

North Ayrshire Council  
16 May 2012

**IRVINE, 16 May 2012** - At the Statutory Meeting of North Ayrshire Council at 2.00 p.m.

**Present**

Robert Barr, John Bell, Matthew Brown, John Bruce, Marie Burns, Ian Clarkson, Joe Cullinane, Anthea Dickson, John Easdale, John Ferguson, Alex Gallagher, Willie Gibson, Tony Gurney, Jean Highgate, Alan Hill, John Hunter, Elizabeth McLardy, Alex McLean, Catherine McMillan, Peter McNamara, Ronnie McNicol, Ruth Maguire, Tom Marshall, Jim Montgomerie, Alan Munro, David O'Neill, Irene Oldfather, Donald Reid, Robert Steel and Joan Sturgeon.

**In Attendance**

E. Murray, Chief Executive; I.T. Mackay, Solicitor to the Council, I. Colvin, Corporate Director (Social Services and Health); L. Friel, Corporate Director (Finance and Infrastructure); C. Kirk, Corporate Director (Education and Skills); J. Montgomery, General Manager (Policy and Service Reform), L. McEwan, Communications Manager, M. McKeown, Committee Services Manager and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

The Returning Officer (Items 1 to 4). The Provost (Items 5-13).

**1. Report of Returning Officer**

Submitted report by the Returning Officer giving formal notice that the following 30 persons had been duly elected to North Ayrshire Council for the term of office ending May 2017, namely:-

**Irvine West Ward**

Matthew Brown  
Ian Clarkson  
Ruth Maguire  
David O'Neill

**Irvine East Ward**

Marie Burns  
John Easdale  
Irene Oldfather  
Joan Sturgeon

**Kilwinning Ward**

Joe Cullinane  
John Ferguson  
Donald Reid  
Robert Steel

**Saltcoats and Stevenston Ward**

Willie Gibson  
Ronnie McNicol  
Jim Montgomerie  
Alan Munro

**Ardrossan and Arran Ward**

John Bruce  
Tony Gurney  
John Hunter  
Peter McNamara

**Dalry and West Kilbride Ward**

Robert Barr  
Elizabeth McLardy  
Catherine McMillan

**Kilbirnie and Beith Ward**

John Bell  
Anthea Dickson  
Jean Highgate

**North Coast and Cumbraes Ward**

Alex Gallagher  
Alan Hill  
Alex McLean  
Tom Marshall

The Council agreed (a) to note the report; and (b) that the Chief Executive take account of feedback from Members when drawing up a polling scheme for future elections in North Ayrshire.

**2. Declarations of Acceptance of Office**

The Solicitor to the Council confirmed that all Councillors had signed the Declaration of Acceptance of Office in accordance with the relevant provisions of Local Government (Scotland) Act 1973.

Noted.

### **3. Councillors' Code of Conduct: Register of Interests**

Submitted report by the Solicitor to the Council on the requirement for Councillors to complete the Register of Interests in terms of Section 4 of the Councillors' Code of Conduct.

The Ethical Standards in Public Life etc. (Scotland) Act 2000 established a Councillors' Code of Conduct which regulates the behaviour of Elected Members to Councils in Scotland. The Code applies equally to all Councils. The Code has been amended since its initial introduction in 2003. A copy of the Code and supporting guidance notes were included in the Governance Documentation Pack issued to all North Ayrshire Councillors upon their election on 4 May 2012.

A requirement under the Code is that all Councillors must complete a Register of Interests in which various aspects of a Councillor's private life are recorded and made available for public examination. Councillors are required to complete the Register within 30 days of election and must keep the Register up-to-date with any additions or alterations to the information recorded against them. The Code requires that all relevant information is disclosed in the prescribed format as set out in the style of Register shown in Appendix 1 to the report.

The Code of Conduct makes it clear that completion and updating of the Register is an obligation on the Elected Members themselves. Failure to keep the Register updated may result in action being taken by the Standards Commission for Scotland, which oversees compliance with the Code. The Register is kept in both manual and electronic format by the Monitoring Officer who will arrange for the completed details of the Members' interests to be entered into the electronic Register which can be accessed through the Council's website. All Members are required to complete the Register and return the forms to the Monitoring Officer by 15 June 2012.

