

**EAST AYRSHIRE COUNCIL****MINUTES OF MEETING HELD ON THURSDAY 24 JUNE 2004 AT 1000 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Provost Jane Darnbrough and Councillors Maureen McKay, Jim O'Neill, Brian Reeves, Daniel Coffey, Willie Coffey, John Weir, Drew McIntyre, Isabel Macrae, Harry Wilson, Iain Linton, John Campbell, Ray Murray, John Knapp, Jim Raymond, Stuart Finlayson, Eric Jackson, Jimmy Kelly, Tommy Farrell, William Menzies, Neil McGhee, Eric Ross, Elaine Dinwoodie, Elaine Stewart and Jimmy Carmichael.

**ATTENDING:** Fiona Lees, Chief Executive; James Lavery, Executive Director of Development and Property Services; John Mulgrew, Executive Director of Educational and Social Services; David Mitchell, Acting Executive Director of Corporate Support; Alex McPhee, Executive Head of Finance; Chris McAleavey, Head of Housing; Jackie Donnelly, Executive Head of Social Work; John Griffiths, Head of Leisure; Bill Walkinshaw, Administration Manager; Julie Armstrong, Assistant Administration Manager; and Julie Haig, Public Relations Officer.

**ALSO ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support Designate.

**APOLOGIES:** Councillors John McGhee, Stephanie Young, Douglas Reid, Gordon Cree, Robert McDill, George Smith and William Crawford.

**CHAIR:** Provost Darnbrough, Chair.

**PROVOST'S REMARKS**

Provost Darnbrough began by acknowledging the achievement by the Council at the CoSLA Excellence Awards 2004. In partnership with North and South Ayrshire Councils and NHS Ayrshire and Arran, the "Fit Ayrshire Babies" project had been awarded the Scottish Executive Award for Delivering Excellence, the award being presented by Tavish Scott MSP.

The Provost stated that the "Fit Ayrshire Babies" project had been created in conjunction with Ayrshire and Arran Health Board to enable parents and carers to increase the opportunity to engage in and be aware of the benefits of exercise, active play and social interaction with their children.

The Provost commented that with so much national media attention drawn to the problem of child obesity recently, this project had shown East Ayrshire Council to be at the forefront in tackling this problem and helping to improve the situation at a local level.

The Provost congratulated Janie Allan and her team in the Department of Educational and Social Services on this recognition of their work.

The Provost then commented that the latest set of Honours presented to mark Her Majesty's birthday had included recognition for Colin MacLean, Head Teacher at Auchinleck Academy.

Colin MacLean had been given a CBE for services to education in recognition of his seven and a half years at the helm of the Academy during which time the students

performance levels had improved dramatically and the whole school had turned around to become one of the best in East Ayrshire.

The Provost then referred to other awards which had an Ayrshire connection, namely Grace Moore, Director of Health Improvement at Ayrshire and Arran Health Board who had been given an MBE for services to healthcare; and George Thorley who had received an OBE for services to Local Government.

The Provost then reported on the death of Alex McGuire, Chair of the Strathclyde Fire Board. The Provost stated that Alex had been diagnosed with cancer over a year ago and passed away on Sunday 13 June. The Provost further stated that as a firefighter for 30 years, he became a Councillor for the Bothwell South Ward in South Lanarkshire after retiring from the Force and was a founding member of the Strathclyde Fire Board, becoming its Convener 12 months ago. Alex's funeral service was held last Saturday and the Provost expressed that her thoughts and sympathies were with his wife and children at this sad time.

The Provost then commented on the two recent visits which had taken place through town twinning. The Provost first referred to the delegation from Joué-Lés-Tours which had consisted of Mayor Le Breton, Mr Gerard, Depute for Sport, General Business and Twinning, Mr Dumont, Director of Cultural Development and Mr Estienne, Highways Engineer, who had come to visit East Ayrshire during the last weekend in May. The Provost advised that the programme of visits and events had stretched across the whole of East Ayrshire and although the weekend had been busy it had been a very successful and enjoyable weekend for all involved.

The Provost then commented on the delegation from East Ayrshire Council who had visited Kulmbach between 17 and 20 June, the delegation comprising herself and her husband, Councillor McDill and his wife, the Chief Executive, the Council Officer and a member of the East Ayrshire Town Twinning Association.

The Provost stated that the weekend had been very good and a learning process for the delegates on the issues which the Kulmbach authority had to deal with within their area.

The Provost then welcomed Elizabeth Morton, the new Depute Chief Executive/Director of Corporate Support to the meeting. The Provost stated that she looked forward to working with her and invited her to say a few words.

