

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 25 JUNE 2009
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, Maureen McKay, 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, Jimmy Kelly, Neil McGhee, Jim Roberts, William Crawford, Barney Menzies, Kathy Morrice, Eric Ross, Elaine Dinwoodie and Drew Filson.

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; Eddie Fraser, Head of Service: Community Care; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie Jamieson, Chief Accountant; Joe McLachlan, Corporate Accounting Manager; Robert Moore, Corporate Policy Officer; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors David Shaw and James Sutherland.

CHAIR: Provost Stephanie Young, Chair.

PROVOST'S REMARKS

1. The Provost began the Council meeting by expressing her delight that Shannon Bryson, Woodstock School had been awarded a Diana Award which was a highly prestigious accolade for young people aged 12–18 years old, who had made a lasting difference to their communities, school, family or friends.

The Provost advised that the senior class of Woodstock School had also been awarded a Certificate of Excellence for their contribution to their school and community through promoting Woodstock as a Healthy Eco School, which had led to the school being awarded a second Green Flag Award – a first for an East Ayrshire school.

The Provost then informed that she had attended the official opening of the new Burns Monument Centre on Saturday 16 May. She informed that the Centre, built around the iconic W G Stevenson statue of Robert Burns, housed a state-of-the-art archive store, family and local history research room, a spectacular conference and ceremony suite and was the new venue for the Kilmarnock Registration Services. The Provost further advised that the Centre was unique in the UK - nowhere else could you find all these services under one roof and, combined, they created a first class facility for genealogical research.

The Provost further informed that the Kay Park itself had undergone a transformation during the last financial year as paths and roads had been upgraded; new entry wall and lighting had been installed as was a new play park area. The fountain had been upgraded and repaired; additional barriers had been installed to restrict vehicle

movement and landscape work to the area surrounding the Reformers Monument would soon be carried out.

The Provost advised that the First Minister, who officially opened the Centre, had described the facility as “an act of genius” and the Provost was sure everyone would agree with him.

The Provost went on to advise that she had welcomed representatives not only from the Council’s twin towns but also Dr Curtis Smith, Mayor of Kilmarnock, Virginia for the Homecoming Visit at the end of May. The visit was held from Thursday 21 to Sunday 24 May and the Provost stated how proud she had been to be able to offer them such an extensive programme for their visit. The Provost said she realised what fantastic heritage and new facilities were in East Ayrshire and thanked all Members and Officers who had helped to entertain the visitors.

The Provost then referred to her attendance at the launch of the Ayrshire Innovators exhibition at the Dick Institute on Saturday 30 May, the exhibition running until 12 September. She confirmed that this would prove to be another success story for the Museum and thanked the staff for all their hard work during the change-over from the Creative Burns Exhibition which attracted over 35,000 visitors.

The Provost then advised she had been joined the staff of the East Ayrshire Carers Centre on Tuesday 3 June to help launch Carers Week which had been held between 8 and 12 June. She further advised that the shops in both Kilmarnock and Cumnock had been very successful and the sum of £2,000 had been raised. The Provost stated that this had been her last official duty with the Carers for the year but that obviously, she would continue to support them.

The Provost further advised that James Hamilton Academy had recently collected a trophy and a £1,000 cheque at the Scottish Education Awards, which had been sponsored by the Scottish Government to celebrate success and excellence in education.

Finally, the Provost referred to Councillor Sutherland, who was still undergoing treatment, and wished him well for his recovery.

The Provost then welcomed to this morning’s meeting, Catherine Sibbald and Dave Richards from Audit Scotland and Michelle Brannagan, a law student who was doing one week’s work experience with Legal Services.

PROVOST/DEPUTE PROVOST

2.1 ELECTION OF PROVOST

It was unanimously agreed that Councillor Stephanie Young be elected as Provost.

2.2 ELECTION OF DEPUTE PROVOST

It was unanimously agreed that Councillor John Campbell be elected as Depute Provost.

PREVIOUS MINUTES

- 3.** There were submitted and approved as a correct record, the Minutes of Council held on 23 April 2009 (pages 690-694).

