

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 14 SEPTEMBER 2005 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Jim O'Neill, John McGhee, Stephanie Young, Daniel Coffey, John Weir, Drew McIntyre, Harry Wilson, Ian Linton, John Campbell, Ray Murray, John Knapp, Jim Raymond, Tommy Farrell, William Menzies, Neil McGhee, William Crawford and Elaine Dinwoodie.

ATTENDING: Bill Stafford, Executive Director of Neighbourhood Services; David Mitchell, Head of Administrative and Legal Services; John Griffiths, Head of Leisure Services; John F Crawford, Head of Protective Services; Paul Whip, Financial Services Manager; Donald McVicar, Local Office and Registration Manager; Angela McManus, Senior Accountant; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Isabella Macrae, George Smith and Elaine Stewart.

CHAIR: Councillor Jim O'Neill, Chair.

CHAIR'S REMARKS

1. The Chair welcomed Laura Fleck from Stewarton Academy who was attending the Committee whilst on work experience with Administrative and Legal Services

BUDGETARY CONTROL SUMMARY STATEMENT REFUSE COLLECTION AND STREET CLEANSING TO 24 JULY 2005 (PERIOD 4)

2. There was submitted and noted a joint report dated 23 August 2005 (circulated) by the Executive Head of Finance and Executive Director of Neighbourhood Services on the current budgetary control position and the projected out-turn for the year for Refuse Collection and Street Cleansing for the period ended 24 July 2005 (period 4).

BUDGETARY CONTROL SUMMARY STATEMENT NEIGHBOURHOOD SERVICES (LEISURE AND PROTECTIVE SERVICES) TO 24 JULY 2005 (PERIOD 4)

3. There was submitted and noted a joint report dated 23 August 2005 (circulated) by the Executive Head of Finance and Executive Director of Neighbourhood Services on the current budgetary control position and the projected out-turn for the year for Neighbourhood Services (Leisure and Protective Services) for the period ended 24 July 2005 (period 4).

BUDGETARY CONTROL SUMMARY STATEMENT OUTDOOR AMENITIES AND LEISURE MANAGEMENT TO 24 JULY 2005 (PERIOD 4)

4. There was submitted and noted a joint report dated 23 August 2005 (circulated) by the Executive Head of Finance and Executive Director of Neighbourhood Services on the current budgetary control position and the projected out-turn for the year for Outdoor Amenities and Leisure Management for the period ended 24 July 2005 (period 4).

ABSENCE MANAGEMENT REPORT QUARTER 2 (1 APRIL 2005 TO 30 JUNE 2005)

5. There was submitted and noted a report dated 1 July 2005 (circulated) by the Executive Director of Neighbourhood Services on absence rates for Community Services, within the Department of Neighbourhood Services, for the quarterly period ended 30 June 2005.

REPORT ON STATUTORY PERFORMANCE INDICATORS

6. There was submitted and noted a report dated 17 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the outcome of Statutory Performance Indicators within the Department for the period 1 April 2004 to 31 March 2005.

CONTINUOUS IMPROVEMENT PLAN 2004-2007

7. There was submitted a report dated 11 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the annual review of the Continuous Improvement Plan 2004-2007 for the Leisure and Protective Services Sections of the Neighbourhood Services Department.

It was agreed:-

- (i) to note and approve the contents of the Neighbourhood Services Continuous Improvement Plan 2004-2007 annual review; and
- (ii) otherwise, to note the contents of the report.

THE CULTURAL COMMISSION REPORT – OUR NEXT MAJOR ENTERPRISE

8. There was submitted and noted a report dated 6 July 2005 (circulated) by the Executive Director of Neighbourhood Services on the key recommendations of the Cultural Commissions report "Our next major enterprise".

QUALITY OF LIFE FUNDING 2006 – 2007/2007-2008 (Item 4, Page 1293, 03/07)

9. There was submitted a report dated 26 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the allocation of Quality of Life funding for 2006/07 and 2007/08 and which sought approval for distribution of this funding to various projects within the Department.

It was agreed:-

- (i) to approve the proposals contained within the report for the distribution of the Quality of Life allocation for 2006/07 and 2007/08; and
- (ii) otherwise, to note the contents of the report.

SMOKING IN PUBLIC PLACES – IMPLEMENTATION OF SMOKE FREE PROVISIONS (Item 9, Page 983, 03/07)

10. There was submitted a report dated 19 August 2005 (circulated) by the Executive Director of Neighbourhood Services which advised of the approval of the legislation relating to the prohibition of smoking in enclosed public places and which updated members of the proposed implementation of the smoke free provisions.

