

**EAST AYRSHIRE COUNCIL**

**MINUTES OF MEETING HELD ON THURSDAY 4 MARCH 2004 AT 1030 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Provost Jane Darnbrough and Councillors Maureen McKay, Jim O'Neill, John McGhee, Stephanie Young, Brian Reeves, Daniel Coffey, Willie Coffey, Douglas Reid, Gordon Cree, John Weir, Drew McIntyre, Harry Wilson, Iain Linton, John Campbell, Ray Murray, John Knapp, Jim Raymond, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Depute Provost Tommy Farrell, Councillors William Menzies, Neil McGhee, William Crawford, Eric Ross, Elaine Dinwoodie, Elaine Stewart and Jimmy Carmichael.

**ATTENDING:** David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive/Director of Corporate Resources; William Stafford, Director of Community Services; John Mulgrew, Director of Educational and Social Services; Alex McPhee, Director of Finance; James Lavery, Director of Homes and Technical Services; David Mitchell, Head of Administrative and Legal Services; Kay Gilmour, Head of Community Support; John Clayton, Head of Corporate Development and Communication; Chris McAleavey, Head of Homes; Jackie Donnelly, Head of Social Work; Bill Walkinshaw, Administration Manager; and Julie Armstrong, Assistant Administration Manager.

**APOLOGY:** Councillor Isabel Macrae.

**CHAIR:** Provost Darnbrough, Chair.

**PRESENTATION TO THE RETIRING CHIEF EXECUTIVE, DAVID MONTGOMERY**

1. Provost Darnbrough began by stating that this would be the very last meeting for Mr David Montgomery, Chief Executive, and that she would like to take this opportunity to pay a personal tribute to him on behalf of all Members and colleagues.

The Provost, speaking on behalf of everyone present, said how sorry she was that David was leaving the Council to retire. The Provost stated that it was a difficult task to do justice to David's talents and achievements as our Chief Executive over the last nine years and everyone would have their own personal recollections of the man, his work and his undoubted commitment to East Ayrshire.

The Provost commented that the Council had much to thank David for, not least that, as our first Chief Executive, he played a crucial role in shaping and guiding the Council that exists today. Although in many ways today was a sad occasion, the Provost preferred to view this tribute as a celebration of a life of public service.

The Provost stated that there was much discussion in these modern days of the lack of appreciation that existed of the benefits and the importance of public service, and that in her opinion it was a principle that must be at the very cornerstone of everything that Councillors and Officers try to achieve on a daily basis on behalf of the people that they represented and served. The Provost commented that it was, however, a principle that David had always embraced as fundamental to his life's work.

The Provost referred to David's employment history starting when David had begun as a teacher of mathematics at Kilmarnock Academy in 1969 and by 1976, after

several promotions, he had been appointed Assistant Head Teacher of the school, a post that he held until 1981 when he was seconded to the Chief Executive's Department at Strathclyde Regional Council.

The Provost continued on this vein by advising that in 1982 David became Principal Officer (Teacher Staffing) at Education Headquarters before moving to become Education Officer in the Renfrew Division in 1984 and was then seconded to the post of Education Officer at Headquarters, where he remained until 1986.

From that date until 1990 David was Assistant Director of Education (Curriculum and In-Service Training) before becoming Depute Director of Education (Head of Planning and Resources), a post that he held until 1993, when he was appointed Senior Depute Director of Education and Head of Planning and Resources in 1993 and, from December 1994, he served as Regional Council Lead Officer on the North Lanarkshire Joint Working Group.

Following the reorganisation of local government, David was then appointed as the first Chief Executive of East Ayrshire Council on 22 May 1995.

The Provost recalled an early Council publication in which David had addressed Members and Officers alike on his new role. He had outlined his task ahead as "Your mission, should you choose to accept it ....." and, probably like most people who read the article, the Provost reported that she could hear the "Mission Impossible" theme playing in the background and such were the challenges ahead, that it may well have seemed like Mission Impossible, looking back, it was clear that David has had a major impact.

