

EAST AYRSHIRE COUNCIL

8 OCTOBER 2009

COMPOSITION OF KILMARNOCK PRISON VISITING COMMITTEE

Report by the Depute Chief Executive/ Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** To apprise Council of a vacancy having arisen in the composition of Kilmarnock Prison Visiting Committee and to seek the appointment of a suitable person to fill the vacancy in terms of the Council's statutory obligations by virtue of the relevant provisions of The Prisons and Young Offenders (Scotland) Rules 2006.

2. BACKGROUND

- 2.1** In terms of Rule 155(9) of The Prisons and Young Offenders Institutions (Scotland) Rules 2006 East Ayrshire Council is under a statutory obligation in the event of a vacancy arising in Kilmarnock Prison Visiting Committee to appoint a person to fill the vacancy as soon as possible after the vacancy arises.
- 2.2** At the statutory meeting of East Ayrshire Council on 21 June 2007 which followed the local elections of May 2007 Council appointed the requisite number of lay and elected members of Kilmarnock Prison Visiting Committee including Mr George Herbert who was at that time also a Justice of the Peace and also the Chairperson of the Prison Visiting Committee. Those appointed can hold office until the day prior to the day which falls two months after the date of the next ordinary election of councillors. Such appointees can however resign at any time. Mr George Herbert resigned as a member of the Kilmarnock Prison Visiting Committee on 6 August 2009. It is in these circumstances that a vacancy has arisen which requires a new appointment to be made.
- 2.3** As a consequence of Mr George Herbert's resignation the current composition of the Kilmarnock Prison Visiting Committee appointed by East Ayrshire Council is Councillor Bobby McDill as an elected member appointee with Mr James Currie J.P. and Mr Gerald Alexander JP having been appointed as lay members.

3. PROPOSED NEW APPOINTMENT

- 3.1** An expression of interest in appointment to the Kilmarnock Prison Visiting Committee has been forthcoming from Mr William Garven, "Kildonan", Sorn Road, Auchinleck, KA18 2LZ. Mr Garven is also a current Justice of the Peace

who has accepted a commission to continue as a JP under the unified summary court arrangements in the Sheriffdom of South Strathclyde, Dumfries and Galloway.

4. GENERAL DUTIES OF VISITING COMMITTEES AND MEMBERS OF COMMITTEES

4.1 Visiting committees are generally required to promote the efficiency of the prison concerned and to inquire into and report upon any relevant matter to the Scottish Ministers. In addition the PVC must bring to the attention of the prison Governor, or in some cases the Scottish Ministers, any circumstances relating to the administration of the prison or the condition of any prisoner which appear to it to be expedient to report.

4.2 In addition to the general duties as outlined above the PVC are required to, from time to time, enquire into the state of the prison premises and inspect the food and drink provided to prisoners. In terms of meetings the PVC must meet at the prison at least once every three months and not fewer than two members must visit the prison at least fortnightly by way of rota.

5. LEGAL/POLICY/FINANCIAL/COMMUNITY PLANNING IMPLICATIONS

5.1 As detailed above Council is legally obliged to appoint a person to fill the vacancy in Kilmarnock Prison Visiting Committee and accordingly in proceeding to do so Council is fulfilling its statutory responsibilities.

6. RECOMMENDATION

6.1 It is therefore recommended that Council proceed to appoint Mr William Garven to the Kilmarnock Prison Visiting Committee.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support
29 September 2009

LIST OF BACKGROUND PAPERS

Nil

Anyone wishing further information should contact Stuart McCall (Tel. 01563 576085).

Implementation officer: David Mitchell, Head of Legal, Procurement & Regulatory Services