMMITTEE OF 27 AUGUST 2010 (FOR INFORMATION ONLY) (pages 1318-1323).
- 4.25 CABINET OF 1 SEPTEMBER 2010 (pages 1324-1326).
- 4.26 SOUTHERN LOCAL PLANNING COMMITTEE OF 3 SEPTEMBER 2010 (pages 1327-1328).
- 4.27 SPECIAL CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 9 SEPTEMBER 2010 (page 1329)
- 4.28 SOUTHERN LOCAL GRANTS COMMITTEE OF 10 SEPTEMBER 2010 (pages 1330-1331).
- 4.29 NORTHERN LOCAL PLANNING COMMITTEE OF 10 SEPTEMBER 2010 (pages 1332-1335).

REPORT BY CHAIR OF GOVERNANCE AND SCRUTINY COMMITTEE

- 5. There was submitted a report dated 16 September 2010 (circulated) by Councillor Tom Cook, Chair of Governance and Scrutiny Committee.

Councillor Cook spoke to the report and Members were given the opportunity to put questions to him.

Following discussion, the Leader of the Council agreed to give consideration to a suggestion raised, that annual reports also be provided to Council by the Portfolio Holders.

APPOINTMENTS

6.1 EAST AYRSHIRE VETERANS' CHAMPION

There was submitted a report dated 23 August 2010 (circulated) by the Executive Director of Finance and Corporate Support which requested the nomination of an Elected Member to act as a local Veterans' Champion for East Ayrshire, who would, thereafter, represent the interests of Armed Forces Veterans.

Councillor Reid, seconded by Councillor Linton, moved that Provost Young be nominated to act as Veterans' Champion for East Ayrshire.

Councillor Dinwoodie, seconded by Councillor Menzies, moved as an amendment that Councillor Robert Keohone be nominated to act as Veterans' Champion for East Ayrshire.

On a division by a show of hands, the motion was carried by 16 votes to 12.

On consideration of her proposal, the Provost then intimated that she would be happy to work jointly with Councillor Keohone in carrying out this role, in terms of sharing information and attendance at any meetings or events.

6.2 APPOINTMENT TO OPENCAST COAL LIAISON COMMITTEE

There was submitted a report dated 14 September 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which invited Council to consider Elected Member representation on the proposed Netherton Surface Mine Liaison Committee.

Councillor Reid proposed that, based on existing balance of representation on the Opencast Coal Liaison Committees throughout the area, that the next appointment be filled by a member of the Labour Main Opposition Group.

This proposal was declined by the Labour Main Opposition Group.

The Council thereafter agreed that Councillor Kathy Morrice, as an Elected Member for Ward 8, be appointed to attend the Liaison Committee meetings for the proposed Netherton Surface Mine.

REVIEW OF THE SCHEME OF DELEGATION AND ADMINISTRATION

7. There was submitted a report dated 8 September 2010 (circulated) by the Executive Director of Finance and Corporate Support which submitted, both for the information and consideration of Council, a draft consolidated Scheme of Delegation and Administration to take cognisance of the changes within Portfolio arrangements and Departmental structure effective from 1 April 2010 and revisions in light of operational experience.

It was agreed:

- (i) to approve the proposed revisions for additional delegation of authority detailed within Appendix I of the report;
- (ii) in relation to the arrangements for Appeals Panels:
 - (a) that within the meetings calendar, to be submitted for consideration of Council at its next meeting in November, Panels be populated in advance of scheduled meetings based on a fortnightly cycle, and a review be undertaken thereafter after three months' operation;
 - (b) to note that Members would continue to be given as much prior notice as possible of the appellant's details to allow Members to declare any interest in advance of the meeting;
 - (c) that the report submitting the annual calendar to the next meeting of the Council would also include options to reduce the number of appeals which are required to be considered by Elected Members at Appeals Panels;
- (iii) with regard to the agreed delegation to the Head of Human Resources regarding redundancies, to note that the Head of Human Resources would report to Cabinet at the next available meeting following decisions made and that the Scheme of Delegation be updated accordingly;
- (iv) to thereafter approve and adopt the consolidated and revised Scheme of Delegation and Administration;
- (v) that officers give consideration to how best to record additions and deletions within future published Schemes of Delegation and Administration; and
- (vi) otherwise, to note the contents of the report.