The Provost commented that it was David who had provided the Council with its four core values of quality, equality, access and partnership and had established the management structure and the consultation process with the trade unions and the Ayrshire Economic Forum.

The Provost stated that being the Chief Executive of a new Council was not an easy task, and that it required a whole raft of skills and abilities and that David had been undaunted and, in his usual calm and quiet way, had set about the challenge that faced him.

The Provost intimated to the meeting that David left behind a Council that had made enormous strides since its creation nine years ago and that it was a Council that has been recognised on the national stage for its commitment to innovation in terms of community initiatives, health and safety standards and the promotion of a healthy lifestyle. The Provost stated that it would take far too long this morning to outline all the successes that the Council had achieved under David's guidance.

The Provost, then turning to David's more personal qualities, stated that he was a man of many interests and that he was known for his love of aviation and photography and was a keen supporter of Kilmarnock Football Club. The Provost further stated that David's love of the English language was legendary, as was the propelling pencil that he used to correct any bad grammar that offended. The Provost commented that David possessed a dry wit, which he had often deployed to devastating effect and on many occasions this had helped to defuse potentially difficult situations.

The Provost referred to David's open door policy approach and how he was known for his personal touch and had long been a familiar sight around Council

Headquarters keeping personal face-to-face contact with Councillors and staff alike. The Provost believed that this attitude had been one of the key elements of David's success as Chief Executive and he had never been remote or withdrawn from the daily round along with business issues. Members and colleagues had had an opportunity to keep up-to-date with such matters as the birth of his grand-children and his treks to Alaska and beyond which had enabled many to feel that, having heard about his various exploits, they had had a very personal connection with him.

The Provost stated that in all David's Council duties he had been most ably supported by his wife, Jean, a woman of many personal interests and responsibilities herself, Jean nonetheless always ensured that she was at David's side when duty called, as it so often did, during each busy year. The Provost stated that together they had made an unbeatable team and that many would miss Jean's attendance at events almost as much as David would be missed.

Having spoken at some length about David's work and hobbies, The Provost took a few moments to thank him personally for all the support that he had given to her in her various Council responsibilities. The Provost recalled in particular, when she was Vice Chair of Social Work, David had accompanied her to a number of meetings with relatives of the residents of Mount House. This had been a difficult time for everyone and, as a former carer herself, the Provost expressed that she was all too aware of the worry that many had felt about what the future held for them. The Provost recalled that David's support and his guidance had been an enormous help to her at that time and it was something she had never forgotten. The Provost commented that David and her had reminisced about this recently when they had spoken about the many changes that had taken place during the past nine years and the challenges that had often tested Members and Senior Officers alike.

The Provost stated that David had emerged unscathed having met and conquered the challenges, having got to grips with the crises, and having earned the respect and affection of so many people along the way. The Provost then paraphrased East Ayrshire's Coat of Arms to express her view that David had taken us "forward together" and, in so doing, had embodied the motto of his old school, Kilmarnock Academy, of "Do justly, walk humbly, love mercy".

The Provost reported that David's entire working life had been one of public service and expressed a hope that, as David embarked upon his retirement, that he took with him many happy memories of successfully completed projects, of goals and targets achieved, and of an enviable contribution to public life. The Provost commented "In your career, unlike your favourite sayings, you have been both consistent and accurate".

The Provost hoped, too, that David would retain fond memories of his time with East Ayrshire Council – the successes, the friendships, the characters.

The Provost finally stated that it was a privilege, on behalf of East Ayrshire Council, to present David with two special mementoes which came with thanks for a job so well and so loyally done. The Provost hoped that David's retirement would be long, happy and healthy and wished him, Jean and the whole family the best that life had to offer.

The Chief Executive, having received the presentation from the Provost, thanked the Council and gave his reply to the meeting.

### **PREVIOUS MINUTES**

2. There were submitted Minutes of Meeting of Council held on 11 December 2003 (pages 447-451) and Minutes of Special Meeting of Council held on 12 February 2004 (pages 569-572) (both circulated) which were approved as correct records.

