

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 27 APRIL 2006 AT 1000 HRS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

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

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; James Lavery, Executive Director of Development and Property Services; Graham Short, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance; David Mitchell, Head of Administrative and Legal Services; John Clayton, Head of Corporate Development and Communication; Chris McAleavey, Head of Homes; Euan Couperwhite, Head of Resource Support; Bill Walkinshaw, Administration Manager; Tamara McQuade, Solicitor; and Julie McGarry, Assistant Administration Manager.

ALSO ATTENDING: Derek Mathieson, PPP Project Manager.

APOLOGIES: Provost Jane Darnbrough and Councillors Jim O'Neill, Stephanie Young and Eric Ross.

CHAIR: Depute Provost Tommy Farrell, Vice-Chair.

ADDITIONAL ITEM

1. The Chair intimated and it was agreed to consider an additional item on the Scottish Liaison Group on Radioactive Waste Management, after Item 4 of the Agenda.

**PRESENTATION TO JOHN MULGREW OBE,
EXECUTIVE DIRECTOR OF EDUCATIONAL AND SOCIAL SERVICES**

2. The Depute Provost began the Council meeting by paying testament on behalf of all members and colleagues to John Mulgrew, who had been the Executive Director of Educational and Social Services until just a few days previously and speaking on behalf of all those present, stated how much he would be missed.

The Depute Provost remarked that John had been with the Council since its inception and had played a crucial role in the success of Education and, latterly, also Social Services in their achievements to date. Although this was a sad occasion for all Elected Members and colleagues whom he left behind, it was also a celebration and tribute to his contribution to the public sector.

John had left St Mungo's Academy in Glasgow in 1959 and had attended Glasgow University and then Jordanhill College and had left there in 1964 to return to St Mungo's as a teacher of Chemistry and Mathematics.

John had been appointed Assistant Head Teacher at Holyrood Secondary in Glasgow in 1970 and progressed to Head Teacher of John Bosco's Secondary in the

Gorbals, where he met a young History Teacher by the name of Jim O'Neill who, no doubt, could recount a number of anecdotes of their time together there. John had joined Strathclyde Regional Council as Assistant Director (Curriculum) and held a number of posts including Depute Director and Divisional Education Officer, first for Dumbarton and then Renfrew. John had latterly served as the Depute Director (Social Strategy) in charge of equality issues.

The Depute Provost recalled that it was there in 1988 where the beginnings of a partnership to span nearly 20 years began where they both had met, when the Depute Provost had first occupied the post of Vice-Chair and then Chair of the Education Committee.

The Depute Provost stated that over the 11 years, including the shadow year, with East Ayrshire, John not only took over the management of On-site Services but he also in 2000 became the Director of Education and Social Services, bringing together successfully the largest two Departments within the Council at that time.

The Depute Provost referred to the many achievements over the years of which John can be very proud and highlighted:-

- Two successful Inspections by Her Majesty's Inspectors of Education had been concluded
- He had led the production of "Citizens of a multi-lingual world" which set the scene for modern languages in Scottish schools
- Over 1,000 Committee papers through the Education Committee
- He was on the Board of St Andrew's College
- He has been a Director of the Scottish Arts Council
- He is a member of the National Review Group on Initial Teacher Education

The Depute Provost went on to advise that it was in 2000 that John received his OBE for services to Education which was a great achievement and one of which he is particularly proud.

John has a wide and diverse range of personal interests including the Arts and, in particular, music; the works of George Gershwin and James MacMillan of Cumnock feature high on his list.

The Depute Provost referred to the future for John, which was both positive and challenging, as he had become the Chair of Learning and Teaching Scotland and the Chief Executive of the Glaisnock Trust as well as being a member of the Smith Group which was to reduce the NEET (not in Education, Employment or Training) Group of young people along with Tom Hunter and William Haughey.

The Depute Provost highlighted that throughout his career, John has been supported by his wife Anne who was a Head Teacher of an East Kilbride Secondary School and now works on South Lanarkshire's PPP Project.

Finally, the Depute Provost wished John health and happiness as he moved on and hoped that he would remember the great achievements and successes he has had over the years and personally stated that it had been a privilege to know and to work with John.

The Depute Provost then presented John, on behalf of East Ayrshire Council, with a special gift of gratitude and thanks for his devotion to the Council over the last 10 years and wished him and his wife Anne, the very best wishes for the future.

John then responded in suitable terms.

Councillor McKay joined the meeting during the above presentation.

VISIT BY THE PRINCESS ROYAL

3. The Depute Provost remarked on the visit of the Princess Royal to Kilmarnock on Tuesday 25 April 2006 to mark the 10th Anniversary of the Princess Royal Trust for Carers in Kilmarnock.

The Depute Provost went on to intimate that the visit took place at the Carers' Cottage in Howard Park and many carers and their families had the exciting opportunity to meet the Princess Royal in person.

The Depute Provost further remarked that Princess Anne had spent a lot of time during her visit talking to the families which would be remembered by the families for many years to come.