Ms Morton then responded in appropriate terms.

## **PROVOST/DEPUTE PROVOST**

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

The Provost invited nominations for Provost and Depute Provost.

Councillor Darnbrough and Councillor Farrell were unanimously elected as Provost and Depute Provost respectively.

## **PREVIOUS MINUTES**

3. There were submitted (circulated) Minutes of Meeting of Council held on 29 April 2004 which were approved as a correct record (pages 723-727).

## **COMMITTEE MINUTES**

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

- 4.1 **SPECIAL HOUSING COMMITTEE OF 21 APRIL 2004 (pages 717-718)**
- 4.2 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 23 APRIL 2004 (pages 719-722)**
- 4.3 **SPECIAL CUMNOCK AREA LOCAL COMMITTEE OF 29 APRIL 2004 (pages 728-735)**
- 4.4 **DEVELOPMENT SERVICES COMMITTEE OF 4 MAY 2004 (pages 736-743)**
- 4.5 **DEVELOPMENT SERVICES COMMITTEE SITTING AS A PLANNING COMMITTEE OF 4 MAY 2004 (pages 744-746)**
- 4.6 **SPECIAL EDUCATION COMMITTEE OF 6 MAY 2004 (pages 747-748)**
- 4.7 **NORTHERN AREA LOCAL COMMITTEE OF 6 MAY 2004 (pages 749-753)**
- 4.8 **CENTRAL LOCAL PLANNING COMMITTEE OF 7 MAY 2004 (pages 754-758)**
- 4.9 **SOUTHERN LOCAL PLANNING COMMITTEE OF 7 MAY 2004 (pages 759-761)**
- 4.10 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 11 MAY 2004 (pages 762-766)**
- 4.11 **DOON VALLEY LOCAL COMMITTEE OF 18 MAY 2004 (pages 767-769)**
- 4.12 **HOUSING COMMITTEE OF 19 MAY 2004 (pages 770-774)**
- 4.13 **KILMARNOCK SOUTH LOCAL COMMITTEE OF 19 MAY 2004 (pages 775-777)**
- 4.14 **SOCIAL WORK COMMITTEE OF 20 MAY 2004 (pages 778-783)**
- 4.15 **EMERGENCY POWERS COMMITTEE OF 20 MAY 2004 (pages 784-785)**
- 4.16 **CUMNOCK AREA LOCAL COMMITTEE OF 20 MAY 2004 (pages 786-788)**
- 4.17 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 21 MAY 2004 (pages 789-792)**
- 4.18 **EDUCATION COMMITTEE OF 25 MAY 2004 (pages 793-799)**

### **MATTERS ARISING - COMMUNITY FACILITIES (Item 19, Page 798, 03/07)**

A motion by Councillor D Coffey, seconded by Councillor W Coffey, to reconsider this matter in terms of Standing Order 40 was, on a division by a show of hands, defeated by 19 votes to 6, and accordingly failed to receive the requisite support of two-thirds of the Members voting.

- 4.19 **KILMARNOCK NORTH LOCAL COMMITTEE OF 25 MAY 2004 (pages 800-803)**

- 4.20 **COMMUNITY SERVICES COMMITTEE OF 26 MAY 2004 (pages 804-810)**

### **REMIT FROM COMMITTEE - REVIEW OF GOLF COURSE AND BOWLING GREEN FACILITIES (Item 10, Page 807, 03/07)**

It was agreed to appoint five members to the Member/Officer Working Group to review the Council's golf course and bowling green facilities (four from

Administration, one Opposition), Members being Chair and Vice-Chair of the Community Services Committee and Councillors Cree, Dinwoodie and Linton.

**4.21 IRVINE VALLEY LOCAL COMMITTEE OF 26 MAY 2004 (pages 811-813)**

**4.22 SOUTHERN LOCAL PLANNING COMMITTEE OF 28 MAY 2004 (pages 814-817)**

**4.23 CORPORATE GOVERNANCE COMMITTEE OF 1 JUNE 2004 (pages 818-833)**

**MATTERS ARISING - BEST VALUE SERVICE REVIEW (Item 4, Page 819)**

It was agreed to note that the word "cost-cutting" at paragraph (iii) should read "cross-cutting".

**4.24 CENTRAL LOCAL PLANNING COMMITTEE OF 4 JUNE 2004 (pages 834-835)**

**4.25 POLICY AND RESOURCES COMMITTEE OF 10 JUNE 2004 (pages 836-845)**

**MATTERS ARISING - AWARDING OF CONTRACT (Item 6, Page 837)**

It was agreed that the Minute be amended to show that the successful contractor for Lot 1 should read "Stirling Park, Kilmarnock" and the successful contractor for Lot 2 should read "George Walker & Co, Glasgow".

