

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 22 JUNE 2006 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, Stephanie Young, Brian Reeves, Helen Coffey, 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, William Menzies, Neil McGhee, William Crawford, Eric Ross, Elaine Dinwoodie 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; Jackie Donnelly, Executive Head of Social Work; David Mitchell, Head of Administrative and Legal Services; Joe McLachlan, Corporate Accounting Manager; Julie Jamieson, Chief Accountant; Tamara McQuade, Solicitor, PPP Unit; and Julie McGarry, Assistant Administration Manager.

APOLOGIES: Provost Jane Darnbrough and Councillors Jimmy Kelly and Elaine Stewart.

CHAIR: Depute Provost Farrell, Chair.

PROVOST/DEPUTE PROVOST**1.1 ELECTION OF PROVOST/DEPUTE PROVOST**

The Chief Executive invited nominations for Provost.

Councillor Darnbrough was unanimously elected as Provost.

The Chief Executive then invited nominations for Depute Provost.

Councillor Farrell was unanimously elected as Depute Provost.

Depute Provost Farrell then wished Provost Darnbrough a speedy recovery on her recent illness and informed Members that the Chief Executive had delivered flowers to her on behalf of the Council.

1.2 DEPUTE PROVOST'S REMARKS

The Depute Provost referred to Mr Billy Smith who had been awarded an MBE in the recent Birthday Honours List.

The Depute Provost informed that Billy was the Head Janitor at Cumnock Academy, a post which he had held for over 20 years. The Depute Provost stated that Billy made a huge contribution to the caring ethos of the school and greatly deserved this award.

The Depute Provost continued by informing that also receiving awards in the Honours List were Major Richard Henderson, Lord Lieutenant of Ayrshire and Arran,

who had been awarded the Royal Victoria Order, and Professor George Irving, Chair of NHS Board Ayrshire and Arran, who had been awarded a CBE.

The Depute Provost then welcomed Naima El Abdouni who was a French exchange student undertaking a work placement within the Administrative and Legal Services Section for the past six weeks. As it was Naima's last day today, the Depute Provost, on behalf of the Council, wished her well with her studies and hoped that she had enjoyed her time here at East Ayrshire.

LOCAL GOVERNMENT ELECTION - EAST AYRSHIRE COUNCIL WARD 6 - 18 MAY 2006

2. There was submitted and noted a report dated 19 May 2006 (circulated) by the Chief Executive which submitted, for information, the election results in respect of the Local Government Election for Ward 6 of East Ayrshire Council held on 18 May 2006 as shown in the Appendix to these Minutes.

Depute Provost Farrell then welcomed Councillor Helen Coffey to her first meeting of full Council.

PRESENTATION TO AUCHINLECK ACADEMY'S UNDER 16s FOOTBALL SQUAD

3. The Depute Provost welcomed Auchinleck Academy's Under 16 Football Squad, who had recently won the Scottish Cup, the first occasion in 36 years of participation.

The Depute Provost advised that the final was played on Friday 12 May at Hannah Park, Shotts, where the team played seven games in total to win the Cup defeating Lasswade High School on penalties in the final after a 0-0 draw.

The Depute Provost advised that the squad had been together for four years and that this was a fantastic achievement for them. The Depute Provost then congratulated the Captain, Stuart Dalziel, and Graham Kidd, Team Coach and, most importantly, all the team players for their dedication and hard work which had led to this achievement.

The Depute Provost continued by stating that Auchinleck Academy had continued their winning streak with the girls badminton team achieving fourth place in the International Schools Badminton Championships in France where they performed tremendously well and although they did not win the Tournament, they were awarded the Fair Play Trophy.

The Depute Provost also advised that the town itself had recently been celebrating as winners of the Scottish Junior Cup.

The Depute Provost then congratulated everyone for the incredible success over the past few months and wished the squad present today all the very best for the future and hoped that they would continue to achieve this level of success.