It was agreed:-

- (i) to note the implementation date of the smoking ban which was 26 March 2006;
- (ii) to support the proposals at a local level in terms of improving public health;
- (iii) to remit to the Executive Director of Neighbourhood Services to make suitable arrangements regarding implementation and enforcement of the smoking ban; and
- (iv) otherwise, to note the contents of the report.

CONSUMER SUPPORT NETWORK

11. There was submitted and noted a report dated 19 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the launch of the East Ayrshire Consumer Report Network (CSN).

CONTAMINATED LAND UPDATE REPORT

12. There was submitted and noted a report dated 18 August 2005 (circulated) by the Executive Director of Neighbourhood Services which provided an update on the implementation of the Contaminated Land Strategy.

HOUSES IN MULTIPLE OCCUPATION UPDATE

13. There was submitted and noted a report dated 18 August 2005 (circulated) by the Executive Director of Neighbourhood Services which provided an update on the number and type of Houses in Multiple Occupation (HMO) which were licensed and the number of licenses which were pending.

Councillor Neil McGhee left the meeting during discussion of above item.

LANDFILL ALLOWANCE SCHEME (SCOTLAND) REGULATIONS 2005

14. There was submitted and noted a report dated 16 August 2005 (circulated) by the Executive Director of Neighbourhood Services which provided an update on the Landfill Allowance Scheme (Scotland) Regulations 2005.

SCOTTISH WATER ANNUAL WATER QUALITY REPORT 2004

15. There was submitted a report dated 22 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the publication of the Annual Water Quality Report 2004 by Scottish Water and which highlighted details of the report.

It was agreed:-

- (i) to note the level of compliance with the water quality standards of samples undertaken by Scottish Water from water treatment works, service reservoir and customer taps within East Ayrshire was 99.57% compliant;
- (ii) to note that no water quality incidents were noted in the report relative to East Ayrshire; and
- (iii) otherwise, to note the contents of the report.

Councillor McIntyre left the meeting following discussion of the above item.

IMPROVING COMMUNITY SAFETY IMPLEMENTATION GROUP

16. There was submitted and noted a joint report dated 18 August 2005 (circulated) by the Executive Director of Neighbourhood Services and Superintendent Liz Weir, Strathclyde Police, "U" Division which advised of a proposal from the Improving Community Safety Implementation Group to provide Local Area Committees, on a bi-annual basis, with information on progress made against the six aims contained within the improving Community Safety Action Plan.

EXPLOSIVES LICENSING

17. There was submitted a report dated 9 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the implications of the Manufacturer and Storage of Explosive Regulations 2005 which came into force on 26 April 2005.

It was agreed:-

- (i) to note the introduction and application of the Manufacture and Storage of Explosives Regulations (MSER);
- (ii) to approve the adherence to 1 May as the appropriate date for renewal of all registrations and licences under MSER; and
- (iv) otherwise, to note the contents of the report.

Councillor McIntyre rejoined the meeting during discussion of the above item.

LICENSING OF BUTCHERS SHOPS

18. There was submitted a report dated 18 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the legislative proposals concerning the licensing of butchers shops and the requirement to cease licensing requirements as of 1 January 2006.

It was agreed:-

- (i) to remit to the Executive Director of Neighbourhood Services to make appropriate arrangements to ensure compliance with the legislation; and
- (ii) otherwise, to note the contents of the report.

REMEMBRANCE SUNDAY – 13 NOVEMBER 2005

19. There was submitted a report dated 15 June 2005 (circulated) by the Executive Director of Neighbourhood Services on the arrangements made in respect of Remembrance Day Services held in East Ayrshire in 2004 and which proposed the arrangements to be made for this year's services.

It was agreed:-

- (i) to remit to the Executive Director of Neighbourhood Services to make the necessary arrangements, as detailed in the report, in relation to the Kilmarnock Service and for staff to liaise with elected members attending at Remembrance Services throughout East Ayrshire; and
- (ii) otherwise, to note the contents of the report.

REGISTRATION SERVICE DEVELOPMENTS (Item 15, Page 1395, 03/07)

20. There was submitted a report dated 15 August 2005 (circulated) by the Executive Director of Neighbourhood Services which sought approval for a range of new developments in the Registration Service.

Councillor O'Neill, seconded by Councillor Raymond, moved:

- (i) to remit to the Executive Director of Neighbourhood Services to apply to Scottish Ministers to change the present eight Registration Districts to one called "East Ayrshire";
- (ii) to approve the proposal to offer same sex couples the option of holding a ceremony when registering their partnership, with the same fees for Civil Marriage ceremonies; and
- (iii) to agree to the charge of 50p for a photocopy of an official extract.

