

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 30 OCTOBER 2014 AT 1000 HRS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Provost Jim Todd and Councillors Ellen Freel, Eòghann MacColl, John McGhee, Elaine Cowan, Maureen McKay, Tom Cook, Lillian Jones, Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost John Campbell, Councillors Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Alan Brown, George Mair, Bobby McDill, John McFadzean, Neil McGhee, Stephanie Primrose, Jim Roberts, David Shaw, Billy Crawford, Barney Menzies, Kathy Morrice, Eric Ross, John Bell, Elaine Dinwoodie and Moira Pirie.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; Chris McAleavey, Acting Executive Director of Neighbourhood Services; Eddie Fraser, Director of Health and Social Care for the East Ayrshire Partnership; Bill Walkinshaw, Head of Democratic Services; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Gwen Barker, Policy, Planning and Performance Manager; Iain Tough, Policy & Planning Team Leader; Pauline Minnery, Senior Officer, Corporate Business; Caroline Gordon, Public Relations Officer; and Julie McGarry, Administration Manager.

APOLOGY: Councillor Helen Coffey.

CHAIR: Provost Jim Todd, Chair.

PROVOST'S REMARKS

1. The Provost began his remarks by stating that it had been a great honour to acknowledge and commemorate the life and selfless bravery of Private Ross Tollerton who had won the Victoria Cross for carrying a wounded soldier to safety even though he himself was wounded in September 1914. Private Tollerton had died in 1931 aged 41. The Provost advised that Private Tollerton's story, like the many others who had been awarded the Victoria Cross, was quite humbling. The Provost had been delighted to share in a fitting tribute at the laying of a Victoria Cross Commemorative Paving Stone in Private Tollerton's name which had been laid in Irvine High Street on Monday 29 September 2014. The Provost further advised that Private Tollerton's life story had brought together both North and East Ayrshire Councils with Hurlford being Private Tollerton's place of birth and where he spent his formative years and Irvine where he lived and worked after the war.

The Provost then expressed his pleasure in attending the 2014 West Sound Cream of Ayrshire Awards at the Brig O' Doon House Hotel, Ayr on Thursday 2 October 2014. The Provost went on to list the winners and finalists from East Ayrshire:

Young Entrepreneur Award with the Ayrshire Chamber of Commerce

Winner – Mary McInnes from Kilmarnock.

Finalist – Ashley Montgomery from Hurlford.

The Up and Coming Youngster with Stagecoach West Scotland

Finalist – Christopher Harvey from Catrine.

The Best Work Place Award with Saxen Work Place Solutions

Winner – Rathbone, Kilmarnock.

Finalist – The Howard Centre.

The Good Neighbour Award with The Scottish Fire and Rescue Service

Winner – Mr & Mrs Dawson from Galston

Finalist – Mr & Mrs Black from Kilmarnock

Finalist – Gail Barrett from Drongan

The Best Local Bar or Restaurant Award with Reid's Food Service

Winner – The Thistle, Hurlford

Finalist – The Stair Inn, Stair

The Provost then invited Council to join him in congratulating all of the winners and finalists who would join him at a Civic Reception in December.

The Provost then went on to express his pleasure in having attended "The Future of Brass" event on Saturday 4 October at Cumnock Old Church which formed part of the Cumnock Tryst. The Provost advised that the musical entertainment had been first rate with many highly acclaimed musicians performing throughout the festival. The Provost explained that it had been marvelous to be able to welcome world class musicians like James MacMillan and Nicola Benedetti to East Ayrshire.

The Provost then advised that it had been an honour to have been invited to attend the presentation to Mr Peter Lee on the occasion of him receiving a British Empire Medal from HM The Queen presented by the Lieutenancy of Ayrshire and Arran at the Burns Monument Centre on Friday 10 October 2014. The Provost stated that the contribution 88 year old Mr Lee had made to charity work in Kilmarnock over a number of years had been amazing.

The Provost advised that Tuesday 21 October had been the official launch of his chosen charity, the Ayrshire Samaritans. The Provost explained that his main aim was to raise awareness, funds and assist the Ayrshire Samaritans in the work they do to help people when they need it most. The Provost explained that his aim was to help Ayrshire Samaritans with practical support and fundraising and to publicise their work both to those who needed help and those who may be interested in becoming volunteers themselves. The Provost advised that last year Ayrshire Samaritans alone had taken over 9000 calls, all of which had been dealt with exclusively by volunteers, all of whom gave at least 16 hours a month in their listening role, often through the night. The Provost stated that being a standalone branch, all the funds raised for Ayrshire Samaritans were used in Ayrshire to support the work - which also included outreach work within schools, colleges, prisons and the multi-partner Choose Life scheme. The Provost stated that the branch relied on public donations and fundraising efforts from the public to provide an invaluable service, especially considering that suicide rates in Scotland were among the highest in the UK, and Ayrshire included areas of significant social and economic deprivation - factors which could elevate the risk of someone taking their own life.