Noted.

### **4. Election and Designation of Provost**

In terms of Section 4 (1) of the Local Government etc (Scotland) Act 1994, the Council is required to elect a Convener from among its Councillors, to be known as the "Provost".

The Chief Executive invited nominations to fill the office of Provost of North Ayrshire Council. Councillor Gibson, seconded by Councillor Hill, moved that Councillor Joan Sturgeon be appointed as Provost. As an amendment, Councillor O'Neill, seconded by Councillor McNamara, moved that Councillor Ian Clarkson be appointed as Provost.

On a division, there voted for the motion 17 and for the amendment 12. Accordingly, Councillor Joan Sturgeon was appointed to the office of Provost of North Ayrshire Council.

Following a short recess during which she was presented with the Chain of Office, the Provost assumed the Chair. She thanked Members for bestowing upon her the honour of the office of Provost of North Ayrshire.

## **5. Election and Designation of Depute Provost**

In terms of Section 4 (2) of the Local Government etc (Scotland) Act 1994, the Council may elect a Vice-Convener, to be known as "Depute Provost".

The Provost invited nominations to fill the office of Depute Provost of North Ayrshire Council. Councillor O'Neill, seconded by Councillor McNamara, moved that Councillor Jim Montgomerie be appointed as Depute Provost. As an amendment, Councillor Gibson, seconded by Councillor Hill, moved that Councillor Robert Barr, be appointed as Depute Provost.

On a division, there voted for the amendment 17, and for the motion 11. Accordingly Councillor Robert Barr was appointed to the office of Depute Provost of North Ayrshire Council.

Councillor Barr was presented with the Chain of Office and assumed the Depute Provost chair. He thanked Members for bestowing upon him the honour of the office of Depute Provost of North Ayrshire.

## **6. Formation of Party Political Groups on the Council - Indication of Political Groups on the Council**

The Solicitor to the Council invited Members to indicate any Groupings formed within the Council.

Councillor Hunter invited the Council to recognise the "Three Towns Independents Group" consisting of himself and Councillor McNicol.

Councillor Barr invited the Council to recognise the "Dalry and Kilwinning Independents Group" consisting of himself and Councillor Steel.

Councillor O'Neill invited the Council to recognise the "Labour Group" consisting of the 11 members of the Scottish Labour Party.

Councillor Highgate invited the Council to recognise the "Independents Group" consisting of herself and Councillor McLardy.

Councillor Gibson invited the Council to recognise the "SNP Group" consisting of the 12 members of the Scottish National Party (SNP).

The Council (a) recognised the Groupings intimated; and (b) noted that provision had been made within the Council's Scheme of Administration to recognise the election of the Scottish Conservative and Unionist Councillor.

## **7. Appointment of Leader and Depute Leader of the Council**

The Provost invited nominations for the positions of Leader and Depute Leader of the Council.

Councillor Hill, seconded by Councillor Brown, moved that Councillor William Gibson be appointed as Leader of the Council. There being no amendment, the motion was declared carried.

Councillor Gibson thanked the Council for the honour it had bestowed upon him. He paid tribute to the service of the previous Leader of the Council, Councillor David O'Neill.

Councillor Gibson, seconded by Councillor Brown, moved that Councillor Alan Hill be appointed as Depute Leader of the Council. There being no amendment, the motion was declared carried.

Accordingly the Council agreed to recognise Councillor William Gibson as Leader of the Council and Councillor Alan Hill as Depute Leader of the Council.

## **8. Constitutional Arrangements**

Submitted report by the Solicitor to the Council advising on the governance documentation which sets out the operational arrangements for the Council.

The constitution and operational arrangements of the Council are contained within a number of documents i.e.

- Scheme of Administration
- Standing Orders relating to Meetings
- Financial Regulations and Codes of Financial Practice
- Scheme of Delegation to Officers
- Standing Orders for Contracts
- Member Officer Protocol

All new and returning Councillors received copies of all these documents (as adopted by the previous Council) in their post-election pack issued after the election on 3 May, 2012.