#### **MATTERS ARISING - REVENUE ESTIMATES - KAY PARK BURNS MONUMENT, KILMARNOCK (Item 2, Page 569)**

It was noted that a report would be submitted to a future Community Services Committee to investigate ways to encourage and fund the restoration of the Kay Park Burns Monument, Kilmarnock.

### **COMMITTEE MINUTES**

3. There were submitted (circulated) and approved, subject to the undernoted amendment, both as correct records and in respect of the recommendations contained therein, the Minutes of the undernoted meetings, viz:-

3.1 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 5 DECEMBER 2003 (pages 443-446).**

3.2 **SOUTHERN LOCAL PLANNING COMMITTEE OF 12 DECEMBER 2003 (pages 452-455).**

3.3 **SPECIAL KILMARNOCK NORTH LOCAL COMMITTEE OF 16 DECEMBER 2003 (pages 456-457).**

3.4 **DEVELOPMENT SERVICES COMMITTEE OF 16 DECEMBER 2003 (pages 458-464).**

3.5 **SPECIAL POLICY AND RESOURCES COMMITTEE OF 18 DECEMBER 2003 (pages 465-466).**

3.6 **EMERGENCY POWERS COMMITTEE OF 14 JANUARY 2004 (pages 467-469).**

3.7 **NORTHERN AREA LOCAL COMMITTEE OF 15 JANUARY 2004 (pages 470-475).**

#### **MATTER ARISING - RECRUITMENT OF COMMUNITY REPRESENTATIVES 2004/05 (Item 15, Page 474, 03/07)**

It was agreed that the Depute Chief Executive/Director of Corporate Resources carry out a review of Community Representative membership on Local Committees and that a report be submitted to the Policy and Resources Committee for consideration as soon as possible.

3.8 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 20 JANUARY 2004 (pages 476-480).**

3.9 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 23 JANUARY 2004 (pages 481-486).**

3.10 **DOON VALLEY LOCAL COMMITTEE OF 27 JANUARY 2004 (pages 487-492).**

3.11 **HOUSING COMMITTEE OF 28 JANUARY 2004 (pages 493-501).**

3.12 **SPECIAL POLICY AND RESOURCES COMMITTEE OF 28 JANUARY 2004 (page 502).**

3.13 **KILMARNOCK SOUTH LOCAL COMMITTEE OF 28 JANUARY 2004 (pages 503-508).**

- 3.14 EMERGENCY POWERS COMMITTEE OF 29 JANUARY 2004 (page 509).**
- 3.15 SOCIAL WORK COMMITTEE OF 29 JANUARY 2004 (pages 510-514).**
- 3.16 CUMNOCK AREA LOCAL COMMITTEE OF 29 JANUARY 2004 (pages 515-520).**
- 3.17 SOUTHERN LOCAL PLANNING COMMITTEE OF 30 JANUARY 2004 (pages 521-523).**
- 3.18 EDUCATION COMMITTEE OF 4 FEBRUARY 2004 (pages 524-530).**

#### **MATTERS ARISING**

It was agreed that the Minute be amended to include apologies from Councillor John Campbell.

It was also agreed to reaffirm the Council's support for the retention of Children's Wards at both Crosshouse and Ayr hospitals (Item 10, Page 153, 03/07).

Councillor Young left the meeting at this point.

- 3.19 KILMARNOCK NORTH LOCAL COMMITTEE OF 4 FEBRUARY 2004 (pages 531-535).**
- 3.20 IRVINE VALLEY LOCAL COMMITTEE OF 4 FEBRUARY 2004 (pages 536-540).**
- 3.21 COMMUNITY SERVICES COMMITTEE OF 5 FEBRUARY 2004 (pages 541-547).**
- 3.22 CENTRAL LOCAL PLANNING COMMITTEE OF 6 FEBRUARY 2004 (pages 548-551).**
- 3.23 CORPORATE GOVERNANCE COMMITTEE OF 10 FEBRUARY 2004 (pages 552-561).**
- 3.24 DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 10 FEBRUARY 2004 (pages 562-565).**
- 3.25 SPECIAL POLICY AND RESOURCES COMMITTEE OF 12 FEBRUARY 2004 (pages 566-568).**
- 3.26 POLICY AND RESOURCES COMMITTEE OF 19 FEBRUARY 2004 (pages 573-590).**

