

EAST AYRSHIRE COUNCIL**MINUTES OF SPECIAL MEETING HELD ON TUESDAY 9 NOVEMBER 2004
AT 1130 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, Isabel Macrae, Harry Wilson, Iain Linton, John Campbell, Ray Murray, John Knapp, Jim Raymond, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Tommy Farrell, Neil McGhee, William Crawford, Eric Ross, Elaine Dinwoodie, Elaine Stewart and Jimmy Carmichael.

ATTENDING: Fiona Lees, Chief Executive; John Mulgrew, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; David Mitchell, Head of Administrative and Legal Services; Bill Walkinshaw, Administration Manager; Robin Baker, Financial Controller; Julie Haig, Public Relations Assistant; and Stuart Nelson, Administrative Officer.

APOLOGIES: Councillors Jimmy Kelly and William Menzies.

CHAIR: Provost Darnbrough, Chair.

APPOINTMENT OF CHAIR OF COMMUNITY SERVICES COMMITTEE**1.1 APPOINTMENT**

Council were requested, following the resignation of Councillor Carmichael as Chair of the Community Services Committee, to appoint a new Chair.

Councillor Farrell, seconded by Councillor McIntyre, moved that Councillor O'Neill replace Councillor Carmichael on the Community Services Committee and that Councillor O'Neill be appointed Chair of that Committee.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment that Councillor Wilson be appointed Chair of the Community Services Committee.

On a division by a show of hands the motion was carried by 21 votes to 9.

1.2 PROVOST'S REMARKS

The Provost, on behalf of Council, expressed appreciation to Councillor Carmichael for the work which he had done during his time as Chair of the Community Services Committee.

BUILDING LEARNING COMMUNITIES - SCHOOLS PPP PROJECT UPDATE

2. Councillor D Coffey, seconded by Councillor Wilson, moved that this item be considered at this point on the Agenda.

Provost Darnbrough, seconded by Councillor Farrell, moved as an amendment that this item be dealt with as Item 6 on the Agenda.

On a division by a show of hands the amendment was carried by 21 votes to 8.

In response to a question from Councillor Ross on the order of business in terms of the Standing Orders the Provost intimated that Officers would respond to Councillor Ross' enquiry following the meeting.

**LOCAL GOVERNANCE (SCOTLAND) ACT 2004:
REVIEW OF ELECTORAL ARRANGEMENTS**

3. There was submitted a report dated 3 November 2004 (circulated) by the Chief Executive to submit for consideration of Council options of possible community/ward configurations in response to Stage 1 of the Local Government Boundary Commission for Scotland proposed review of ward boundaries in terms of the Review of Electoral Arrangements under the Local Government (Scotland) Act 2004 and to obtain the concluded view of Council thereon.

Councillor Farrell, seconded by Provost Darnbrough, moved:

- (i) to agree, for the purposes of Stage 1 of the review process to assist the Boundary Commission in the formulation of its proposals, the community/ward proposals detailed in the Appendix to these Minutes.
- (ii) that the related GIS maps associated with the approved community/ward proposals, together with the new build/anticipated electorate information, be submitted to the Boundary Commission;
- (iii) to note that the GIS map information on Community Council boundaries and Local Committee boundaries would be submitted to the Boundary Commission to assist them in their review;
- (iv) to note that the submission of the above information at this stage was in compliance with the Direction issued by the Scottish Ministers and that the review process provided further opportunities for the Council to amend or provide alternative ward/community configurations;
- (v) in recognising the further opportunities open to the Council as referred to under (iv) above and paragraph 3.4 of the Chief Executive's report, to submit the information and options agreed by Council as the Council's concluded view in terms of Stage 1 of the review process;
- (vi) that the Chief Executive be authorised to submit this information to the Boundary Commission as the Council's concluded view; and
- (vii) otherwise, to note the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment:

- (i) to agree for the purposes of Stage 1 of the review process, to assist the Boundary Commission in the formulation of its proposals, the community/ward proposals headed "SNP Option" for each of the proposed new wards, as detailed within Appendix I to the Chief Executive's report;
- (ii) that the related GIS maps associated with the approved community/ward proposals, together with the new build/anticipated electorate information, be submitted to the Boundary Commission;
- (iii) to note that the GIS map information on Community Council boundaries and Local Committee boundaries would be submitted to the Boundary Commission to assist them in their review;

- (iv) to note that the submission of the above information at this stage was in compliance with the Direction issued by the Scottish Ministers and that the review process provided further opportunities for the Council to amend or provide alternative ward/community configurations;
- (v) in recognising the further opportunities open to the Council as referred to under (iv) above and paragraph 3.4 of Chief Executive's report, to submit the information and options agreed by Council as the Council's concluded view in terms of Stage 1 of the review process;
- (vi) that the Chief Executive be authorised to submit this information to the Boundary Commission as the Council's concluded view; and
- (vii) otherwise, to note the report.