A proposed revised Scheme of Administration was appended to the report. The main features of the revised Scheme were detailed in the report. The Chief Executive spoke to a number of minor changes to the text of the revised Scheme, including a change to the constitution of the Staffing and Recruitment Committee to replace the words "....one Member appointed by the Three Towns Independent Group...." with "...two Members from among the Independents". The Chief Executive further highlighted that Education matters would be dealt with by the Cabinet at every third meeting.

As a result of the proposed revisions to the Scheme of Administration, the Standing Orders Relating to Meetings and Proceedings of the Council also require to be amended. A revised copy was also appended to the report.

It was proposed that the Council should adopt the revised Scheme of Administration and Standing Orders Relating to Meetings and Proceedings of the Council, as appended to the report, subject to the minor amendments highlighted.

Arising from discussion, Councillor O'Neill, seconded by Councillor McNamara, moved that the memberships of the Audit and Scrutiny and Petitions Committees provided for in the revised Scheme of Administration be increased from 7 to 10 to allow more Members to participate. As an amendment, Councillor Gibson, seconded by Councillor Hill, moved that the revised Scheme of Administration be approved as presented.

On a division, there voted for the amendment 17, and for the motion 11. Accordingly the amendment was declared carried.

Accordingly the Council agreed to (a) approve the amended Scheme of Administration and Standing Orders for Meetings as shown in Appendices 1 and 2 to the report, subject to the minor revisions highlighted; (b) receive a report at a future meeting on the formation and operation of Policy Boards under the Cabinet and on the future structure and role of Area Committees; (c) adopt the other existing governance documentation pro tem; and (d) instruct the Chief Executive to undertake a review of all governance arrangements in consultation with Elected Members and to bring reports back to Council by the end of the year.

## **9. Councillors' Remuneration: Senior Councillors**

Submitted report by the Corporate Director (Finance and Infrastructure) advising the Council of the Councillor remuneration levels per the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007.

Guidance on remuneration levels for Councillors is set out in the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007. The guidance classifies Councils into one of four bands, linked to size, with North Ayrshire sitting within band B.

Under the Regulations the remuneration of the "Leader of the Council" is set for North Ayrshire at £32,470. The guidance also permits remunerating one "Civic Head", being in North Ayrshire the Provost. Remuneration is set at no more than £24,353, being 75% of the Leader's salary. Discretion is also available to pay the Provost an allowance of up to £3,000 per annum for expenses incurred in carrying out civic duties.

In addition to the Leader and the Civic Head, each local authority may identify a number of "Senior Councillor" positions which attract higher salaries due to their significant additional responsibilities. Individual local authorities have the flexibility to determine how many Senior Councillors they will have, subject to restrictions highlighted in paragraph 1.5 of the report, and which positions should attract Senior Councillor remuneration levels. Paragraph 1.6 of the report set out potential financial implications arising from the appointment of Senior Councillors.

The appendices to the report set out the roles of the Leader of the Council, Senior Councillors and Councillors.

The Council agreed to (a) note the recommended levels of remuneration and expenses outlined in the Regulations; and (b) receive a further report at a future meeting on the financial implications of the appointment of Councillors to key roles.

## **10. Appointments to Committees**

Submitted report by the Chief Executive on arrangements for the appointment of Elected Members to the committees established by the Scheme of Administration.

The Scheme of Administration provides for the constitution and terms of reference of the Council and its committees. In terms of the Scheme of Administration, all Elected Members will automatically become members of the full Council, the Local Development Plan, and the Area Committee for their respective area (i.e. Irvine Area, Kilwinning Area, Ardrossan and Arran, Saltcoats and Stevenston Area, Garnock Valley and West Kilbride Area, and North Coast and Cumbraes Area).

Nominations were invited in respect of other appointments to committees of the Council as provided for in the Scheme of Administration, including nominations to the positions of Chair (and Vice Chair if appropriate) of each committee. Appointments were confirmed following ballots of Members where required.

