

**EAST AYRSHIRE COUNCIL****MINUTES OF MEETING HELD ON MONDAY 23 JUNE 2005  
AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

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

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; John Mulgrew, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance; Jackie Donnelly, Executive Head of Social Work; David Mitchell, Head of Administrative and Legal Services; Robert Paton, Head of Economic Development and Property; Chris McAleavey, Head of Housing; Alan Neish, Head of Planning, Development and Building Standards; Jim Kane, Head of Roads and Transportation; Bill Walkinshaw, Administration Manager; Lorna Service, Finance Manager - Financial Accounting and Control; and Julie Armstrong, Assistant Administration Manager.

**APOLOGIES:** Councillors Maureen McKay, Jim O'Neill, John McGhee, Iain Linton, Eric Jackson, Jimmy Kelly and William Crawford.

**CHAIR:** Provost Darnbrough, Chair.

**PROVOST'S REMARKS**

1. The Provost began by referring to her attendance at the Holy Fair in Mauchline on Saturday 28 May and observing that despite the poor weather she was pleased to see so many people participating. The Provost reported that throughout the day it had been estimated that over 5,000 residents and visitors to the town had attended the event. The Provost stated that it had been particularly pleasing to meet the Minister for Culture, Tourism and Sport, Patricia Ferguson; the local MP, Des Browne, who, like Councillor Eric Jackson, had been resplendent in period costume; and the two local MSPs, Cathy Jamieson and Margaret Jamieson .

The Provost then stated that Mauchline Burns Club were to be congratulated for their input to the event and recognised the many long hours of planning that had gone into making the event so successful. The Provost confirmed that the Holy Fair was truly a community event in every way and it had once again placed Mauchline on the tourism map by highlighting the history and heritage of the area and congratulated everyone concerned.

The Provost then referred to her attendance on Saturday 11 June at the event hosted by East, North and South Ayrshire in partnership with the Lord Lieutenant, to commemorate the end of World War II. The event had consisted of a drumhead service followed by a lunch reception for veterans. The Provost stated that the Auchinleck Academy Pipe Band, pupils from Grange Academy, and the Dunaskin Band had supported the event and veterans from the armed services, the uniformed organisations, and other groups such as the Women's Land Army and Bevan Boys

had also been invited to the event. The Provost advised that following a specific request from the Council, all publicity associated with the event had emphasised that the event was for veterans of the Far East campaign as well as the European theatre.

The Provost commented that it had been a privilege to hear the moving personal stories of the veterans who lived through these momentous events and sacrificed so much.

The Provost then referred to Phil Robinson, the Depute Firemaster in Strathclyde Fire and Rescue Service who had been awarded the Queen's Fire Service medal in the Birthday Honours List. The Provost stated that Phil was well known to many, being a Kilmarnock man and that he had also been the Commander of West Command which covered East Ayrshire for a number of years prior to being appointed as Depute Firemaster approximately 18 months ago. The Provost also advised that Phil was retiring from the service after 30 years of service on 30 June and took the opportunity to wish him a long, healthy and happy retirement.

The Provost also referred to the Chief Constable of Strathclyde Police, Willie Rae, who had been knighted in the Birthday Honours List. The Provost stated that Sir Willie had been the Chief Constable in Strathclyde for just over four years and had made a valuable contribution to policing, not only in Strathclyde, but also on a national basis and that it was therefore most appropriate that he had been given this Honour.

The Provost further advised that in the Birthday Honours List, Tom Hunter had also been knighted. The Provost stated that in recent months, through his trust fund, the Hunter Foundation, Sir Tom had supported work in enterprise in education through funding allocations. The Provost expressed her gratitude for his support and looked forward to his continuing support through the personal commitment that he had made to support education focused initiatives benefiting young people and teachers.

In conclusion, the Provost then referred to Mr Willie Sheret from Darvel who had been awarded the MBE for services to show jumping in the Birthday Honours list. The Provost advised that Willie had been a keen horseman from an early age, had received many awards over the years and that being awarded the MBE recognised his devotion to his sport.

Councillor Carmichael joined the meeting during the Provost's remarks and Councillor Weir joined at the conclusion.

## **PROVOST/DEPUTE PROVOST**

### **2.1 ELECTION OF PROVOST/DEPUTE PROVOST**

The Chief Executive invited nominations for Provost.

