

**SOUTH AYRSHIRE COUNCIL (SPECIAL).**

Minutes of special meeting in County Buildings, Wellington Square, Ayr,  
on 1st April 2015 at 9.30 a.m.

Present: Councillors Helen Moonie (Provost), Andy Campbell, Douglas Campbell, Ian Cavana, Alec Clark, Ian Cochrane, Peter Convery, Kirsty Darwent, Allan Dorans, Ian Douglas, Ann Galbraith, Sandra Goldie, 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 John Allan, Brian Connolly and Hywel Davies.

Attending: E. Howat, Chief Executive; V. Andrews, Executive Director – Resources, Governance and Organisation; L. Bloomer, Executive Director – Economy, Neighbourhood and Environment; J. Cronin, Head of Enterprise, Development and Leisure; M. Hastings, Enterprise Manager; and D. Knight, Co-ordinator (Democratic Support).

**1. Provost.**

The Provost

- (1) welcomed everyone to the special meeting; and
- (2) intimated that apologies had been received from Councillors John Allan, Brian Connolly and Hywel Davies.

**2. Sederunt.**

The Chief Executive called the Sederunt for the meeting.

**3. 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.

**4. Appointment of Chair of the Audit and Governance Panel.**

Reference was made to the Minutes of 5th March 2015 (Pages 5 and 6, paragraph 9) and there was submitted a [report](#) (issued) of 25th March 2015 by the Executive Director – Resources, Governance and Organisation providing the Council with a detailed proposal for the appointment of an external/ lay member and Chair for the Audit and Governance Panel, including a selection and recruitment/ appointment process.

Councillor McIntosh, seconded by Councillor McDowall, moved that, following the SNP Group's refusal of this Administration's offer to them to chair the Audit and Governance Panel, and the decision of the two Independent Members to resign as Chair and Vice-Chair, this Council now authorise the selection, recruitment and appointment of an external lay person as member and Chair of the Audit and Governance Panel, the terms of, and process for the appointment to be as follows, as per the proposals as outlined in paragraphs 4.1 to 4.8 of the report and the role remit and requirements of the position to be as outlined in Appendix 1 of the report, and to be amended as noted below:-

- the term of the appointment will be from the date of appointment, for a fixed period until the next local government elections due to take place in May 2017;
- the appointment will be remunerated, at the rate of £5,000 per annum pro rata plus travel and subsistence costs;
- the appointee must agree to comply with the terms of the Councillors' Code of Conduct as set out in paragraph 4.5 of the report;
- a Selection Panel will be established to implement the selection and recruitment process. The membership of the Panel will consist of Councillors McIntosh, McDowall and Dorans, advised by the Executive Director – Resources, Governance and Organisation. Following further reflection, only the three Elected Members will have voting rights. Councillor McIntosh will chair the Panel. This Panel will have the delegated authority to agree the detailed arrangements and related matters as set out in paragraph 4.6 of the report, and to make the appointment;
- with regard to the Conditions relating to the applicant as set out in Appendix 1 of the report, the first bullet point will now read as “not be a Councillor or employee of South Ayrshire Council or other Scottish Local Authority or, in the case of South Ayrshire Council, have held such a position in the last ten years”. The fifth Conditions bullet point will now read as follows: “not be a current member of the House of Commons, the Scottish Parliament, the European Parliament or any local authority”;
- following the appointment, the Audit and Governance Panel will continue to comprise eight voting members as at present. Membership of this Panel will be on the basis of two members each from the Conservative, Labour and SNP Groups, and one Independent member, plus the external lay member / Chair; and
- consequential changes to the Standing Orders Relating to Meetings and other matters as outlined at paragraph 4.8 of the report will be the subject of a report to the Council in May 2015, prior to any formal appointment taking effect.

By way of Amendment, Councillor Dorans, moved that the Council should note the report and agree to continue the current practice of a Councillor chairing the Audit and Governance Panel and as this Amendment was contrary to the recent decision of the Council, that the provisions of Council Standing Order No. 22.1 would apply, he moved that the Standing Orders be suspended in order to deal with this matter.

The Executive Director – Resources, Governance and Organisation advised that in order to reconsider a Motion contrary to a previous decision of the Council within six months from the date of that decision, the Council would require to agree to do this under the provisions of Council Standing Order No. 22.1 requiring a two-thirds majority.