The Depute Provost then presented the Captain, Team Coach and the squad with a gift on behalf of the Council.

PREVIOUS MINUTES

4. There were submitted (circulated), Minutes of Meeting of Council held on 27 April 2006 (pages 2153-2159).

MATTER ARISING - BUILDING LEARNING COMMUNITIES - SCHOOLS PPP PROJECT (Item 12, Page 2158, 03/07)

It was agreed that the Minute be amended, for expansion and clarification purposes, as follows:-

At (ii) substitute -

“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.”

At (iv) add at the end:-

“and to authorise the Executive Head of Finance to execute all related documentation on behalf of the Council.”

Add a new (vii) as follows:-

“To authorise the Chief Executive to issue a letter of authority confirming the decisions taken at (ii) to (vi) above.”

Thereafter renumber the existing (vii) as (viii).

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 Committee meetings, viz:-
 - 5.1 **SPECIAL SOCIAL WORK COMMITTEE OF 20 APRIL 2006 (pages 2141-2142).**
 - 5.2 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 21 APRIL 2006 (pages 2143-2147).**
 - 5.3 **SPECIAL CUMNOCK AREA LOCAL COMMITTEE OF 26 APRIL 2006 (pages 2148-2152).**
 - 5.4 **SOUTHERN LOCAL PLANNING COMMITTEE OF 28 APRIL 2006 (pages 2160-2165).**
Councillor Linton joined the meeting at this point.
 - 5.5 **DEVELOPMENT SERVICES COMMITTEE OF 2 MAY 2006 (pages 2166-2173).**
 - 5.6 **DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 2 MAY 2006 (pages 2174-2175).**
 - 5.7 **NORTHERN AREA LOCAL COMMITTEE OF 4 MAY 2006 (pages 2176-2181).**
 - 5.8 **CENTRAL LOCAL PLANNING COMMITTEE OF 5 MAY 2006 (pages 2182-2184).**
 - 5.9 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 9 MAY 2006 (pages 2185-2189).**
 - 5.10 **SPECIAL CORPORATE GOVERNANCE COMMITTEE OF 11 MAY 2006 (pages 2190-2191).**
 - 5.11 **LOCAL GOVERNMENT LICENSING PANEL OF 11 MAY 2006 (pages 2192-2193).**

- 5.12 DOON VALLEY LOCAL COMMITTEE OF 16 MAY 2006 (pages 2194-2198).
- 5.13 HOUSING COMMITTEE OF 17 MAY 2006 (pages 2199-2207).
- 5.14 KILMARNOCK SOUTH LOCAL COMMITTEE OF 17 MAY 2006 (pages 2208-2214).
- 5.15 SOCIAL WORK COMMITTEE OF 18 MAY 2006 (pages 2215-2218).
- 5.16 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 19 MAY 2006 (pages 2219-2222).
- 5.17 EDUCATION COMMITTEE OF 23 MAY 2006 (pages 2223-2230).
- 5.18 KILMARNOCK NORTH LOCAL COMMITTEE OF 23 MAY 2006 (pages 2231-2236).
- MATTER ARISING - SAFER STREETS STRATHCLYDE POLICE REPORT (Item 5, Page 2232, 03/07)**
- It was agreed that a report be submitted to a future Housing Committee to consider a possible review of the Community Warden Service to ensure resources are deployed to maximum effect.
- 5.19 COMMUNITY SERVICES COMMITTEE OF 24 MAY 2006 (pages 2237-2240).
- 5.20 IRVINE VALLEY LOCAL COMMITTEE OF 24 MAY 2006 (pages 2241-2246).
- 5.21 CUMNOCK AREA LOCAL COMMITTEE OF 25 MAY 2006 (pages 2247-2251).
- 5.22 SOUTHERN LOCAL PLANNING COMMITTEE OF 26 MAY 2006 (pages 2252-2254).
- 5.23 POLICY AND RESOURCES COMMITTEE OF 30 MAY 2006 (pages 2255-2262).
- MATTER ARISING - CO-LOCATION PROJECTS WITHIN NHS AYRSHIRE AND ARRAN (Item 4, Page 2256, 03/07)**
- It was agreed that the Chief Executive submit a report to a future Policy and Resources Committee, in order to give consideration to the naming of the new Northwest Kilmarnock Area Centre.
- 5.24 SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 30 MAY 2006 (page 2263).
- 5.25 DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 30 MAY 2006 (pages 2264-2266).
- 5.26 CENTRAL LOCAL PLANNING COMMITTEE OF 2 JUNE 2006 (pages 2267-2271).
- 5.27 CORPORATE GOVERNANCE COMMITTEE OF 8 JUNE 2006 (pages 2272-2285).