REPORT BY THE LEADER OF THE COUNCIL

4. There was submitted and noted a report (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.

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

CABINET/COMMITTEE MINUTES

5. 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:-

- 4.1 **APPEALS PANEL OF 1 & 3 APRIL & 22 MAY 2009 (pages 677-678)**
- 4.2 **CABINET OF 22 APRIL 2009 (pages 679-689)**
- 4.3 **SOUTHERN LOCAL PLANNING COMMITTEE OF 24 APRIL 2009 (pages 695-698).**
- 4.4 **APPEALS PANEL OF 29 APRIL & 12 MAY 2009 (pages 699-700).**
- 4.5 **NORTHERN LOCAL PLANNING COMMITTEE OF 30 APRIL 2009 (pages 701-703).**
- 4.6 **GOVERNANCE AND SCRUTINY COMMITTEE OF 1 MAY 2009 (pages 704-706) (FOR NOTING ONLY).**
- 4.7 **CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 5 MAY 2009 (pages 707-709).**
- 4.8 **CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 5 MAY 2009 (pages 710-712).**

MATTER ARISING - FUNDING FORMULA FOR LOCAL GRANTS SCHEME (ITEM 1(iii), PAGE 710, 07/12)

It was agreed to remit to the Chief Executive to bring forward a report to Council during the budget setting process for 2010/2011 to allow Members to consider a review of the existing formula used to allocate the Community Grants budget.

- 4.9 **SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE OF 5 MAY 2009 (pages 713-714).**
- 4.10 **CABINET OF 6 MAY 2009 (pages 715-720).**
- 4.11 **NORTHERN LOCAL GRANTS COMMITTEE OF 6 MAY 2009 (pages 721-725).**
- 4.12 **LOCAL GOVERNMENT LICENSING PANEL OF 7 MAY 2009 (pages 726-731).**
- 4.13 **SOUTHERN LOCAL GRANTS COMMITTEE OF 7 MAY 2009 (pages 732-738).**

MATTER ARISING - LOCAL COMMUNITY GRANTS SCHEME - FINANCIAL ALLOCATION FOR 2009/10 (ITEM 1, PAGE 732, 07/12)

It was noted that assurances had been given by Officers that the review of the existing funding formula used to allocate the Community Grants budget which had

been requested by the Northern and Central South Local Grants Committees would cover the funding formula used by all the Local Grants Committees, arrangements for the preparation of the report having been agreed as outlined in item 4.8(i) above.

4.14 APPEALS PANEL OF 8 AND 27 MAY 2009 (pages 739-740).

4.15 CABINET OF 20 MAY 2009 (pages 741-749).

4.16 SPECIAL NORTHERN LOCAL GRANTS COMMITTEE OF 20 MAY 2009 (page 750)

4.17 GOVERNANCE AND SCRUTINY COMMITTEE OF 29 MAY 2009 (pages 751-753) (FOR NOTING ONLY).

4.18 CABINET OF 3 JUNE 2009 (pages 754-759).

EAST AYRSHIRE COUNCIL'S SCHEME OF DELEGATION AND ADMINISTRATION

5. There was submitted a report dated 12 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for approval amendments to the Council's Scheme of Delegation and Administration in light of operational experience and in particular to meet requirements associated with the Government's proposals to modernise the planning system in Scotland.

Councillor Reid, seconded by Councillor Linton, moved:

- (i) the proposed amendments to the Scheme of Delegation and Administration as outlined in the extracts attached to the report including the amendment to Appendix 2 - Cabinet composition to read "In the absence of the Leader of the main opposition Group, any available main opposition group member (who is not a member of the Governance and Scrutiny Committee) may attend Cabinet in his/her place with full voting rights";
- (ii) that the Council appoint two other Members to serve as Chairs of the Local Review Body (one from main opposition group and one from minority opposition group) in the absence of the Spokesperson for Planning, names to be submitted to Head of Democratic Services in due course;
- (iii) that in respect of the new Scheme of Delegation for planning applications, that the Depute Chief Executive/Executive Director of Corporate Support be authorised to submit the revised Scheme of Delegation for Planning Applications to Scottish Ministers and implement any changes arising from the submission of the revised Scheme of Delegation so that the Scottish Ministers could approve the Scheme of Delegation;
- (iv) that it be remitted to the Depute Chief Executive/Executive Director of Corporate Support to develop a Scheme of Administration and Operation for East Ayrshire Councils' Local Review Body to ensure compliance with and implementation of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008;
- (v) that it be remitted to the Depute Chief Executive/ Executive Director of Corporate Support to make arrangements for the provision of appropriate support and training to members of the Local Review Body;