Councillor D Coffey, seconded by Councillor Wilson, moved as an amendment:-

- (i) to retain the eight separate Registration Districts which East Ayrshire has at present;
- (ii) to approve the proposal to offer same sex couples the option of holding a ceremony when registering their partnership, with the same fees for Civil Marriage Ceremonies; and
- (iii) to agree to the charge of 50p for a photocopy of an official extract.

The motion by Councillor D Coffey, seconded by Councillor Wilson, that a roll call vote be taken in respect of this item, in terms of Standing Order 36, was defeated as it failed to receive the requisite one third of the Members present (there being only five Members for the motion).

On a division by a show of hands, the motion was carried by 10 votes to 5.

TREE INSPECTION ARRANGEMENTS

21. There was submitted and noted a report dated 5 July 2005 (circulated) by the Executive Director of Neighbourhood Services on the establishment of a new staff team to address tree inspection issues across East Ayrshire.

APPLICATION FOR LETTING OF COUNCIL PREMISES

22. There was submitted a report dated 1 September 2005 (circulated) by the Executive Director of Neighbourhood Services on the guidance received from CoSLA regarding the Protection of Children (Scotland) Act 2003: Guidance on Letting of Council Premises and which made recommendations accordingly.

It was agreed:-

- (i) to approve the recommendations as set out in section 3 of the report; and
- (ii) otherwise, to note the contents of the report.

BURNS MONUMENT – PUBLIC CONSULTATION (Item 14, Page 1395, 03/07)

23. There was submitted a report dated 10 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the outcome of the public consultation exercise regarding the future of the Burns Monument in Kay Park, Kilmarnock,

carried out between 25 July and 6 August 2005 and which sought approval to implement a rebuilding project.

Councillor O'Neill, seconded by Councillor Raymond, moved:-

- (i) to note the findings of the public consultation and the strong support for Option 2;
- (ii) to approve Option 2 as the appropriate redevelopment project for the Burns Monument in Kilmarnock;
- (iii) to remit to the Executive Director of Neighbourhood Services to implement Option 2 and provide Committee with appropriate progress reports;
- (iv) to request the Executive Director of Neighbourhood Services to progress a bid to Heritage Lottery Fund for the redevelopment of Kay Park; and
- (v) otherwise, to note the contents of the report.

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

- (i) to note the recommendations as detailed in the report; and
- (ii) that full reinstatement of the monument take place.

On a division by a show of hands the motion was carried by 10 votes to 6.

PUBLIC CONVENIENCES – LOUDOUN STREET, MAUCHLINE (Item 11, Page 1296, 03/07)

24. There was submitted a report dated 28 June 2005 (circulated) by the Executive Director of Neighbourhood Services which invited the Committee to resume consideration of the Mauchline Public Conveniences.

It was agreed:-

- (i) to close the Public Conveniences at Loudoun Street, Mauchline;
- (ii) to request the Executive Director of Neighbourhood Services to arrange for the property to be declared surplus to requirements in accordance with Council Policy; and
- (iii) otherwise, to note the contents of the report.

ALTONHILL COMMUNITY CENTRE (Item 13, Page 1297, 03/07)

25. There was submitted a report dated 22 August 2005 (circulated) by the Executive Director of Neighbourhood Services which updated members on the closure of Altonhill Community Centre.

Councillor O'Neill, seconded by Councillor Raymond, moved to note the contents of the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment to offer community management of the facility to local groups on the terms and conditions currently in place at Onthank Community Education Centre.

Councillor D Coffey, seconded by Councillor Wilson, requested that a roll call vote be taken in respect of this item in terms of Standing Order 36.

At the time the roll call was requested the Committee were advised that the requisite number of members voting for a roll call vote was not achieved and, therefore, no roll call vote was held.

Thereafter on a division by a show of hands the motion was carried by 10 votes to 6.

Footnote - There was a procedural error by Administrative and Legal Services in respect of the advice given in relation to roll call votes in that only one-third of Members require to support a roll call vote and not two-thirds.

However, from information provided by Officers the vote in respect of the above was as follows:-

For the motion - Councillors O'Neill, J McGhee, McIntyre, Murray, Knapp, Raymond, Farrell, Menzies, Crawford and Dinwoodie.

For the amendment - Councillors Young, D Coffey, Weir, Wilson, Linton and Campbell.