The Depute Provost then commented on the excellent work that the Carers' Centre carried out in the communities and Princess Anne's visit reflected the hard work that Jane Smith, Laura Bennie and everyone involved in the Carers' Centre had put in over the years.

The Depute Provost remarked that the Princess Royal Trust for Carers was the largest provider of comprehensive carer support services in the UK and through its network of 122 independently managed Carers' Centres, the Trust currently provided quality information, advice and support services to almost a quarter of a million carers including 13,000 young carers.

The Chair then, on behalf of the people of East Ayrshire, extended congratulations to them on their 10th Anniversary.

PREVIOUS MINUTES

4. There were submitted (circulated), the Minutes of the Meeting of Council held on 2 March 2006 (pages 2023-2026) which were approved as a correct record.

COMMITTEE MINUTES

5. 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 Committee meetings, viz:-
- 5.1 **SOUTHERN LOCAL PLANNING COMMITTEE OF 24 FEBRUARY 2006 (pages 2016-2020).**
- 5.2 **SPECIAL COMMUNITY SERVICES COMMITTEE OF 1 MARCH 2006 (pages 2021-2022).**
- 5.3 **DEVELOPMENT SERVICES COMMITTEE OF 8 MARCH 2006 (pages 2027-2035).**
- 5.4 **DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 8 MARCH 2006 (pages 2036-2038).**
- 5.5 **NORTHERN AREA LOCAL COMMITTEE OF 9 MARCH 2006 (pages 2039-2044).**

5.6 CENTRAL LOCAL PLANNING COMMITTEE OF 10 MARCH 2006 (pages 2045-2046).

5.7 EMERGENCY POWERS COMMITTEE OF 10 MARCH 2006 (pages 2047-2049).

MATTER ARISING - INTEGRATED WASTE MANAGEMENT - THE FUTURE? - PROPOSED STUDY TOUR - DENMARK 25-27 APRIL 2006 (Item 5, Page 2048, 03/07)

It was agreed to amend the Minute to show that agreement was made for Councillor O'Neill to attend the study tour.

5.8 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 15 MARCH 2006 (pages 2050-2053).

5.9 LOCAL GOVERNMENT LICENSING PANEL OF 16 MARCH 2006 (pages 2054-2056).

5.10 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 17 MARCH 2006 (pages 2057-2063).

5.11 EDUCATION COMMITTEE OF 21 MARCH 2006 (pages 2064-2070).

5.12 DOON VALLEY LOCAL COMMITTEE OF 21 MARCH 2006 (pages 2071-2075).

5.13 KILMARNOCK NORTH LOCAL COMMITTEE OF 21 MARCH 2006 (pages 2076-2080).

5.14 HOUSING COMMITTEE OF 22 MARCH 2006 (pages 2081-2086).

5.15 KILMARNOCK SOUTH LOCAL COMMITTEE OF 22 MARCH 2006 (pages 2087-2090).

5.16 SOCIAL WORK COMMITTEE OF 23 MARCH 2006 (pages 2091-2095).

REMIT FROM COMMITTEE - SOUTH WEST SCOTLAND COMMUNITY JUSTICE AUTHORITY - APPOINTMENT OF ELECTED MEMBER AND SUBSTITUTE (Item 11, Page 2094, 03/07)

It was agreed to nominate the Chair and the Vice-Chair of the Social Work Committee as Representative and Substitute respectively to the South West Scotland Community Justice Authority.

5.17 SOUTHERN LOCAL PLANNING COMMITTEE OF 24 MARCH 2006 (pages 2096-2097).

5.18 COMMUNITY SERVICES COMMITTEE OF 29 MARCH 2006 (pages 2098-2102).

5.19 IRVINE VALLEY LOCAL COMMITTEE OF 29 MARCH 2006 (pages 2103-2106).

5.20 CORPORATE GOVERNANCE COMMITTEE OF 30 MARCH 2006 (pages 2107-2115).

5.21 POLICY AND RESOURCES COMMITTEE OF 30 MARCH 2006 (pages 2116-2131).

5.22 CUMNOCK AREA LOCAL COMMITTEE OF 30 MARCH 2006 (pages 2132-2135).

5.23 CENTRAL LOCAL PLANNING COMMITTEE OF 31 MARCH 2006 (pages 2136-2140).

KILMARNOCK PRISON VISITING COMMITTEE

6. It was reported and noted that Councillor Jackson had received and accepted an invitation from Scottish Ministers to join the Board of the Scottish Prison Service.

As a consequence of this, a nomination was requested for a replacement for Councillor Jackson on Kilmarnock Prison Visiting Committee.

It was agreed to nominate Councillor Knapp as the replacement for Councillor Jackson on Kilmarnock Prison Visiting Committee.

SCOTTISH LIAISON GROUP ON RADIOACTIVE WASTE MANAGEMENT

7. The Administration Manager reported on a request received from Dundee City Council which stated that the March CoSLA Leaders Meeting unanimously passed a report to allow and encourage participation in the newly formed Scottish Liaison Group on Radioactive Waste Management and sought a nomination of a Member to represent East Ayrshire Council on the Liaison Group.