**EXCERPT FROM SPECIAL DEVELOPMENT SERVICES COMMITTEE
OF 20 JUNE 2006**

6. It was noted that the Special Development Services Committee on 20 June 2006 had agreed to defer consideration of this matter to enable Members to have more time to consult with the Head of Planning, Development and Building Standards on the content of the document and therefore, this matter had been withdrawn from the agenda.

**CHANGES OF COMMITTEES, WORKING GROUPS,
OUTSIDE ORGANISATIONS ETC**

7. It was agreed, on a request received from the SNP Group, to the following changes:-

<u>Committee Etc</u>	<u>Remove</u>	<u>Replace by</u>
Social Work Committee	Douglas Reid	Helen Coffey
Community Services Committee	Robert McDill	Helen Coffey
Housing Committee	Robert McDill	Helen Coffey
East Ayrshire Women's Forum	Douglas Reid	Helen Coffey
East Ayrshire Forum on Disability	Harry Wilson	Helen Coffey
East Ayrshire Community Safety Forum	John Campbell	Helen Coffey
Archibald Taylor Fund	Iain Linton	Helen Coffey
Risk & Audit Scrutiny Group	Harry Wilson	Willie Coffey

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

8. There was submitted a report dated 2 May 2006 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which requested Council to consider the appointment of 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 until the Council Elections in 2007.

LEADER/DEPUTE LEADER

Councillor Farrell, seconded by Councillor O'Neill, moved that Councillor McIntyre be appointed as Leader of the Council.

Councillor McDill, seconded by Councillor Wilson, moved as an amendment that Councillor Reid be appointed as Leader of the Council.

On a division by a show of hands the motion was carried by 20 votes to 8.

Councillor Farrell, seconded by Councillor O'Neill, moved that Councillor Knapp be appointed as Depute Leader of the Council.

Councillor Reid, seconded by Councillor Wilson, moved as an amendment that Councillor McDill be appointed as Depute Leader of the Council.

On a division by a show of hands the motion was carried by 20 votes to 8.

CHAIRS/VICE-CHAIRS OF COMMITTEES, SUB-COMMITTEES ETC

Councillor McIntyre, seconded by Councillor O'Neill moved the status quo, viz:-

Policy and Resources

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

Members' Services and Civic Ceremonial Sub

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 O'Neill (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)
<u>Local Committees</u>	
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)

Community Planning Partnership Board and Equal Opportunity

W Menzies (Chair)

Councillor Reid, seconded by Councillor McDill, moved as an amendment the following appointments:

Policy and ResourcesD Reid (Chair)
R McDill (Vice-Chair)**Corporate Governance**R McDill (Chair)
D Reid (Vice-Chair)**Community Services**H Wilson (Chair)
I Linton (Vice-Chair)**Development Services and Planning**R McDill (Chair)
J Weir (Vice-Chair)**Education**I Linton (Chair)
J Campbell (Vice-Chair)**Housing**W Coffey (Chair)
H Coffey (Vice-Chair)**Social Work**J Weir (Chair)
H Coffey (Vice-Chair)**Emergency Powers**D Reid (Chair)
R McDill (Vice-Chair)**Local Committees**

Irvine Valley	H Wilson (Chair) R McDill (Vice-Chair)
Kilmarnock North	W Coffey (Chair) H Coffey (Vice-Chair)

Kilmarnock Central

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

Local Planning Committees

Northern Area

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

Central

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

On a division by a show of hands the motion was carried by 19 votes to 8.