#### **MATTERS ARISING - MEMBERS' SERVICES AND CIVIC CEREMONIAL SUB-COMMITTEE (Item 1.7, Page 573)**

It was agreed that the current protocol followed for Council events be revised to include notification to local Member(s) (for information only) with regard to Royal visits.

- 3.27 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 20 FEBRUARY 2004 (pages 591-595).**

#### **CHANGE TO APPOINTMENTS OF OUTSIDE BODIES**

- 4.** Following a request from the SNP Group, it was agreed to the following changes to appointments to outside organisations, viz:-
  - Ayrshire Valuation Joint Board - Councillor McDill to replace Councillor Wilson.
  - East Ayrshire Town Twinning Association - Councillor McDill to replace Councillor Reid.

Central Joint Consultative Committee - Councillor McDill to replace Councillor Wilson.

**COMMITTEE ADMINISTRATION: DRAFT POLICY AND RESOURCES AND CORPORATE GOVERNANCE COMMITTEES TERMS OF REFERENCE**

5. There was submitted a report dated 26 February 2004 (copy enclosed) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of Council, revised draft Terms of Reference for the Policy and Resources Committee, Corporate Governance Committee and related Sub-Committees.

Councillor McIntyre, seconded by Councillor Reeves, moved:

- (i) to approve the revised Terms of Reference enclosed with the report for the Policy and Resources and Corporate Governance Committees;
- (ii) to approve the Terms of Reference for the new Ad Hoc Discretionary Rental Leases/Non-Domestic Rates Relief Sub-Committee of the Policy and Resources Committee;
- (iii) to note the re-allocation of the Appeals and Recruitment Sub-Committees; and
- (iv) otherwise to note the contents of the report and that the revisions would have immediate effect.

Councillor Reid, seconded by Councillor Linton, moved as an amendment a full review of the Council's Committee structure to align with the new Departments which would include a proposal to establish a Scrutiny Committee to be chaired by a Member of the Opposition.

On a division by a show of hands the motion was carried by 22 votes to 8.

**CORPORATE GOVERNANCE**

6. There was submitted a report dated 20 February 2004 (copy enclosed) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration, approval and adoption by Council in terms of the Council's Action Plan to implement Corporate Governance and to take cognisance of the new Departmental structure effective from 1 April 2004, the following documents which were attached as appendices to the report, viz:-

Appendix I - Scheme of Delegation and Administration

Appendix II - Standing Orders

Appendix III - Standing Orders relating to contracts

Appendix IV - Financial Regulations

Councillor McIntyre seconded by Provost Darnbrough, moved:

- (i) approval and adoption of the revised Scheme of Delegation and Administration, Standing Orders, Standing Orders relating to contracts and Financial Regulations;
- (ii) to note that the above documentations would take effect from 1 April 2004; and
- (iii) otherwise, to note the contents of the report.

Councillor Reid, seconded by Councillor Linton, moved as an amendment a full review of the Council's Committee structure to align with the new Departmental structure which would include a proposal to establish a Scrutiny Committee to be chaired by a Member of the Opposition.

On a division by a show of hands the motion was carried by 22 votes to 8.

#### **EXCLUSION OF PRESS AND PUBLIC**

8. The Council resolved 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 paragraphs 1 and 11 of Schedule 7A of the Act.

#### **PROPOSED RESTRUCTURE OF PROTECTIVE SERVICES (Item 24, Page 558, 03/07)**

9. There was submitted a report dated 1 March 2004 (circulated) by the Director of Community Services to consider a proposed restructure of the Protective Services section of the Community Services Department.

It was agreed to approve the restructuring of the Protective Services Section as outlined within the report.

The meeting terminated at 1152 hrs.