Councillor Darnbrough was unanimously elected as Provost.

The Provost then invited nominations for Depute Provost.

Councillor Farrell was unanimously elected as Depute Provost.

## **PRESENTATIONS**

### **3.1 PRESENTATION TO RONAN McCUTCHEON, WORLD CHAMPIONSHIP IN IRISH DANCING**

The Provost introduced Ronan McCutcheon, a local Muirkirk lad, who had enjoyed unique success in winning the World Championships in Irish dancing for the fourth successive time.

The Provost, having given the background to the beginning of Ronan's success story, advised that Ronan had competed in and won numerous competitions throughout Scotland, England, Ireland, USA and Australia and had also appeared in dance shows in Ireland and Germany.

The Provost went on to say that his major achievements had included five All Scotland titles, six British National titles, four All Ireland titles and four World Championships and, in addition to this, he had won over 150 other championships and over 800 medals.

The Provost advised that Ronan currently held all five major titles - All Scotland, British Nationals, Great Britain's, All Ireland and World Championship.

The Provost then congratulated Ronan on his marvellous worldwide success and the honour which this success brought to the area.

The Provost then presented Ronan with gifts on behalf of the Council.

### **3.2 PRESENTATION BY HAMISH CORMACK, CHIEF SUPERINTENDENT, STRATHCLYDE POLICE**

The Provost then introduced Chief Superintendent Hamish Cormack, Strathclyde Police to the meeting. The Chief Superintendent was accompanied by Superintendent Elizabeth Weir, Superintendent Carolyn Harper and Donald McIntosh, Police Liaison Officer.

The Chief Superintendent, along with Superintendent Weir then gave a presentation on the Public Performance Report for Strathclyde Police for 2004/05 with a particular emphasis on local crime statistics and performance.

The presentation also gave information on the way forward for Policing in Ayrshire and again, in particular, East Ayrshire. The Chief Superintendent confirmed that Members could contact him or his team with any local issues.

The Provost then thanked Chief Superintendent Hamish Cormack and his colleagues for their attendance and they then left the meeting.

## **PREVIOUS MINUTES**

4. There were submitted (circulated) Minutes of Meeting of Council held on 28 April 2005 (pages 1445-1450) and Special Meeting of Council held on 9 May 2005 (pages 1471-1472) which were approved as correct records (with the exception of Item 1, Page 1440, 03/07 of the Special meeting of the Housing Committee of 20 April, which had already been dealt with by Council at its meeting on 28 April 2005, Item 4, Page 1448, 03/07).

## COMMITTEE MINUTES

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

**5.1 SPECIAL HOUSING COMMITTEE OF 20 APRIL 2005 (pages 1440-1442).**

**MATTER ARISING - HOUSING STOCK OPTION APPRAISAL (Item 1, Page 1440, 03/07)**

A motion by Councillor W Coffey, seconded by Councillor Reid, to reconsider the issue of the accuracy of the Minutes, in terms of Standing Order 40, was, on a division by a show of hands, defeated by 17 votes to 7 and accordingly failed to receive the requisite support of two thirds of the Members voting.

**5.2 SOUTHERN LOCAL PLANNING COMMITTEE OF 22 APRIL 2005 (pages 1443-1444).**

**5.3 SPECIAL CUMNOCK AREA LOCAL COMMITTEE OF 28 APRIL 2005 (pages 1451-1457).**

Councillor N McGhee left the meeting at this point.

**5.4 DEVELOPMENT SERVICES COMMITTEE OF 3 MAY 2005 (pages 1458-1465).**

**5.5 NORTHERN AREA LOCAL COMMITTEE OF 4 MAY 2005 (pages 1466-1470).**

**5.6 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 10 MAY 2005 (pages 1473-1477).**

**5.7 LOCAL GOVERNMENT LICENSING PANEL OF 12 MAY 2005 (pages 1478-1479).**

**5.8 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 13 MAY 2005 (pages 1480-1482).**

**5.9 DOON VALLEY LOCAL COMMITTEE OF 17 MAY 2005 (pages 1483-1486).**

**5.10 HOUSING COMMITTEE OF 18 MAY 2005 (pages 1487-1492).**

**MATTER ARISING - ALLOCATION POLICY (Item 7, Page 1488, 03/07)**

It was agreed that prior to any decision on implementation there be fuller consultation with Elected Members and with Local Committees and that it be remitted to the Executive Director of Neighbourhood Services to carry out the necessary consultation and report back to an appropriate meeting of the Housing Committee.