On a vote being taken by a show of hands, nine Members voted in favour of proceeding under Council Standing Order 22.1 to take such a contrary decision.

Accordingly, as the Motion to take a contrary decision was not supported by two-thirds of those Members present and voting at the meeting, Councillor Dorans could not proceed with his Amendment.

Councillor Dorans, seconded by Councillor William J. Grant, moved the Direct Negative of the report and to refuse the report.

A full discussion then took place regarding the terms of the Motion and the Amendment and clarification was sought and provided about compliance with the Councillors' Code of Conduct, the remuneration proposed for the post, accountability of the post holder and potential conflict of interest.

On a vote being taken by a show of hands nine members voted for the Direct Negative and eighteen members voted for the Motion which was accordingly declared to be carried.

**Decided:** to approve the terms of the Motion.

## 5. **Scottish Local Authorities Business Loan Fund.**

There was submitted a [report](#) (issued) of 19th March 2015 by the Executive Director – Economy, Neighbourhood and Environment seeking approval

- (1) to transfer this Council's funds presently within the West of Scotland Loan Fund (WoSLF) into the new Scottish Local Authorities Business Loan Fund (SLABLF), and
- (2) to nominate and appoint an Elected Member to represent the Council within the proposed SLABLF governance structure.

Councillor Reid, seconded by Councillor McGinley, moved that the Council should

- (a) approve the participation of the Council as a member of the new Scottish Local Authority Business Loan Fund, transferring the Council's funds balance with immediate effect, from the current West of Scotland Loan Fund;

- (b) appoint Councillor Bill Grant to represent the Council within the proposed governance structure, namely as a member of the Regional Management Group (West) and potentially as Director on the SLABLF Board; and
- (c) approve the delegation of authority to the Executive Director- Resources, Governance and Organisation to sign the Articles of Association, Members Agreement and other associated legal documents required to effect the transfer.

By way of Amendment, Councillor Dorans, seconded by Councillor William J. Grant, moved that the Council should approve the recommendations as outlined in the report and that Councillor Allan represent the Council within the proposed governance structure, namely as a member of the Regional Management Group (West) and potentially as Director on the SLABLF Board.

On a vote being taken by a show of hands, eight members voted for the Amendment and eighteen for the Motion which was accordingly declared to be carried.

**Decided:** to approve the terms of the Motion.

## 6. **Representation on Outside Bodies and Working Groups.**

There was submitted a [report](#) (issued) of 24th March 2015 by the Executive Director – Resources, Governance and Organisation seeking approval to make alterations to the list of Outside Bodies and Working Groups.

Councillor McIntosh, seconded by Councillor Miller, moved that the Council should

- (1) appoint Councillors Cavana, Galbraith and William J. Grant to the new Dam Park Members'/Officers' Working Group; and
- (2) agree that Councillor Kilpatrick replace Councillor Davies as the representative on the South West of Scotland Community Justice Authority.

By way of Amendment, Councillor Dorans, seconded by Councillor William J. Grant, moved that the Council should appoint Councillor McFarlane to replace Councillor Davies as the representative on the South West of Scotland Community Justice Authority.

On a vote being taken by a show of hands, nine members voted for the Amendment and eighteen for the Motion which was accordingly declared to be carried.

**Decided:** to approve the terms of the Motion.

**7. Members' Remuneration.**

There was submitted a [report](#) (issued) of 24th March 2015 by the Executive Director – Resources, Governance and Organisation advising of the salaries that were payable under the Local Governance (Scotland) Act 2004 (Remuneration and Severance Payments) Amendment Regulations 2015.

**Decided:**

- (1) to note the increased remuneration for Councillors and the Council Leader in terms of the Regulations with effect from 1st April 2015;
- (2) to agree the remuneration to be paid to the Civic Head with effect from 1st April 2015 as outlined at paragraph 4.6 of the report; and
- (3) to agree the remuneration levels for Senior Councillors with effect from 1st April 2015 as outlined at paragraph 4.7 of the report.

**8. Formal Questions.**

The Council was advised that no formal questions had been submitted to this meeting.

The meeting ended at 10.15 a.m.