**CHANGE TO APPOINTMENTS OF COMMITTEES/SUB-COMMITTEES/  
OUTSIDE BODIES**

5. Following a request received from the Labour Group, the following changes to appointments to Committees, Sub-Committees and outside bodies were agreed, viz:-

Policy and Resources Committee - Cllr Macrae to replace Cllr McKay  
 Corporate Governance Committee - Cllr Murray to replace Cllr McKay  
 Education (Appeals) Sub-Committee- Cllr Neil McGhee to replace Cllr McKay  
 Housing Committee - Cllr Dinwoodie to replace Cllr McKay  
 Housing (Appeals) Sub-Committee - Cllr Dinwoodie to replace Cllr McKay  
 Ethnic Minorities Forum - Cllr Macrae to replace Cllr McKay  
 Archibald Taylor Fund - Cllr O'Neill to replace Cllr McKay  
 Robert Cummings Bequest - Cllr Cree to replace Cllr McKay  
 Matthew Cochrane Bequest - Cllr O'Neill to replace Cllr McKay

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

5. There was submitted a report dated 12 May 2004 (circulated) by the Acting 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.

**Leader/Depute Leader**

It was unanimously agreed that Councillor McIntyre be appointed as Leader of the Council and that Councillor Knapp be appointed as Depute Leader of the Council.

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

Councillor Kelly, seconded by Councillor O'Neill, moved the following appointments, viz:-

**Policy and Resources**

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

Members' Services and Civic Ceremonial

A McIntyre (Chair)

**Corporate Governance**

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

Appeals Sub

T Farrell and W Crawford as  
the two other potential Chairs

**Community Services**

J Carmichael (Chair)  
J Raymond (Vice-Chair)

**Development Services and Planning**

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

**Education**

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

Education (Appeals) Sub

J Knapp (Chair)

Education (Joint Appeals and Bursaries) Sub

E Stewart (Chair)

**Housing**

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

Appeals Sub

G Cree (Chair)

**Social Work**

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

W Menzies (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)
<b>Local Government Licensing Panel</b>	J Raymond (Chair)
<b>Social Inclusion and Equal Opportunity</b>	W Menzies (Chair)

Councillor W Coffey, seconded by Councillor D Coffey, moved as an amendment the following appointments, viz:-

Members' Services and Civic Ceremonial Sub Kilmarnock North	Provost ( <u>ex officio</u> ) (Chair) W Coffey (Chair) J Weir (Vice-Chair)
Kilmarnock Central	D Reid (Chair) I Linton (Vice-Chair)
Central Local Planning	D Coffey (Chair) D Reid (Vice-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 19 votes to 6.

#### **ABSTRACT OF ACCOUNTS 2003/04**

6. There was submitted a report dated 11 June 2004 (circulated) by the Executive Head of Finance which submitted the Annual Accounts for 2003/04 to the Council and which sought approval to forward them to the Controller of Audit.

Councillor D Coffey, seconded by Councillor W Coffey, moved:

- (i) to approve the textual changes to the Scheme of Delegation and Administration indicated in paragraph 4.5 of the report;
- (ii) to approve the transfer of £0.215m from the Housing Revenue Account to the Renewals and Repairs Fund;
- (iii) to approve the transfer of £0.258m from Trading Operations to the Renewals and Repairs Fund;
- (iv) to approve the transfer of £1.258m to the Capital Fund indicated at paragraph 5.2.1 of the report;
- (v) not to approve the application of the Capital Fund to the Building Learning Communities PPP Project as set out in paragraph 5.2 of the report;
- (vi) to otherwise approve the Annual Accounts for 2003/04 accordingly and instruct that they be forwarded to the Controller of Audit; and
- (vii) otherwise to note the content of the report.

Provost Darnbrough, seconded by Depute Provost Farrell, moved as an amendment:

- (i) to approve the textual changes to the Scheme of Delegation and Administration indicated in paragraph 4.5 of the report;
- (ii) to approve the transfer of £0.215m from the Housing Revenue Account to the Renewals and Repairs Fund;
- (iii) to approve the transfer of £0.258m from Trading Operations to the Renewals and Repairs Fund;
- (iv) to approve the transfer of £1.258m to the Capital Fund indicated at paragraph 5.2.1 of the report;
- (v) to approve the application of the Capital Fund to the Building Learning Communities PPP Project as set out in paragraph 5.2 of the report;
- (vi) to approve the Annual Accounts for 2003/04 accordingly and instruct that they be forwarded to the Controller of Audit; and
- (vii) otherwise to note the content of the report.