**5.11 KILMARNOCK SOUTH LOCAL COMMITTEE OF 18 MAY 2005 (pages 1493-1496).**

**5.12 SOCIAL WORK COMMITTEE OF 19 MAY 2005 (pages 1497-1500).**

**5.13 CUMNOCK AREA LOCAL COMMITTEE OF 19 MAY 2005 (pages 1501-1503).**

**5.14 SOUTHERN LOCAL PLANNING COMMITTEE OF 20 MAY 2005 (pages 1504-1507).**

**5.15 EDUCATION COMMITTEE OF 24 MAY 2005 (pages 1508-1514).**

**5.16 KILMARNOCK NORTH LOCAL COMMITTEE OF 24 MAY 2005 (pages 1515-1518).**

**5.17 COMMUNITY SERVICES COMMITTEE OF 25 MAY 2005 (pages 1519-1522).**

- 5.18 IRVINE VALLEY LOCAL COMMITTEE OF 25 MAY 2005 (pages 1523-1526).**
- 5.19 SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE OF 27 MAY 2005 (pages 1527-1529).**

- 5.20 POLICY AND RESOURCES COMMITTEE OF 31 MAY 2005 (pages 1530-1541).**

**MATTER ARISING - REGENERATION OUTCOME AGREEMENT AND FUTURE DECISION MAKING ARRANGEMENTS (Item 16, Page 1534, 03/07)**

Councillor McIntyre, seconded by Councillor Reeves, moved, both as a correct record and in respect of the recommendations contained therein, the Minute.

Councillor W Coffey, seconded by Councillor D Coffey, moved as an amendment that the composition of the East Ayrshire Community Planning Partnership Board be extended to provide for a Member of the Opposition Group to be included within the Council's representation.

On a division by a show of hands, the motion was carried by 16 votes to 8.

- 5.21 DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 31 MAY 2005 (pages 1542-1543).**

- 5.22 CENTRAL LOCAL PLANNING COMMITTEE OF 3 JUNE 2005 (pages 1544-1545).**

- 5.23 CORPORATE GOVERNANCE COMMITTEE OF 9 JUNE 2005 (pages 1546-1552).**

**REMIT FROM COMMITTEE - EMPLOYEE RECOGNITION EVENT (Item 9, Page 1548, 03/07)**

It was agreed to appoint Councillors Finlayson, Crawford and McDill to judge nominations for the awards.

- 5.24 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 10 JUNE 2005 (pages 1553-1557).**

**APPOINTMENT OF LEADER OF THE COUNCIL, DEPUTE LEADER  
AND CHAIRS AND VICE-CHAIRS**

6. There was submitted a report dated 13 June 2005 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which requested Council to consider the appointment of the Leader of the Council, Depute Leader of the Council and Chairs and Vice-Chairs of the Committees and Sub-Committees etc as detailed in the Appendix to the report.

Councillor Farrell, seconded by Councillor Menzies, moved the following appointments, viz:-

**Leader/Depute Leader**

Leader

A McIntyre

Depute Leader

J Knapp

**Chairs/Vice-Chairs of Committees/Sub-Committees etc**

**Policy and Resources**

A McIntyre (Chair)

B Reeves (Vice-Chair)

Members' Services and Civic Ceremonial

A McIntyre (Chair)

**Corporate Governance**

Appeals Sub

J Knapp (Chair)  
 W Crawford (Vice-Chair)  
 T Farrell and W Crawford  
 as the two other potential  
 Chairs

**Community Services**

J O'Neill (Chair)  
 J Raymond (Vice-Chair)

**Development Services and Planning**

E Ross (Chair)  
 G Smith (Vice-Chair)

**Education**

Education (Appeals) Sub

T Farrell (Chair)  
 E Stewart (Vice-Chair)

Education (Joint Appeals and Bursaries) Sub

J Knapp (Chair)

**Housing**

E Stewart (Chair)

Appeals Sub

J Kelly (Chair)  
 G Cree (Vice-Chair)

**Social Work**

G Cree (Chair)

E Jackson (Chair)  
 R Murray (Vice-Chair)