The Provost then intimated how fantastic it had been to join the Scottish Rugby Team on Wednesday 22 October when they had stopped off at Kilmarnock Rugby Club to

pay a surprise visit to the school children on their training session. The Provost advised that it would be great to welcome them again for the match against Tonga at Rugby Park next month, the first international to be played at Rugby Park.

Lastly, the Provost referred back to Saturday 21 June 2014 which had been a truly memorable day for East Ayrshire when the Queen's Baton Relay had travelled through our local communities as part of preparations for the Twentieth Commonwealth Games in Glasgow. The Provost advised that local baton bearers had made a fantastic contribution, and in recognition of this, the Provost had been honoured to host a Civic Reception for the East Ayrshire baton bearers in the Grange Academy, Kilmarnock on Friday 24 October. The Provost stated that it had been a privilege to spend time with our local heroes and provide them with an evening of celebration to show our appreciation of the invaluable contribution they make in our communities. The Provost further stated that the baton bearers, and our Team Scotland athletes were an inspiration to us all and it had been a proud evening.

PREVIOUS MINUTES

2. There were submitted (circulated) and approved as a correct record, Minutes of Council Meeting of 25 September 2014 (pages 1064-1070).

SIX MONTHLY UPDATE ON CABINET ACTIVITY

3. There was submitted a report dated 15 October 2014 (circulated) by Councillor Douglas Reid, Leader of the Council.

Councillor Reid spoke to the report and there was an opportunity for Members to raise issues and ask questions.

It was agreed to note the report.

CABINET/COMMITTEE MINUTES

4. There were submitted (circulated) and approved 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 **CABINET OF 24 SEPTEMBER 2014 (pages 1061-1063).**
- 4.2 **APPEALS PANEL OF 1 OCTOBER 2014 (pages 1071-1072).**
- 4.3 **LOCAL GOVERNMENT LICENSING PANEL OF 2 OCTOBER 2014 (pages 1073-1076).**
- 4.4 **SPECIAL GRANTS COMMITTEE OF 7 OCTOBER 2014 (pages 1077-1078).**
- 4.5 **CABINET OF 8 OCTOBER 2014 (pages 1079-1082).**

Councillor Eric Ross left the meeting at this point.

- 4.6 **GOVERNANCE AND SCRUTINY COMMITTEE OF 9 OCTOBER 2014 (FOR INFORMATION ONLY) (pages 1083-1087).**
- 4.7 **PLANNING COMMITTEE OF 10 OCTOBER 2014 (page 1088).**

**DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR FOR
JANUARY TO DECEMBER 2015**

5. There was submitted a report dated 17 October 2014 (circulated) which submitted for consideration of Council a draft East Ayrshire Council Meetings Calendar for January to December 2015.

It was agreed:

- (i) to approve the Meetings Calendar enclosed with the report subject to the inclusion of the meeting dates identified at paragraph 4; and
- (ii) otherwise, to note the contents of the report.

Councillor Eric Ross rejoined the meeting during consideration of this item.

COMMUNITY PLANNING REVIEW 2014/15

6. There was submitted a report dated 15 October 2014 (circulated) by the Executive Director of Finance and Corporate Support which presented to Council an update in respect of the Community Plan Review 2014/15.

It was agreed:

- (i) to note the progress with Phase Two of the Community Planning review process and the associated timeline;
- (ii) to note that the Wellbeing Delivery Plan would form the foundation of the Integrated Health and Social Care Partnership's Strategic Plan and that further work would be required to localise the national outcomes;
- (iii) having noted the position with the Wellbeing Delivery Plan, to endorse the high level outcomes and associated actions identified at Appendix 1 to the report, subject to textual changes and feedback from the planned consultation;
- (iv) to note the planned course of action in respect of Phase Two and Three of the Community Planning Review process;
- (v) to receive further reports at key stages of the review process;
- (vi) to note that at the appropriate time, a report would be submitted to Council on outcomes of Equality Impact Assessments, Environmental Impact Assessments and Risk Management issues in terms of the identified strategic objectives;
- (vii) to ensure that representatives from the Procurator Fiscal's office would be invited to participate in Town Centre engagement events; and
- (viii) otherwise, to note the contents of the report.

**PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014 -
DRAFT INTEGRATION SCHEME**

7. There was submitted a report dated October 2014 (circulated) by the Director of Health and Social Care which (i) provided an update on progress to date on the implementation of the Public Bodies (Joint Working) (Scotland) Act - Integration of Health and Social Care; and (ii) sought agreement of a Draft Integration Scheme for consultation.