EMPLOYEE RECOGNITION EVENT - APPOINTMENT OF JUDGING PANEL

9. There was submitted a report dated 17 May 2006 (circulated) by the Chief Executive which asked Council to appoint three Members to form the Judging Panel for the Employee Recognition Event which would be held later this year.

It was agreed to approve the appointment of three Elected Members, being Councillors Dinwoodie, Cree and Campbell to form the Employee Recognition Judging Panel for 2006.

FINANCIAL STATEMENTS 2005/06

10. There was submitted a report dated 12 June 2006 (circulated) by the Executive Head of Finance which submitted the financial statements for the year ended 31 March 2006 to the Council and which sought approval to forward them to the Controller of Audit.

It was agreed:

- (i) to the transfer of £0.381m from the Housing Revenue Account to the Renewals and Repairs Fund;
- (ii) to the transfer of £0.275m from Trading Operations to the Renewals and Repairs Fund;
- (iii) to the transfer of £0.413m to the Capital Fund indicated in paragraph 5.2.1 of the report;
- (iv) to the transfer of £1.743m to the Insurance Fund indicated in paragraph 5.3.1;
- (v) to approve the Financial Statements for 2005/06 accordingly and instruct that they be forwarded to the Controller of Audit; and
- (vi) otherwise, to note the contents of the report.

STATUTORY PERFORMANCE INDICATORS 2005/06

11. There was submitted a report dated 8 June 2006 (circulated) by the Chief Executive which submitted the draft Statutory Performance Indicators for 2005/06 and which sought agreement to forward these for audit to the Council's External Auditor in line with established practice.

Having noted, following advice received from the External Auditor, that in relation to the Housing Benefit and Council Tax Benefit Indicator shown at page 21, an appropriate change would require to be made to this indicator and would be circulated to all Members, it was agreed:

- (i) to note the draft 2005/06 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 Service Committees; and
- (iv) otherwise to note the contents of the report.

PROTECTING VULNERABLE GROUPS: SCOTTISH VETTING AND BARRING SCHEME CONSULTATION PAPER

12. There was submitted and noted a report dated 8 June 2006 (circulated) by the Head of Administrative and Legal Services which advised Council of the current position in relation to the Protection of Children (Scotland) Act 2003; the Protecting Vulnerable Groups: Scottish Vetting and Barring Scheme Consultation Paper and anticipated future developments.

EAST AYRSHIRE VOLUNTEERS CENTRE (Item 17.1, Page 2260, 03/07)

13.1 Declarations of Interest

Councillors McKay, O'Neill, J McGhee, Reeves, Cree, McIntyre, Macrae, Murray, Knapp, Raymond, Finlayson, Jackson, Smith and N McGhee all declared a non-financial interest in respect of this item due to the fact that the Kilmarnock and Loudoun Constituency Labour Party was the Volunteer Centre's landlord and left the meeting.

13.2 Consideration of Item

There was submitted a report dated 30 March 2006 (circulated) by the Executive Director of Educational and Social Services which advised Council of the grant application for 2006/07 from the Volunteer Centre and which made recommendations accordingly.

It was agreed to approve a grant of £11,000 for the East Ayrshire Volunteer Centre:

- (i) subject to it being recommended that the Group carry out an independent audit under the Guidance on Following the Public Pound;
- (ii) to seek assurances that the money would not benefit the UK Labour Party; and
- (iii) to recommend that the Group seek suitable alternative accommodation once the lease expires in 2007.

