

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 11 DECEMBER 2003 AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

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

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive/Director of Corporate Resources; William Stafford, Director of Community Services; Stephen Chorley, Director of Development 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; John Clayton, Head of Corporate Development and Communication; Jackie Donnelly, Head of Social Work; Ian Arnott, Accounting Manager; Bill Walkinshaw, Administration Manager; and Julie Armstrong, Assistant Administration Manager.

APOLOGIES: Provost Jane Darnbrough and Councillors Stephanie Young, Douglas Reid, Jim Raymond and Jimmy Carmichael.

CHAIR: Depute Provost Tommy Farrell, Chair.

DEPUTE PROVOST'S REMARKS

1. The Depute Provost began by stating that Councillor Jimmy Carmichael was currently in Ayr Hospital following a heart attack last Friday. The Depute Provost explained that he had been advised that Councillor Carmichael's condition was improving and that he hoped to be released from hospital early next week. The Depute Provost further commented that it was clearly a time of mixed emotion for Councillor Carmichael since he also became a grandfather on Tuesday of this week.

The Depute Provost asked Members to join with him in wishing Councillor Carmichael a speedy recovery.

Thereafter the Depute Provost advised Members that the new mobile library would be available for inspection at the front of the building following the meeting and he hoped that Members would take advantage of this opportunity to have a look at the vehicle.

PREVIOUS MINUTES

2. There were submitted (circulated), Minutes of Meeting of Council held on 23 October 2003 which were approved as a correct record (pages 355-359).

COMMITTEE MINUTES

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

- 3.1 EMERGENCY POWERS COMMITTEE OF 9 OCTOBER 2003 (pages 336-337).
- 3.2 SOUTHERN LOCAL PLANNING COMMITTEE OF 10 OCTOBER 2003 (pages 338-341).
- 3.3 DEVELOPMENT SERVICES COMMITTEE OF 21 OCTOBER 2003 (pages 342-351).
- 3.4 NORTHERN AREA LOCAL COMMITTEE OF 22 OCTOBER 2003 (pages 352-354).
- 3.5 CENTRAL LOCAL PLANNING COMMITTEE OF 24 OCTOBER 2003 (pages 360-361).
- 3.6 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 29 OCTOBER 2003 (pages 362-364).
- 3.7 LOCAL GOVERNMENT LICENSING PANEL OF 30 OCTOBER 2003 (page 365).
- 3.8 DOON VALLEY LOCAL COMMITTEE OF 4 NOVEMBER 2003 (pages 366-370).
- 3.9 HOUSING COMMITTEE OF 5 NOVEMBER 2003 (pages 371-381).
- 3.10 KILMARNOCK SOUTH LOCAL COMMITTEE OF 5 NOVEMBER 2003 (pages 382-383).
- 3.11 SOCIAL WORK COMMITTEE OF 6 NOVEMBER 2003 (pages 384-389).
- 3.12 CUMNOCK AREA LOCAL COMMITTEE OF 6 NOVEMBER 2003 (pages 390-395).
- 3.13 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 7 NOVEMBER 2003 (pages 396-398).
- 3.14 EDUCATION COMMITTEE OF 11 NOVEMBER 2003 (pages 399-403).
- 3.15 KILMARNOCK NORTH LOCAL COMMITTEE OF 11 NOVEMBER 2003 (pages 404-407).
- 3.16 COMMUNITY SERVICES COMMITTEE OF 12 NOVEMBER 2003 (pages 408-412).
- 3.17 IRVINE VALLEY LOCAL COMMITTEE OF 12 NOVEMBER 2003 (pages 413-416).
- 3.18 SOUTHERN LOCAL PLANNING COMMITTEE OF 14 NOVEMBER 2003 (pages 417-420).
- 3.19 DEVELOPMENT SERVICES COMMITTEE (SITTING AS A PLANNING COMMITTEE) OF 18 NOVEMBER 2003 (pages 421-422).
- 3.20 CORPORATE GOVERNANCE COMMITTEE OF 18 NOVEMBER 2003 (pages 423-431).
- 3.21 CENTRAL LOCAL PLANNING COMMITTEE OF 21 NOVEMBER 2003 (pages 432-434).
- 3.22 POLICY AND RESOURCES COMMITTEE OF 27 NOVEMBER 2003 (pages 435-442).

**APPOINTMENT TO OUTSIDE ORGANISATION -
AUTHORITIES BUYING CONSORTIUM (Item 6.1, Page 3, 03/07)**

- 4. The Council agreed, following a request from the Labour Group, that Councillor Gordon Cree replace Councillor William Crawford on the Authorities Buying Consortium Joint Committee.

AUDITED ACCOUNTS 2002/03

5. There was submitted and noted a report dated 26 November 2003 (circulated) by the Director of Finance which presented the Audited Abstract of Accounts and the Competitive Services Annual Report and Accounts for 2002/03 together with the External Auditors' report on these.