It was agreed:

- (i) to approve the draft Integration Scheme to be issued for consultation;
- (ii) to note that a Members Seminar had been arranged for 25 November to allow for detailed consideration of the draft Scheme by Elected Members;
- (iii) to remit to officers to amend the draft Integration Scheme following the consultation period and to reflect the finalised regulations;
- (iv) to receive a further report in January 2015; and
- (v) otherwise, to note the contents of the report.

SCOTTISH POLICE AUTHORITY ARMED POLICING CALL FOR EVIDENCE

8. There was submitted a report (circulated) by the Chief Executive which presented for consideration a proposed response to the Scottish Police Authority's call for evidence on a number of issues relating to the Police Scotland Standing Firearms Authority and its impact.

Iain Tough, Policy & Planning Team Leader, gave a verbal update to Council in terms of the findings of the HM Inspectorate for Constabulary in Scotland report on the same matter.

It was agreed:

- (i) to make the following changes to the response, namely:-
 - (a) to further strengthen the response in terms of the Council's concerns in respect of the adequacy of engagement and communication by repeating reference to those concerns within Section 4 of the response;
 - (b) to note that within the current world context, it was important to recognise that Police Scotland required to operate within dynamic situations and it was important to be reassured that the deployment of armed officers in respect of firearms incidents or where there was a threat to life, was based on effective intelligence gathering and appropriate risk assessments to support Police Scotland judgements in these matters; and
 - (c) to seek clarity around the definition of "threat to life";
- (ii) once the above changes were incorporated into the response, the response would be approved by the Provost before submission and the final submission be made available to all Members via the Members' Portal.

REVIEW OF COUNCIL'S MANAGEMENT STRUCTURE (Item 4E, Page 1096, 12/17)

9. There was submitted an excerpt from Cabinet Minute of 29 October 2014 (circulated).

It was agreed to endorse the recommendation of Cabinet, namely:

- (i) to approve the new senior management and service structure set out within Appendix 2 of the report;
- (ii) to agree the replacement of 3 Executive Directors (Educational and Social Services, Finance and Corporate Support and Neighbourhood Services) with 2 Depute Chief Executives, each of whom will assume the Strategic Lead for

- either the Economy and Skills or Community Safety themes of the new Community Plan, with effect from 1 April 2015;
- (iii) to agree that the 2 Depute Chief Executives and the Director of Health and Social Care be graded at CO50 £106,767;
- (iv) to agree that the current Depute Chief Executive/Executive Director of Neighbourhood Services be re-designated Depute Chief Executive (Strategic Lead: Community Safety), with effect from 1 April 2015;
- (v) to agree that the current Executive Director of Finance and Corporate Support be re-designated Depute Chief Executive (Strategic Lead: Economy and Skills), with effect from 1 April 2015;
- (vi) to note that the Director of Health and Social Care would be the Strategic Lead for the new Community Plan theme of Wellbeing;
- (vii) to agree that the Depute Chief Executive (Strategic Lead: Economy and Skills) have responsibility for the following services and sections:
- Education;
 - Planning and Economic Development;
 - Finance and IT;
 - Policy, Planning, Performance and Communications;
- (viii) to agree that the Depute Chief Executive (Strategic Lead: Community Safety) have responsibility for the following services and sections:
- Housing and Communities;
 - Ayrshire Roads Alliance;
 - Facilities and Property Management;
 - Human Resources;
 - Health and Safety;
 - Transport Services Unit;
- (ix) to agree the deletion of five existing Head of Service posts, as follows:
- Head of Service: Schools (with effect from 1 April 2015);
 - Head of Service: Facilities Management (with effect from 1 April 2015);
 - Head of Corporate Infrastructure (with effect from 1 April 2015);
 - Head of Service: Community Support (with effect from 1 April 2016);and
 - Head of Democratic Services (with effect from 1 August 2016);
- (x) to agree to the voluntary severance arrangements outlined within the report and detailed at Appendix 3, in respect of Head of Community Support, Head of Facilities Management, Head of Corporate Infrastructure and Head of Democratic Services;
- (xi) to note that the Acting Head of Schools would revert to his substantive post with effect from 1 April 2015;
- (xii) to note that the Acting Head of Facilities Management would revert to his substantive post with effect from 1 April 2015;
- (xiii) to agree the establishment of two new Head of Service posts, as follows:
- Head of Education at CO 38 £85,734 (with effect from 1 April 2015), which brings together the remits of the current posts of Head of Schools

and Head of Community Support, with the exception of the Vibrant Communities element of Community Support; and