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The above information on how members voted will be verified at the meeting of Council on 13 October 2005.

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LAND ADJACENT TO ST JOSEPHS ACADEMY (CUMNOCK CAMPUS)

26. There was submitted a joint report dated 16 August 2005 (circulated) by the Executive Director of Neighbourhood Services and Executive Director of Development and Property Services which requested the Committee to declare surplus to requirements land extending to 2795 square metres or thereby at Broomfield Playing Fields and adjacent to St Josephs Academy (Cumnock Campus) for inclusion with the disposal of the adjacent former school site.

It was agreed:-

- (i) to declare the land extending to 2795 square metres or thereby at Broomfield Playing Fields and adjacent to St Josephs Academy (Cumnock Campus) surplus to requirements;
- (ii) to refer the matter to the Executive Director of Development and Property Services in accordance with the Council's agreed procedures for disposal with the adjacent former school site; and
- (iv) otherwise, to note the contents of the report.

AWARDING OF CONTRACTS

27. There was submitted a report dated 19 August 2005 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided, for information, details of tenders which had been accepted, as follows:-

Contract	Successful Contractor	Amount
Supply of MRF Equipment	OKay Engineering Services Ltd, Leicestershire	£277,464.00
Waste Management Feasibility Study	Entec UK Ltd, Penicuik	£74,890.00

Catering and Bar Services – Palace Theatre and Dean Castle Visitor Centre	The Dickson Partnership T/A City Eats, Fenwick	Schedule of rates
Supply and Delivery of 2.6 Tonne Panel Van (VSO1)	The Verve Limited, Glasgow	£11,241.28 (1 vehicle)
Supply and Delivery of 3.5 Chassis Cab Tipper fitted with Tipping Body with mesh cage and tail lift (Dumpthrough) (VSO6)	The Verve Limited, Glasgow	£22,956.28 (1 vehicle)
Supply and Delivery of 3.5 Chassis Cab Tipper fitted with Tipping Body with Mesh Cage and Bin Lift and Tow Bar (VSO6)	The Verve Limited, Glasgow	£24,786.28 (1 vehicle)
Supply of Road Sweeper (Phase 19)	Applied Sweepers Ltd, Falkirk	£103,889.00 (1 vehicle)

NEW FARM LOCH LOCAL OFFICE (Item 14, Page 1298, 03/07)

28. There was submitted a report dated 23 August 2005 (circulated) by the Executive Director of Neighbourhood Services on the performance of New Farm Loch Local Office and which recommended its closure to ensure that budget targets for 2005/06 were met.

Councillor O'Neill, seconded by Councillor Raymond, moved:-

- (i) to approve the closure of New Farm Loch Local Office; and
- (ii) otherwise, to note the contents of the report.

Councillor Weir, seconded by Councillor D Coffey, moved as an amendment that the Local Office be kept open for six months to allow the results of a marketing exercise undertaken by New Farm Loch Community Council to be known.

On a division by a show of hands the motion was carried by 10 votes to 6.

EXCLUSION OF PRESS AND PUBLIC

29. The Committee resolved that under Section 58(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 paragraph 6 of Schedule 7A of the Act as shown against each item.

**LAND ADJACENT LAINSHAW HOUSE, STEWARTON (PARA 9)
(Item 12, Page 1557, 03/07)**

30. There was submitted a joint report dated 16 June 2005 (circulated) by the Executive Director of Neighbourhood Services and Executive Director of Development and Property Services which requested authority to declare surplus land extending to

2.325 acres adjacent to Lainshaw House, Stewarton for the purpose of a disposal to Travis Homes Limited.

It was agreed:-

- (i) to declare surplus 2.325 acres of land adjacent to Lainshaw House, Stewarton surplus to requirements and authorise the disposal of same to Travis Homes Limited;
- (ii) to authorise the Executive Director of Development and Property Services to finalise the negotiations for the sale; and
- (iii) otherwise, to note the contents of the report.

CAPRINGTON GOLF COURSE (PARA 9) (Item 4, Page 2498, 99/03)

- 31.** There was submitted a report dated 23 August 2005 (circulated) by the Executive Director of Neighbourhood Services which sought approval, in principle, for the transfer of the lease for Caprington Golf Course to Caprington Golf Club.

It was agreed:-

- (i) to approve, in principle, the transfer of the lease for Caprington Golf Course to Caprington Golf Club;
- (ii) to note that any approval given is not related to any consideration of the Local Plan Amendment proposal submitted in relation to the Caprington Golf Course Site; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1115 hours.