- (vi) that the Depute Chief Executive/Executive Director of Corporate Support undertake a review of the operation of the revised Scheme of Delegation and Local Review Body in one year's time and submit a report to Cabinet; and
- (vii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Menzies, moved as an amendment the terms of the motion but that the two other Members to serve as Chairs of the Local Review Body by appointed from the main opposition group, names to be notified to Head of Democratic Services in due course.

On a division by a show of hands, the motion was carried by 17 votes to 13.

APPOINTMENTS

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

There was submitted a report dated 15 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which requested the 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 detailed in the Appendix to the report.

Councillor Linton, seconded by Councillor McDill, moved that Councillor Reid be appointed Leader of the Council and Spokesperson for Community Planning and Equalities.

Councillor Dinwoodie, seconded by Councillor Kelly, moved as an amendment that Councillor Maureen McKay be appointed Leader of the Council and Spokesperson for Community Planning and Equalities.

On a division by a show of hands, the motion was carried by 17 votes to 13.

Councillor Reid, seconded by Councillor McDill, moved that Councillor Linton be appointed Depute Leader of the Council and Spokesperson for Lifelong Learning.

Councillor Dinwoodie, seconded by Councillor Kelly, moved as an amendment that Councillor Menzies be appointed Depute Leader of the Council and Spokesperson for Lifelong Learning.

On a division by a show of hands, the motion was carried by 17 votes to 13.

The following appointments were thereafter agreed:-

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

Spokespersons for Environment and Regeneration - Councillors Robert McDill and Jim Buchanan.

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 Robert McDill as the other two potential Chairs.

Local Government Licensing Panel - Councillor Hugh Ross (Chair).

Planning Function

Spokesperson for Planning - Councillor Alan Brown.

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 Robert 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).

6.2 CHANGES ARISING FROM CHANGE IN LEADERSHIP OF THE MAIN OPPOSITION GROUP

Following the appointment of Councillor Maureen McKay as Leader of the main Opposition Group, Council agreed:-

- (i) that Councillor Maureen McKay replace Councillor Knapp on CoSLA;
- (ii) that Councillor Maureen McKay replace Councillor Knapp as substitute member to the Scottish Parliamentary Cross-Party Group on China; and
- (iii) that Councillor Menzies replace Councillor Maureen McKay on the Governance and Scrutiny Committee.

6.3 CHANGE OF APPOINTMENT TO THE EAST AYRSHIRE WOODLANDS

Following a request from the Labour Group, Council agreed that Councillor Neil McGhee replace Councillor Elaine Dinwoodie on the East Ayrshire Woodlands.

6.4 EMPLOYEE RECOGNITION EVENT - APPOINTMENT OF JUDGING PANEL

There was submitted a report dated 1 June 2009 (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 29 October 2009.

It was agreed to appoint Councillor Douglas Reid (Chair) and Councillors John Campbell, Jimmy Kelly and Tom Cook to the Employee Judging Panel for 2009.

6.5 EXCERPT FROM CABINET MEETING OF 17 JUNE 2009 (Item 11, Page 764, 07/12)

There was submitted an excerpt from the Cabinet meeting of 17 June 2009 (circulated) in respect of New Sporting Futures - 2014 Charter for Sport; and Member representation on the Judging Panel for Talented Athlete Support Funding.

It was agreed to the recommendation from the Cabinet meeting to appoint the four Members from the Sports Council to the Judging Panel for Talented Athlete Support Funding, Members being Councillors John Campbell, Hugh Ross, John Knapp and Neil McGhee along with one Member from the Conservative Group, name to be notified to the Head of Democratic Services in due course.