CORPORATE GOVERNANCE: REVIEW OF THE COUNCIL'S DECISION MAKING STRUCTURE (Item 4.21.1, Page 1450, 99/03)

6. There was submitted a report dated 24 November 2003 (circulated) by the Chief Executive which submitted, in accordance with an earlier decision of Council in terms of the previous review of the Council's decision making structure, a report which invited consideration of a review of the Council's existing decision making structure.

Councillor W Coffey, seconded by Councillor D Coffey, moved that there be a review of the Council's decision making structure to take cognisance of and complement the recent review of Departmental structures and that such a review include a proposal to establish a Scrutiny Committee, to be Chaired by a Member of the Opposition.

Depute Provost Farrell, seconded by Councillor McIntyre, moved as an amendment:

- (i) that at this time there was no need for a separate further review of the Council's decision making structure;
- (ii) to note the provisions which existed for the scrutiny and review of the Council's decision making structure including issues pertaining to Standards of Conduct, under the Council's Corporate Governance arrangements; and
- (iii) otherwise, to note the report.

On a division by a show of hands, the amendment was carried by 19 votes to 7.

CONSUMER DIRECT

7. There was submitted a report dated 25 November 2003 (circulated) by the Director of Community Services which advised the Council of the detail of the Consumer Direct initiative and which invited Members to formally endorse the bid from Comhairle nan Eilean Siar as a service provider for Scotland.

It was agreed:

- (i) to endorse Consumer Direct as a new service to Scottish consumers;
- (ii) to give support to the bid from Comhairle nan Eilean Siar as the service provider for Scotland;
- (iii) to confirm its support for the vision and aims of Consumer Direct and co-operate fully with Customer Direct Scotland in the provision of this innovative new service; and
- (iv) to note that in paragraph 3.8, the abbreviations for "LACORS" and "SCOTTS" stood for Local Authority Co-ordinating Body on Regulatory Services and Society of Chief Officers of Trading Standards respectively.

THE SCOTTISH FIRE AND RESCUE SERVICE: PROPOSAL FOR LEGISLATION

8. There was submitted a report dated 25 November 2003 (circulated) by the Director of Community Services which provided an overview of the Scottish Executive's legislative proposals to modernise the Fire Service in Scotland and which proposed a response by the Council.

It was agreed:

- (i) that the issues as set out in Section 4 of the report should form the basis of the Council's response;
- (ii) to remit to the Director of Community Services to advise the Scottish Executive accordingly; and
- (iii) otherwise to note the report.

DRAFT WATER SERVICES (SCOTLAND) BILL - CONSULTATION ON PROPOSED PROVISIONS

9. There was submitted a report dated 19 November 2003 (circulated) by the Director of Community Services which invited Members to consider and endorse or amend proposals for the Council's response to the consultation exercise on a draft Water Services (Scotland) Bill.

It was agreed:

- (i) that the Scottish Executive be advised that the Council held the gravest of concerns at the principles behind the Water Services Bill; that the Council saw this as the privatisation of the Water and Sewerage Services, which this Council believes has little or no support in Scotland; that the Council also feared that the experience of disarray following deregulation of the electricity and gas markets would be repeated in the water industry; and that in respect of this particular Bill, the Council endorsed the comments as set out in Appendix I to the report;
- (ii) to remit to the Director of Community Services to submit the response to the Scottish Executive; and
- (iii) otherwise to note the report.

CONSULTATION ON THE REVIEW OF SUMMARY JUSTICE

10. There was submitted a report dated 5 December 2003 (circulated) by the Head of Administrative and Legal Services which advised Council of a request from CoSLA for a review on certain matters arising from the current review of Summary Justice in Scotland and which sought approval for a proposed response.

It was agreed:

- (i) to the terms of the proposed response set out in Appendix II; and
- (ii) to remit to the Head of Administrative and Legal Services to advise CoSLA of the Council's view.

**NICHOLSON COMMITTEE REVIEW OF LIQUOR LICENSING -
SCOTTISH EXECUTIVE CONSULTATION**

11. There was submitted a report dated 5 December 2003 (circulated) by the Head of Administrative and Legal Services which advised Council of the recommendations contained within the Nicholson Committee report with particular reference to those directly affecting Local Authorities and which sought approval of a proposed response to the Scottish Executive's current consultation exercise in respect of the Nicholson Committee's proposals.

It was agreed:

- (i) to the issues as set out within the report;
- (ii) to remit to the Head of Administrative and Legal Services to advise the Scottish Executive of the Council's views in accordance with the proposed response set out in Appendix I; and
- (iii) that it also be remitted to the Head of Administrative and Legal Services to incorporate within the submission in respect of Recommendation 59, reference to a requirement for more appropriate and prominent provision of licensing information within licensed premises for the benefit of customers and the general public, with particular focus on promoting child friendly licensed premises; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1057 hrs.