The Council agreed (a) to approve the appointments to committees as undernoted, including the appointment of Chairs and Vice Chairs where appropriate; (b) that the Chief Executive invite nominations to fill any vacancies outstanding; and (c) to receive a further report on appointments to committees at a future meeting.

## **Committee**

## **Council Appointments**

Audit Committee  
(7 Members)

SNP Group - John Bruce, Ruth Maguire, Catherine McMillan.

Labour Group - Peter McNamara (Chair), David O'Neill.

Others - Tom Marshall, Robert Steel.

Appeals Committee  
(11 Members)

Robert Barr, John Easdale, Ruth Maguire (Vice Chair), Elizabeth McLardy, Alex McLean (Chair), Ronnie McNicol, Irene Oldfather, David O'Neill, Robert Steel, and Joan Sturgeon.

1 vacancy to be filled.

Cabinet  
(7 Members)

Marie Burns, Anthea Dickson, John Ferguson, William Gibson (Chair), Tony Gurney, Alan Hill (Vice Chair), Alex McLean.

Licensing Committee  
(10 Members)

SNP Group - John Bruce, Ruth Maguire, Alex McLean.

(Same Members to be  
appointed to Licensing Board)

Labour Group - Ian Clarkson, Alan Munro and Donald Reid.

Conservative - Tom Marshall (Vice Chair).

Independents - Robert Barr, Ronnie McNicol (Chair), and Robert Steel.



Planning Committee &  
Local Review Body  
(10 Members)

SNP Group - Matthew Brown (Chair), John Bruce  
and John Ferguson.

Labour Group - John Bell, Joseph Cullinane and  
Jim Montgomerie.

Conservative - Tom Marshall.

Independents - Robert Barr, Elizabeth McLardy  
(Vice Chair) and Ronnie McNicol.

Scrutiny & Petitions  
(7 Members)

SNP Group - Matthew Brown, Catherine McMillan  
and Joan Sturgeon.

Labour Group - Alex Gallagher (Vice Chair) and  
Alan Munro.

Others - John Hunter (Chair).

*1 vacancy to be filled from Independents and  
Conservative*

Staffing & Recruitment  
Committee (7 Members)

Leader - William Gibson (Chair) (Substitute:  
Matthew Brown).  
Cabinet - Alan Hill (Substitute: Tony Gurney).  
Labour Group - Peter McNamara (Substitute: to be  
advised) and David O'Neill (Substitute: to be  
advised).  
Conservative - Tom Marshall (Substitute: to be  
advised)  
Other - Ronnie McNicol (Substitute: John Hunter)  
and Robert Barr  
(Substitute: Robert Steel).

Shadow Police & Fire  
Committee  
(10 Members)

SNP Group - Marie Burns (Vice Chair), Anthea  
Dickson (Chair), Ruth Maguire and Catherine  
McMillan.

Labour Group - John Bell, Peter McNamara and  
Irene Oldfather.

Independents - Jean Highgate, Ronnie McNicol.

*1 vacancy from Independents.*

## **11. Appointments to Outside Bodies**

Submitted report by the Chief Executive on the scope of appointments made by the Council to Outside Bodies, and seeking nominations to fill appointments.

North Ayrshire Council is requested to make appointments to a range of Outside Bodies and in some cases is required by statute to make such appointments e.g. to Prison Visiting Committees. Such appointments ensure that the Council, and the people of North Ayrshire, are represented on a wide range of key organisations, both at national and local level.

In terms of the Council's Scheme of Administration, all appointments to Outside Bodies are approved by the full Council. Appendix 1 to the report provided a list of Outside Bodies to which the previous Council made appointments. The list indicated the number of appointees required in each case. Those Outside Bodies to which the Council is required to make immediate appointments were highlighted.

Whilst all appointments to Outside Bodies made by the Council are important in their own right, appointments to a number of 'key' Outside Bodies are of particular strategic importance. Appendix 2 to the report provided a list of 'key' Outside Bodies.

The report summarised the arrangements put in place by the previous Council to support Members appointed to these key Outside Bodies, as well as arrangements for feedback from the Council's appointees to all Outside Bodies. It was recommended that these arrangements should be continued in the new administration, with guidance issued to all Elected Members in due course.