On a division by a show of hands the motion was carried by 21 votes to 8.

Councillor Young, having moved an alternative proposal in support of the proposals set out within the Appendix to these Minutes, subject to the adoption of Options 1 for both Wards 4 and 5, which failed to receive a seconder, recorded her dissent to this decision.

Arising from discussion, Council noted the standing remit of the Member/Officer Working Group on Review of Ward Boundaries as confirmed by the Chief Executive at the meeting.

CAREERS SCOTLAND - COUNCIL REPRESENTATION ON THE LOCAL ADVISORY BOARD

4. There was submitted a report dated 2 November 2004 (circulated) by the Executive Director of Educational and Social Services which requested that the Elected Member on the Careers Scotland: Local Advisory Board, be amended.

It was agreed to appoint Councillor Stewart to the Careers Scotland: Local Advisory Board.

EXCLUSION OF PRESS AND PUBLIC

5. The Head of Administrative and Legal Services advised that the Officer recommendation to Council to exclude the Press and public from the meeting for this item was on the grounds of commercial confidentiality.

Provost Darnbrough, seconded by Councillor Farrell, moved 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 8 and 9 of Schedule 7A of the Act.

Councillor D Coffey, seconded by Councillor Reid, moved as an amendment that the Press and public be not excluded from the meeting for the following item of business.

A request by Councillor Wilson that a roll call vote be taken failed to receive the support of the requisite one third of Members, there being 8 votes in favour and 22 against.

On a division by a show of hands, the motion was carried by 21 votes to 8.

In response to an enquiry by Councillor O'Neill at this point and to an earlier question from Councillor Ross in regard to the order of business in terms of the Standing Orders, the Head of Administrative and Legal Services confirmed that in the strictest application of the Standing Orders, the vote which had taken place under Item 2, above, may not have been required since Standing Orders provide for the order of business at Council meetings to be determined by the Provost, notwithstanding that such a vote may have been expedient at the time as a vote on the suspension of the related Standing Order could have taken place.

BUILDING LEARNING COMMUNITIES - SCHOOLS PPP PROJECT UPDATE

6. There was submitted a report dated 2 November 2004 (circulated) by the Executive Director of Educational and Social Services which advised on progress with the Building Learning Communities - Schools PPP Project and sought approval to issue the Invitation to Negotiate (ITN) documents.

Councillor Farrell, seconded by Councillor Stewart moved that Council agree:-

- (i) to note the current Affordability Gap outlined in Section 4.1 of the report;
- (ii) to recognise that the Affordability Gap would fluctuate until the final PPP contract was signed;
- (iii) to continue to underwrite the Affordability Gap;
- (iv) to the issuing of the Invitation to Negotiate documentation subject to a successful outcome to the Key Stage Review; and
- (v) otherwise, to note the contents of the report.

Councillor D Coffey, seconded by Councillor Wilson, moved as an amendment to reject the report.

On a division by a show of hands the motion was carried by 21 votes to 8.

The meeting terminated at 1216 hrs.

APPENDIX**EAST AYRSHIRE COUNCIL****LOCAL GOVERNANCE (SCOTLAND) ACT 2004:
REVIEW OF ELECTORAL ARRANGEMENTS****SUGGESTED COMMUNITY/WARD BOUNDARIES
IN RESPONSE TO STAGE 1 CONSULTATIONS
FOR REVIEW OF WARD BOUNDARIES**

NOTE: The ward names and numbers are purely to assist identification at this stage of the review and no recommendations are being made.

Ward 1 “Doon Valley”: 3 Member Ward

Comprising - Wards 25
30
31
DV11 Ward 26 Ochiltree

Ward 2 “Cumnock and New Cumnock”: 4 Member Ward

Comprising - Wards 28
29
32
DV12 Ward 26 Skares Netherthird & Craigens

Ward 3 “Mauchline, Catrine, Sorn, Muirkirk, Auchinleck”: 4 Member Ward

Comprising - Wards 22
23
24
27

Ward 4 “Irvine Valley”: 4 Member Ward

Comprising - Wards 13
20
21
Ward 12 (less KL33/34)
Ward 19 (Less Hurlford)
Ward 4 (KL9)

Ward 5 “Northern Area”: 3 Member Ward

Comprising - Wards 1
2
3

Ward 6 “Northwest Kilmarnock”: 3 Member Ward

Comprising - Wards 6
7
KL10 & KL11 Ward 4

Ward 7 “South Kilmarnock”: 3 Member Ward

Comprising - Wards 16
17
18

Ward 8 “East Kilmarnock and Hurlford and Crookedholm”: 4 Member Ward

Comprising - Wards 9
10
11
KL33 From Ward 12 Crookedholm
KL34 from Ward 12 Hurlford North
Most of Ward 19 Hurlford

Ward 9 “West Kilmarnock”: 4 Member Ward

Comprising - Wards 8
14
15
5