**Emergency Powers**

A McIntyre (Chair)  
 B Reeves (Vice-Chair)

**Local Committees**

Irvine Valley

I Macrae (Chair)  
 S Finlayson (Vice-Chair)

Doon Valley

E Stewart (Chair)  
 E Dinwoodie (Vice-Chair)

Cumnock Area

J Carmichael (Chair)  
 W Crawford (Vice-Chair)

Northern Area

J McGhee (Chair)  
 J O'Neill (Vice-Chair)

Kilmarnock North

A McIntyre (Chair)

Kilmarnock Central

B Reeves (Chair)  
 G Cree (Vice-Chair)

Kilmarnock South

R Murray (Chair)  
 J Knapp (Vice-Chair)

**Local Planning Committees**

Northern Area

M McKay (Chair)  
 S Finlayson (Vice-Chair)

Central

G Cree (Chair)  
 J Knapp (Vice-Chair)

Southern

N McGhee (Chair)  
J Kelly (Vice-Chair)

**Local Government Licensing Panel**

J Raymond (Chair)

**Social Inclusion and Equal Opportunity**

W Menzies (Chair)

Councillor Reid, seconded by Councillor Wilson moved as an amendment the following appointments, viz:-

**Leader/Depute Leader**

Leader

D Reid

Depute Leader

D Coffey

**Policy and Resources**

D Reid (Chair)  
D Coffey (Vice-Chair)

Members' Services and Civic Ceremonial

Provost (Chair)

**Corporate Governance**

D Coffey (Chair)  
D Reid (Vice-Chair)

**Community Services**

H Wilson (Chair)  
I Linton (Vice-Chair)

**Development Services and Planning**

R McDill (Chair)  
D Coffey (Vice-Chair)

**Education**

I Linton (Chair)  
W Coffey (Vice-Chair)

Education (Appeals) Sub

I Linton (Chair)

Education (Joint Appeals and Bursaries) Sub

I Linton (Chair)

**Housing**

W Coffey (Chair)  
D Reid (Vice-Chair)

Appeals Sub

W Coffey (Chair)

**Social Work**

J Weir (Chair)  
H Wilson (Vice-Chair)

**Emergency Powers**

D Reid (Chair)  
D Coffey (Vice-Chair)

**Local Committees**

Irvine Valley

R McDill (Chair)  
H Wilson (Vice-Chair)

Kilmarnock North

W Coffey (Chair)  
J Weir (Vice-Chair)

Kilmarnock Central

J Campbell (Chair)  
I Linton (Vice-Chair)

**Local Planning Committees**

Northern Area

H Wilson (Chair)  
R McDill (Vice-Chair)

Central

D Coffey (Chair)  
J Campbell (Vice-Chair)**Local Government Licensing Panel**

J Campbell (Chair)

**Social Inclusion and Equal Opportunity**

W Coffey (Chair)

Provost Darnbrough declined the nomination to the post of Chair of the Members' Services and Civic Ceremonial Sub-Committee.

On a division by a show of hands the motion was carried by 16 votes to 8.

Councillor Carmichael left the meeting at this point.

**APPOINTMENTS TO EAST AYRSHIRE COMMUNITY HEALTH PARTNERSHIP  
SUB-COMMITTEE (Item 15, page 1261, 03/07)**

7. There was submitted a report dated 16 June 2005 (circulated) by the Chief Executive which sought nominations for three representatives of the Council to sit on the East Ayrshire Community Health Partnership (CHP) Sub-Committee.

Councillor Farrell, seconded by Councillor McIntyre, moved:

- (i) to nominate the Chair of the Social Work Committee and the Chair of the Community Services Committee to serve on the CHP Sub-Committee; and
- (ii) if the CHP decided that substitute Members were allowed, that the Vice-Chairs of the Social Work and Community Services Committees be nominated.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment that one of the representatives and one of the substitute members be nominated from the Opposition Group.

On a division by a show of hands the motion was carried by 15 votes to 8.

It was otherwise agreed:

- (i) to endorse the proposal to nominate the Executive Head of Social Work as Officer representative for East Ayrshire Council; and
- (ii) otherwise, to note the contents of the report.

**FINANCIAL STATEMENTS 2004/05**

8. There was submitted a report dated 14 June 2005 (circulated) by the Executive Head of Finance which submitted the draft Financial Statements for the year ended 31 March 2005 to the Council and sought approval to forward them to the Controller of Audit.