COMMUNITY PLANNING ACTION PLAN AND SINGLE OUTCOME AGREEMENT ANNUAL PERFORMANCE REPORT 2009/10

8. There was submitted a report dated 16 September 2010 (circulated) by the Chief Executive which presented for consideration and endorsement, in respect of the Council's interest, the consolidated Annual Performance Report for 2009/10 in respect of the Community Plan Thematic Action Plans and East Ayrshire Community Planning Partnership Single Outcome Agreement (SOA).

It was agreed:

- (i) that the Single Outcome Agreement (SOA) Annual Performance Report on Progress made in 2009/10 required to be submitted to the Scottish Government by 30 September 2010;
- (ii) from a Council perspective, to endorse the consolidated Community Planning/SOA Annual Performance Report for 2009/10 shown attached as Appendix I to the report, subject to minor textual amendments;
- (iii) to note that due to the timescales involved, this decision would require to be implemented prior to any consideration by the Governance and Scrutiny Committee under the call-in process, as to delay the decision would mean that the document would not be submitted to the Scottish Government by the due date of 30 September 2010;

- (iv) to note that further development of the SOA for implementation from 1 April 2011 would be taken forward in the context of the Community Planning Four Yearly Review process;
- (v) to remit to the Community Planning and Partnership Manager to make arrangements to have the Community Plan/SOA Annual Performance Report graphically designed and printed for appropriate distribution;
- (vi) to receive a report back from the Chief Executive on the action being taken from a Council perspective to improve performance;
- (vii) that regular reports on the actions being taken from a Council perspective to improve performance be also submitted to the Governance and Scrutiny Committee; and
- (viii) otherwise, to note the contents of the report.

APPOINTMENTS TO OUTSIDE ORGANISATIONS - CHANGES REQUESTED BY LABOUR GROUP

9. Council agreed to the changes requested by the Labour Group as follows:-
- (i) Bessie C Roxburgh Bequest - that Councillor Finlayson replace Councillor Cree;
 - (ii) Archibald Taylor Fund - that Councillor Maureen McKay replace Councillor Finlayson.

MOTIONS

10. The Council unanimously agreed to suspend Standing Order 7.1 to allow these matters to be considered.

10.1 MOTION BY COUNCILLOR MAUREEN MCKAY

Councillor Maureen McKay, seconded by Councillor Barney Menzies moved:

- (i) “that Council agree to instruct the introduction of signage at the entrances to Cumnock which acknowledges and draws attention to the past significant association of Keir Hardie with the town of Cumnock”;
- (ii) “that Council agree to instruct the introduction of signage at Glenbuck which acknowledges and draws attention to the birthplace of Bill Shankly”.

The Council unanimously adopted these motions.

10.2 PROPOSAL BY COUNCILLOR DOUGLAS REID

Following a proposal by Councillor Douglas Reid, Council also unanimously agreed that signage also be introduced at Darvel which acknowledged and draws attention to the birthplace of Alexander Fleming; and

10.3 OTHER PERSONS OF NOTE

Council further agreed to remit to Officers, in consultation with local Members, to look at other towns and villages within East Ayrshire, to identify, in support of East Ayrshire Tourism Strategy, other local persons of note with relevant connections

including recognition of Kilmarnock as the birthplace of William Wallace that could be promoted with signage, with a view to establishing a rolling programme of works.

**FORMAL QUESTION - QUESTION BY COUNCILLOR ERIC ROSS TO
LEADER OF COUNCIL**

11. Councillor Eric Ross put the following question to Councillor Reid:-

“Can the Leader tell me how many of our Council houses have firewalls in the roof space?”

Councillor Reid advised that based on the estimates provided by Housing Officers, approximately 97% of our Council houses had firewalls in the roof space, this equated to approximately 12,600 houses.

Following discussion, it was noted that the Leader of the Council would request the Spokesperson for Community Safety to write to the Divisional Commander of Strathclyde Fire and Rescue to ascertain his views on the lack of firewalls in roof spaces within those Council houses built when the provision of firewalls was not required under the Building Regulations and to seek his views on the appropriate action and timescales.

The meeting terminated at 1133 hrs.