- Head of Facilities and Property Management at CO 34 £78,717 (with effect from 1 April 2015), which brings together the remits of the Head of Facilities Management, with the exception of transport, and the Head of Corporate Infrastructure, with the exception of IT services and Estates;
- (xiv) to note that, subject to the approval of the proposed arrangements by Council, arrangements for the recruitment of the posts of Head of Education and Head of Facilities and Property Management would commence immediately;
- (xv) to note that the recruitment process for a Head of Planning and Economic Development would commence simultaneously;
- (xvi) to note the continued management arrangements in respect of Coal Team activity, with the Depute Chief Executive maintaining operational oversight and the present incumbents in the posts of Executive Director of Neighbourhood Services, Head of Housing and Environment Services and Housing Support Manager and Neighbourhood Coordinator, on an acting basis, until 31 March 2015;
- (xvii) to agree that the Head of Finance assume responsibility for IT Services, formerly within the remit of the Head of Corporate Infrastructure and that the post be re-designated as the Head of Finance and ICT from 1 April 2015;
- (xviii) to agree to recommend to the Health and Social Care Integration Board, the appointment of the Head of Finance and ICT as the Chief Financial Officer for Integrated Health and Social Care;
- (xix) to agree that the Head of Finance be re-graded to CO 36 £82,224;
- (xx) to agree that the Policy, Planning and Performance Division and the Communications section are removed from Democratic Services, with the Policy, Planning and Performance Manager assuming responsibility for Communications and reporting directly to the Depute Chief Executive (Strategic Lead: Economy and Skills), all with effect from 1 April 2015;
- (xxi) to agree to a review of the Policy, Planning, Performance and Communications Division in early 2015/16;
- (xxii) to agree that the Head of Housing and Environmental Services assume responsibility for Vibrant Communities and that the post holder also be appointed as the Contract Administrator for East Ayrshire Leisure;
- (xxiii) to agree that the post of Head of Housing and Environmental Services be re-designated as the Head of Housing and Communities and that the grade for the position be revised to CO 36 £82,224;
- (xxiv) to agree that the Health and Safety Manager and Transport Services Manager report directly to the Depute Chief Executive (Strategic Lead: Community Safety);
- (xxv) to agree the redesignation of the Head of Legal, Procurement and Regulatory Services to Chief Governance Officer and further agree that the Chief Governance Officer report directly to the Chief Executive;

- (xxvi) to agree that the Chief Governance Officer assume responsibility for Estates Management and Democratic Services, with the exception of the Policy, Planning and Performance Division and Communications section, from 1 April 2015;
- (xxvii) to note that shared services are being considered in respect of Regulatory Services (Environmental Health and Trading Standards) and agree that a business case would be submitted to Cabinet for consideration.
- (xxviii) to agree that if a shared service is not taken forward in respect of Regulatory Services, then this element of Legal, Procurement and Regulatory Services transfer to the Planning and Economic Development Service, with effect from 1 April 2016.
- (xxix) to note that Internal Audit would continue to report directly to the Chief Executive;
- (xxx) to note that there are no changes to the remits or grades of the Head of Planning and Economic Development, Head of Roads - Ayrshire Roads Alliance or the Head of Human Resources;
- (xxxi) to note that the Depute Chief Executive (Strategic Lead: Economy and Skills) would review the Education Resources function and consider future arrangements for service delivery;
- (xxxii) to note that a timetable for reviewing management structures at the next level would be developed as part of the Council's Best Value Service Review arrangements;
- (xxxiii) to agree the proposed arrangements for Partner Engagement, as set out within Paragraphs 119-121 of the report;
- (xxxiv) to note that a meeting had taken place with the Trade Unions and that the Council Management Team would continue to work closely with Trade Union colleagues as the new management structure is implemented;
- (xxxv) to agree that the new structure should be implemented fully from 1 April 2015; and
- (xxxvi) otherwise, to note the contents of the report.

REQUEST FROM SNP GROUP - CHANGE TO PLANNING COMMITTEE

10. It was agreed on a request from the SNP Group that Councillor Campbell replace Councillor Bell on the Planning Committee.

EXCLUSION OF PRESS AND PUBLIC

11. It was agreed 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 1 of Schedule 7A of the Act.

REQUEST FOR EARLY PAYMENT OF PENSION

12. There was submitted a report dated 23 October 2014 (circulated) by the Chief Executive which submitted a request for early payment of pension which had been submitted by a former employee in the Department of Neighbourhood Services.

Councillor Buchanan, seconded by Councillor Morrice, moved to approve the application for early payment of pension.

Councillor Reid, seconded by Councillor Cook, moved as an amendment:

- (i) not to approve the application; and
- (ii) otherwise, to note the contents of the report.

On a division by a show of hands, the amendment was carried by 24 votes to 4.

The meeting terminated at 1215 hrs.