It was agreed to nominate the Chair of the Community Services Committee to represent the Council on the Scottish Liaison Group on Radioactive Waste Management.

REVISION TO THE SCHEME OF DELEGATION IN RELATION TO DEFECTIVE BUILDINGS

8. There was submitted a report dated 4 April 2006 (circulated) by the Executive Director of Development and Property Services which sought Council approval for revising the Scheme of Delegation in relation to Section 87 of the Civic Government (Scotland) Act 1982 as amended by Section 28 of the Building (Scotland) Act 2003 as it related to defective buildings.

It was agreed:

- (i) to note the introduction of the new enforcement powers;
- (ii) that the Head of Planning, Development and Building Standards be authorised to issue Defective Buildings Notices and that the Scheme of Delegation be amended accordingly; and
- (iii) that the Head of Planning, Development and Building Standards prepare a protocol in conjunction with the Heads of Housing and of Protective Services in relation to the issue of building related Enforcement Notices under the various statutes.

EAST AYRSHIRE EMPLOYEE INITIATIVE - PENSIONS

9.1 Declaration of Interest

Councillor McIntyre declared a non-financial interest in this matter and withdrew from the meeting.

9.2 Consideration of Item

There was submitted a report dated 12 April 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of Council in respect of proposed action relative to pension liabilities arising from the termination of the East Ayrshire Employee Initiative.

It was agreed to assume any contingent liability relative to the pensions of the nine former East Ayrshire Employment Initiative employees referred to in paragraph 2.3 of the report in order to facilitate the formal dissolution of the East Ayrshire Employment Initiative.

Councillor McIntyre rejoined the meeting at this point.

MOTION BY COUNCILLOR McINTYRE

10. The Council agreed to adopt the following motion:

“That East Ayrshire Council supports the position of CoSLA in respect of the retention of the “Rule of 85” for all existing staff and asks the Minister for Finance and Local Government, Tom McCabe MSP, to reconsider his position in the light of both the views expressed by the European Community and the current positive position of the Scottish Local Government Pension Schemes”.

EXCLUSION OF PRESS AND PUBLIC

11. 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 6 and/or 9 of Schedule 7A of the Act.

BUILDING LEARNING COMMUNITIES - SCHOOLS PPP PROJECT

12. There was submitted a joint report dated 10 April 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Educational and Social Services which advised Council on the progress of the Building Learning Communities PPP Project, and which sought approval to proceed to Financial Close, securing contract completion, and sought approval to begin limited advanced groundworks at the school sites.

The Executive Head of Finance reported that the principal construction sub-contractors were likely to be McLauchlin & Harvey; and Barr Ltd.

Councillor Farrell, seconded by Councillor Stewart, moved:

- (i) to note the positive progress in the negotiations with First Class Consortium;
- (ii) to proceed to financial close and the execution, entry into, delivery and performance of the contracts, comprising the Project Agreement, Direct Agreement and other Project Documents to which the Council is a party and to authorise the Solicitor to the Council to execute all such documentation on behalf of the Council, together with all certificates which require to be produced in terms of the Local Government (Contracts) Act 1997;
- (iii) that the Executive Head of Finance negotiate final financial terms subject to the upper limit detailed within Section 3.2 of the report;
- (iv) to authorise financial close subject to the first full year equivalent unitary charge being within the limits detailed in Section 3.2 of the report and to authorise the Executive Head of Finance to execute all related documentation on behalf of the Council;
- (v) to note that the unitary charge may alter slightly after financial close due to the variable elements listed in Appendix 3 of the report;

- (vi) to approve, if required, the commencement of advance grounds works prior to final completion of the contracts;
- (vii) to authorise the Chief Executive to issue a letter of authority confirming the decisions taken at (ii) to (vi) above; and
- (viii) otherwise to note the contents of the report.

Councillor Linton, seconded by Councillor Reid, moved as an amendment to re-examine alternative models of funding and that the Council keep all its options open as to the form of funding of this project.

On a division by a show of hands, the motion was carried by 20 votes to 7.

PROPOSED DISPOSAL OF SITE AT AUCHINLECK ROAD, CUMNOCK

13. There was submitted a joint report dated 11 April 2006 (circulated) by the Solicitor to the Council and the Executive Director of Development and Property Services to advise Council of the outcome of the recent marketing of the site extending to 3.72 acres (1.507 hectares) or thereby at Auchinleck Road, Cumnock as shown on the plan attached to the report and which sought authority to dispose of the subjects.

It was agreed to authorise the Solicitor to the Council to accept the offer from the Stewart Milne Group Ltd subject to any additional terms and conditions required to protect the Council's interests, whom failing, revert to John Lynch (Builders) Ltd to accept their offer, again subject to any additional terms and conditions required to protect the Council's interests.

The meeting terminated at 1114 hrs.