REPORT BY CHAIR OF GOVERNANCE AND SCRUTINY COMMITTEE

7. There was submitted and noted a report dated 19 June 2009 (circulated) by Councillor Tom Cook, Chair of the Governance and Scrutiny Committee.

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

PROVOST'S OFFICE SUPPORT TO EAST AYRSHIRE CARERS CENTRE

8. There was submitted a report dated 4 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Council of the support which the Provost's Office had given to East Ayrshire Carers Centre during 2008/2009.

It was agreed:

- (i) to acknowledge the efforts of everyone involved and congratulate them for the support given and money raised through the Provost's Office during 2008/09 for the East Ayrshire Carers Centre totalling £17,902.77; and
- (ii) to recognise and endorse the approach being taken by the Provost for 2009/10 to focus on Combat Stress.

**ELECTED MEMBER LEARNING AND DEVELOPMENT
STRATEGY (Item 5, Page 696, 07/12)**

9. There was submitted a report dated 9 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for Council's approval an Elected Member Learning and Development Strategy.

Councillors Eric Ross and Rose-Ann Cuninghame left the meeting at this point.

It was agreed:

- (i) to approve the Elected Member Learning and Development Strategy as detailed within the document attached to the report; and
- (ii) otherwise, to note the contents of the report.

STATEMENT OF ACCOUNTS 2008/09

10. There was submitted a report dated 15 June 2009 (circulated) by the Executive Head of Finance and Asset Management which submitted the Statement of

Accounts for the year ended 31 March 2009 to the Council and which sought approval to forward them to the Controller of Audit (the Statement of Accounts was attached under separate cover) (circulated).

Councillor Rose-Ann Cuninghame rejoined the meeting at this point.

It was agreed:

- (i) to approve the transfer of £1.773m from the Capital Fund as indicated in paragraph 4.3 of the report;
- (ii) to approve the Statement of Accounts 2008/09;
- (iii) to approve the submission for the Group Statement of Accounts to the Controller of Audit once the relevant information became available;
- (iv) that for next year, the Executive Head of Finance and Asset Management explore the possibility of changing the heading at page 23, Note 5 to "Members' Allowances, Reimbursement and Interests"; and
- (v) otherwise, to note the contents of the report.

UNAUDITED STATUTORY PERFORMANCE INDICATORS 2008/09

11. There was submitted a report dated 11 June 2009 (circulated) by the Executive Head of Finance and Asset Management which submitted the Unaudited Statutory Performance Indicators for 2008/09 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 2008/09 Performance Information submitted by Departments as contained in 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 Performance Information, a further report on the audited figures would be submitted to Cabinet which would include information giving a local context to the information contained in the indicator for homelessness; and
- (iv) otherwise, to note the contents of the report.

BOUNDARY REVIEW FOR SCOTLAND: FIRST PERIODICAL REVIEW OF SCOTTISH PARLIAMENTARY BOUNDARIES (Item 1, Page 290, 07/12)

12. There was submitted a report dated 10 June 2009 (circulated) by the Chief Executive which provided Council with (i) information on the Boundary Commission for Scotland's revised recommendations for Scottish Parliamentary Constituencies and provisional proposals for eight Scottish Parliamentary Regions; and (ii) information on the implications for East Ayrshire.

Councillor Cook, seconded by Provost Young, moved:

- (i) that Council confirm its acceptance of the Boundary Commission's proposals in terms of the proposed boundaries for the revised Scottish Parliamentary

Constituencies and provisional Scottish Parliamentary Region as outlined within the report;

- (ii) to recommend to the Boundary Commission for Scotland that “Kilmarnock and Irvine Valley” be named “Kilmarnock and District”
- (iii) to remit to the Chief Executive to notify the Boundary Commission for Scotland of the Council’s position; and
- (iv) otherwise to note the contents of the report.

Councillor Reid, seconded by Councillor Linton, moved as an amendment the terms of the motion but that “Kilmarnock and Irvine Valley” be named “Kilmarnock and Loudoun”.

On a division by a show of hands, the amendment was carried by 18 votes to 3.

The meeting terminated at 1230 hrs.