On a division by a show of hands the amendment was carried by 19 votes to 6.

#### **STATUTORY PERFORMANCE INDICATORS 2003/04**

7. There was submitted a report dated 15 June 2004 (circulated) by the Chief Executive which submitted the draft Statutory Performance Indicators for 2003/04 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 their respective Services Committees; and
- (iv) otherwise to note the contents of the report.

#### **CONSULTATION RESPONSE ON THE REVIEW OF SUMMARY JUSTICE (Item 10, Page 450, 03/07)**

8. There was submitted a report dated 16 June 2004 (circulated) by the Head of Administrative and Legal Services which advised the Council of the proposed consultation response on the report of the Summary Justice Review Committee and which sought approval for its submission to the Scottish Executive.

It was agreed:

- (i) to the terms of the proposed consultation response as set out in the Appendix to the report; and
- (ii) that it be remitted to the Head of Administrative and Legal Services to advise the Scottish Executive of the Council's views as appropriate.

**SCOTTISH ACCIDENT PREVENTION COUNCIL - 55<sup>TH</sup> ANNUAL CONFERENCE:  
CRIEFF HYDRO, 13-14 SEPTEMBER 2004**

9. There was submitted a report dated 16 June 2004 (circulated) by the Executive Director of Neighbourhood Services which invited the Council to consider an invitation to be represented at the 55<sup>th</sup> Annual Conference of the Scottish Accident Prevention Council to be held in Crieff Hydro on 13-14 September 2004.

It was agreed to authorise attendance at the above Conference by one Member of the Administration, if available, the name to be notified to the Chief Executive as soon as possible.

**MOTION BY COUNCILLOR McINTYRE**

10. Councillor McIntyre, seconded by Councillor Knapp, in formally moving his motion in accordance with Standing Order 7.2, also requested Council's agreement to amend his motion following the Scottish Parliament's approval of Part 1 of the Local Governance Bill which had rendered elements of his motion, as originally submitted, no longer competent and that the motion now read as follows:

"Following the decision of the Scottish Parliament to proceed with the Local Governance Bill, despite calls from CoSLA to delay consideration and implementation of Part 1 of the Bill until the independent Commission established by the Secretary of State for Scotland reports back to the UK Parliament, Council notes the passing of the Local Governance Bill, believes that it will do nothing to enhance the democratic connection between Councillors and their constituents and does not provide a fair voting system in the best interest of our constituents, and instructs the Chief Executive to bring forward reports on the impact of the Bill on East Ayrshire Council at appropriate times".

Councillor W Coffey, seconded by Councillor D Coffey, moved as an amendment that the Council do not agree to the amendment of the formal motion as originally submitted by Councillor McIntyre.

On a division by a show of hand the motion to obtain Council's agreement to amend the original formal motion was carried by 19 votes to 6.

Councillor McIntyre, seconded by Councillor Knapp, then formally moved the amended motion as shown above.

Councillor D Coffey, seconded by Councillor W Coffey, moved as an amendment against the amended motion.

On a division by a show of hands, the motion was carried by 19 votes to 6.

**MOTION BY COUNCILLOR REID**

11. The motion by Councillor Reid, as specified in the Agenda was withdrawn.

**EXCLUSION OF PRESS AND PUBLIC**

12. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 9 of Schedule 7A of the Act.

**GROUND AT RUNNELLS ROAD, AUCHINLECK (Item 21, Page 842, 03/07)**

13. There was submitted a joint report dated 15 June 2004 (circulated) by the Executive Director of Neighbourhood Services and Executive Director of Development and Property Services which requested that Council declare land extending to 0.32 hectares (0.8 acres) or thereby at Runnells Road, Auchinleck forming the site of the Marie Curie Field of Hope (shown cross-hatched on the plan attached to the report) surplus to requirements for inclusion within a wider development site comprising Council-owned land and land owned by an adjoining proprietor to be jointly marketed for sale.

It was agreed:

- (i) to declare the former site of the Marie Curie Field of Hope at Runnells Road, Auchinleck surplus to requirements whilst noting that a suitable alternative site for the Field of Hope had been identified and would now be developed;
- (ii) to remit the former site to the Executive Director of Development and Property Services for inclusion in the wider development site to be jointly marketed in accordance with the authority granted by the Policy and Resources Committee of 10 June 2004; and
- (iii) otherwise to note the contents of the report.

The meeting terminated at 1135 hrs.