It was agreed, subject to the minor text amendments circulated at the meeting:

- (i) to transfer £0.344m from the Housing Revenue Account to the Renewals and Repairs Fund;

- (ii) to transfer from 2004/05 £0.390m from Trading Operations to the Renewals and Repairs Fund and to release £0.118m from the Renewal and Repairs Fund to Outdoor Amenity Repairs in 2005/06;
- (iii) to transfer £2.488m to the Capital Fund as indicated in paragraph 5.2.1 of the report;
- (iv) to approve the Annual Accounts for 2004/05 accordingly and that they be forwarded to the Controller of Audit; and
- (v) otherwise, to note the contents of the report.

#### **STATUTORY PERFORMANCE INDICATORS 2004/05**

9. There was submitted a report dated 13 June 2005 (circulated) by the Chief Executive which submitted the draft Statutory Performance Indicators for 2004/05 and which sought agreement to forward these for audit to the Council's External Auditor in line with established practice.

It was agreed:

- (i) to note the draft Performance Information submitted by Departments as contained within the Appendix to the report;
- (ii) to submit the draft Performance Information to the Council's External Auditor;
- (iii) to note that following the audit of the Performance Information further reports would be submitted by Directors to the respective Service Committees; and
- (iv) otherwise, to note the contents of the report.

#### **ANTISOCIAL BEHAVIOUR ETC (SCOTLAND) ACT 2004 - NOISE NUISANCE RESOLUTION (Item 8, Page 1242, 03/07)**

10. There was submitted a report dated 27 April 2005 (circulated) by the Executive Director of Neighbourhood Services to consider approval of a Resolution implementing the arrangements for noise control in terms of Part 5 of the AntiSocial Behaviour Etc (Scotland) Act 2004.

It was agreed:

- (i) to approve the terms of the Resolution as shown in the Appendix to these Minutes permitting the use of the powers under Part 5 of the AntiSocial Behaviour Etc (Scotland) Act 2004;
- (ii) that the Executive Director of Neighbourhood Services make appropriate arrangements for the publication of the Resolution; and
- (iii) otherwise, to note the contents of the report.

#### **ST JOSEPH'S ACADEMY (CUMNOCK CAMPUS) - DECLARATION OF SURPLUS GROUND (Item 1, Page 857, 03/07)**

11. There was submitted a report dated 14 June 2005 (circulated) by the Executive Director of Educational and Social Services which sought approval for the declaration of the Cumnock Campus of St Joseph's Academy surplus to Educational requirements and which sought funding to demolish the existing school buildings on the Campus.

Having heard the Executive Director of Educational and Social Services in further explanation, it was agreed:

- (i) to declare the Cumnock Campus of St Joseph's Academy surplus to Educational requirements;
- (ii) to approve the utilisation of the Capital Fund to facilitate the demolition of the property as the resulting enhanced receipt would be credited to the Fund;
- (iii) to approve the funding to ensure demolition of the existing buildings could take place as soon as possible; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1215 hrs.

**APPENDIX****EAST AYRSHIRE COUNCIL NOISE NUISANCE RESOLUTION 2005**

East Ayrshire Council, a Local Authority constituted in terms of the Local Government Etc (Scotland) Act 1994, in accordance with the provisions of Section 41 of the Antisocial Behaviour Etc (Scotland) Act 2004 (hereinafter referred to as "the Act") hereby make the following Resolution:

1. Sections 43 to 47 inclusive of the Act (the "noise control provisions") shall have effect throughout the East Ayrshire area.
2. The commencement date on and after which the noise control provisions shall have effect in the East Ayrshire area is 1 September 2005.
3. The periods of the week during which noise is to be controlled by virtue of the noise control provisions is:  
Monday to Thursday 0900 hrs to 1700 hrs  
Friday 0900 hrs to 1600 hrs  
Thursday to Sunday 2000 hrs to 2400 hrs  
Friday to Monday 0000 hrs to 0400 hrs  
except for the period from 2000 hrs on 24 December to 0400 hrs on 27 December and from 2000 hrs on 31 December to 0400 hrs on 3 January.
4. This Resolution may be cited as the East Ayrshire Council Noise Nuisance Resolution 2005.