Nominations were invited to fill the vacancies arising on the Outside Bodies listed in Part A of Appendix 1 to the report. Appointments were confirmed following ballots of Members where required.

The Council agreed (a) to make the undernoted appointments to Outside Bodies; (b) that Group Leaders inform the Chief Executive by the end of May of their nominations to fill the vacancies arising on the remaining Outside Bodies listed in Appendix 1 to the report; (c) to receive a further report on Appointments to Outside Bodies at a future meeting; and (d) that the Chief Executive write to COSLA advising of the Council's appointees to the Convention and nominating Councillor David O'Neill to the positions of President and Vice President of COSLA.

## **Outside Body**

Ayrshire Valuation Joint Board

Clyde Muirshiel Regional Park Joint Management Committee

COSLA Convention

Hunterston Site Stakeholders Group

Irvine Bay Urban Regeneration Company

Marymass Development Committee

NHS Ayrshire and Arran

North Ayrshire Citizen's Advice Service Board of Management

North Ayrshire Community Health Partnership Committee

North Ayrshire Community Planning Partnership Board

North Ayrshire Leisure Limited

North Ayrshire Ventures Trust  
North Ayrshire Ventures Limited

## **Appointees**

Councillors Brown (as Chair), McLean, McMillan, and Reid.

*2 vacancies remaining.*

Councillors Dickson (Substitute: Catherine McMillan) and McLean (Substitute: Alan Hill).

Councillors Gibson, Hill, O'Neill and McNamara.

Councillors McLean, McLardy, Hill, Marshall and Barr.

Councillor Gibson.

Councillor Ruth Maguire (As Chair nominee)

Councillor Gibson (subject to Ministerial approval).

Councillors Dickson and Easdale.

Councillors Gibson (as Chair), Dickson, Maguire and O'Neill.

Councillors Dickson, Gallagher, Gibson, Maguire, and Steel.

Councillors Marshall, McLean and Munro.

Councillors Burns and Hunter.

## **Outside Body**

Scotland Excel

South West Scotland Community Justice Authority

Strathclyde Fire and Rescue Board

Strathclyde Partnership for Transport

Strathclyde Police Authority

West of Scotland Loan Fund

## **Appointees**

Councillor McLean (Substitute: John Hunter).

Councillor McNamara (as Chair) (Substitute: Anthea Dickson).

Councillor Barr (Substitute: to be advised).

1 Appointee and Substitute to be filled.

Councillor Bruce (Substitute: Alan Hill).

Councillor McNicol (Substitute: Robert Barr).

Councillor Dickson (Substitute: Matthew Brown).

Councillor McLean.

## **12. Statutory Officers**

The Solicitor to the Council advised the Council of the statutory officers being:-

- Elma Murray, Head of the Paid Service
- Ian Mackay, Monitoring Officer
- Iona Colvin, Chief Social Work Officer
- Laura Friel, Chief Financial Officer

Noted.

### **13. Timetable of Meetings**

Submitted report by Chief Executive on arrangements for scheduling meetings of the Council and its Committees.

In terms of the Standing Orders Relating to the Proceedings and Meetings of the Council, ordinary meetings of the Council are held on the Wednesday of the sixth week of each six-weekly cycle determined by the Council. Meetings of committees are scheduled around a six week meeting cycle, each ending with an ordinary meeting of the Council. Meetings of committees are incorporated into the timetable based on the frequency of their meetings as determined by the Council. Ad hoc committees take place as and when there is business to be transacted.

It was proposed that Committee Services will bring forward a committee timetable to the next meeting of the Council which will set out a programme of meeting dates for 2012/13, or such longer period as may be determined appropriate. This timetable will be based around 6 meeting cycles in each year. The report set out the main features of the proposed committee timetable.

In the interim, a partial cycle of meetings will be scheduled before the next ordinary meeting of the Council on 27 June 2012. A programme of meeting dates will be issued to all Elected Members.

The Council (a) noted the report; and (b) agreed to receive a report on a proposed committee timetable at its next meeting.

The meeting ended at 4.10 p.m.

