

SOUTH AYRSHIRE COUNCIL (SPECIAL).

Minutes of special meeting in County Buildings, Wellington Square, Ayr,
on 5th March 2013 at 9.30 a.m.

Present: Councillors Helen Moonie (Provost), John Allan, Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Hywel Davies Allan Dorans, Ian Douglas, Ann Galbraith, Bill Grant, William J. Grant, John Hampton, Hugh Hunter, Mary Kilpatrick, John McDowall, Nan McFarlane, Brian McGinley, Bill McIntosh, Rita Miller, Alec Oattes, Robin Reid, Philip Saxton, Margaret Toner and Corri Wilson.

Apologies: Councillors Brian Connolly and Sandra Goldie.

Attending: E. Howat, Executive Director – Resources, Governance and Organisation; V. Andrews, Head of Legal and Democratic Services; K. O’Hagan, Head of Employee and Customer Services; and D. Knight, Democratic Services Administrator.

Also attending: David Richardson, Audit Manager, Audit Scotland.

1. Provost.

The Provost

- (1) welcomed Members to this special meeting of the Council;
- (2) intimated that apologies had been received from Councillors Brian Connolly and Sandra Goldie.

2. Declarations of Interest.

There were no declarations of interest by Members of the Council in terms of Council Standing Order No. 17 and the Councillors’ Code of Conduct.

3. Sederunt.

The Executive Director – Resources, Governance and Organisation, as Depute Chief Executive, called the Sederunt for the meeting.

4. Exclusion of press and public.

The Council resolved, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded during consideration of the following item of business on the agenda, on the grounds that it involved the likely disclosure of exempt information in terms of paragraph 1 of Part 1 of Schedule 7A of the Act.

5. Early Retirement in the interests of the efficiency of the service.

There was submitted a report (issued to members only) of 4th March 2013 by the Executive Director – Resources, Governance and Organisation enabling the Council to consider the possibility of appointing a new Chief Executive and ending the relationship with the current Chief Executive in the interests of the efficiency of the service and explaining the background to the report and the relevant considerations at this time.

Councillor McIntosh, seconded by Councillor McDowall, moved that having given due consideration to the various options open to the Council at this time, in the best interests of the Council and for best value considerations, that

- (1) the Chief Executive retires in the interests of the efficiency of the service;
- (2) an early retirement package be agreed with the Chief Executive on the terms set out in paragraph 4.9 of the report, including, and subject to, the conclusion of an appropriate Compromise Agreement, and the financial cost to the Council being based on the figures as set out in paragraph 5.1 of the report to be met from the accumulated General Reserve;
- (3) the Chief Executive be given three months notice effective from 22nd February 2013 such that his employment would be deemed to terminate on 22nd May 2013 with appropriate holiday entitlement;
- (4) the appropriate recruitment procedures to facilitate the appointment of a new Chief Executive be commenced in accordance with paragraph 4.13 of the report; and
- (5) in the interests of continuity, Eileen Howat, Executive Director – Resources, Governance and Organisation, who is currently Deputy Chief Executive, undertake the role of Acting Chief Executive and Head of Paid Service until such time as a new Chief Executive is in post.

By way of Amendment, Councillor Douglas Campbell, seconded by Councillor McFarlane, moved that

- (a) the Chief Executive shall remain in post;
- (b) a special Sub-Committee of four members of the Council as described in the South Ayrshire Council Disciplinary Procedures for Local Government Employees, Craft Operatives and Chief Officials shall be established to investigate whether there is a question of substance in relation to the work performance and / or capability of the Chief Executive;
- (c) the Council shall appoint an independent person whose role and purpose is described in the Disciplinary Procedures for Chief Executives (JNC for Chief Officials in Local Authorities (Scotland));

- (d) as no case has been presented to question whether the Chief Executive has a case to answer, the Chief Executive shall not be suspended. The Council shall consider this issue once the Sub-Committee reports or makes such a recommendation during the investigatory process; and
- (e) a Special Council meeting shall take place at 10.00 a.m. on 21st March 2013 when the Council shall appoint members of the Sub-Committee and the Independent Person. The Executive Director shall report on those members eligible to be appointed to the Sub-Committee whose previous involvement in the various "preparatory discussions" as described in the report would not be considered detrimental to a fair investigation.

Councillor Douglas Campbell, seconded by Councillor McFarlane, moved that in terms of Standing Order No. 23.8 (2), that voting on this matter should be by a secret ballot.

On a vote being taken by a show of hands, the majority of Members present and voting at the meeting voted against voting by a secret ballot.

A discussion took place regarding the terms of the Motion and the Amendment.

A Member requested that the vote be taken by calling the roll in accordance with Standing Order No. 33.

The Head of Legal and Democratic Services then took the vote by calling the roll as follows:-

Helen Moonie	Motion
Mary Kilpatrick	Motion
John Allan	Amendment
Andy Campbell	Motion
Douglas Campbell	Amendment
Ian Cavana	Motion
Alec Clark	Abstain
Ian Cochrane	Amendment
Kirsty Darwent	Motion
Hywel Davies	Motion
Peter Convery	Motion
Allan Dorans	Amendment
Ian Douglas	Amendment
Ann Galbraith	Motion
Bill Grant	Motion
William J. Grant	Amendment
John Hampton	Motion
Hugh Hunter	Motion
John McDowall	Motion
Nan McFarlane	Amendment
Brian McGinley	Motion
Bill McIntosh	Motion
Rita Miller	Motion
Alec Oattes	Amendment
Robin Reid	Motion
Philip Saxton	Motion
Margaret Toner	Motion
Corri Wilson	Amendment

Nine Members voted for the Amendment and eighteen Members for the Motion with one member Abstaining. The Motion was accordingly declared to be carried.

Decided: to approve the terms of the Motion.

The meeting ended at 10.05 a.m.