The above Members who had previously declared an interest then rejoined the meeting.

Councillor Young left the meeting at this point.

FUNDING OF LEISURE TRUSTS (Items 4.1 and 5.1, Page 2022, 03/07)

14.1 Declarations of Interest

Councillors W Coffey, Macrae, Campbell, Knapp, Raymond and Crawford declared a non-financial interest in this matter and left the meeting.

14.2 Consideration of Item

There was submitted a report dated 9 June 2006 (circulated) by the Executive Director of Neighbourhood Services which advised of the consequences of the difficult financial position of Kilmarnock Leisure Centre Trust and Cumnock and District Leisure Group and which proposed a solution for the short and medium term.

It was agreed:

- (i) to approve the award of one-off additional revenue grants of £70,000 to both the Kilmarnock Leisure Centre Trust and the Cumnock and District Leisure Group to cover revenue shortfalls in 2006/07;
- (ii) to remit to the Executive Director of Neighbourhood Services to submit three year budget proposals for both organisations for consideration as part of the 2007/08 budget process; and
- (iii) otherwise, to note the contents of the report.

The above Members who had previously declared an interest then rejoined the meeting.

INSPECTION OF THE EDUCATION AUTHORITY FUNCTION OF EAST AYRSHIRE COUNCIL

- 15.** There was submitted and noted a report dated 2 May 2006 (circulated) by the Executive Director of Educational and Social Services which informed of the outcome of the pilot inspection of the Education function of East Ayrshire Council conducted by Her Majesty's Inspectors of Education (HMIE).

Depute Provost Farrell, as Chair of the Education Committee, congratulated all Elected Members and staff who had worked towards the positive outcome of this report.

NHS AYRSHIRE AND ARRAN CONSULTATION ON ELECTIVE CARE AND REHABILITATION SERVICES (Item 7, Page 1850, 03/07)

16.1 Declaration of Interest

Depute Provost Farrell declared a non-financial interest in this matter, vacated the Chair and left the meeting.

Councillor McIntyre was then unanimously elected as Chair, and took the Chair for this item.

16.2 Consideration of Item

There was submitted a report dated 12 June 2006 (circulated) by the Chief Executive which advised Council on the consultation currently being carried out by NHS Ayrshire and Arran regarding the review of elective (planned) care and rehabilitation services.

There then followed a presentation on the review by David Rowland, Project Director, and Kirstin Major, Director of Strategic Planning, NHS Ayrshire and Arran.

The Members of Council were then given an opportunity to ask questions of the representatives from NHS Ayrshire and Arran.

It was agreed, following comments made by Members on the proposals and implications of NHS Ayrshire and Arran's review of elective care and rehabilitation services:

- (i) that the Chief Executive prepare a response, in consultation with appropriate Members, to NHS Ayrshire and Arran on the proposals for future Committee endorsement;
- (ii) that Members be invited to submit any further comments direct to the Chief Executive; and
- (iii) otherwise to note the contents of the report.

Councillors Cree, Knapp, Smith, Carmichael, Raymond, Crawford, Wilson, Dinwoodie, Linton and Menzies left the meeting during discussion of the above item.

The meeting terminated at 1225 hrs.

APPENDIX**CANDIDATE ELECTED TO SERVE FOR ELECTORAL WARD 6**

NAME	DESCRIPTION
Helen Coffey	Scottish National Party (S.N.P.)

The total number of votes polled for each candidate were as follows:-

NAME	DESCRIPTION	VOTES
James Adams	Scottish Conservative and Unionist Party Candidate	178
Helen Coffey	Scottish National Party (S.N.P.)	715
Matthew McLaughlin	Scottish Labour Party Candidate	296
Colin Rutherford	Scottish Socialist Party	23

There were two ballot papers rejected for the following reasons:

- Voting for more than one candidate - 1
- Unmarked or null and void for uncertainty - 1

The percentage poll was 42.23%