

EAST AYRSHIRE COUNCIL

**MINUTES OF MEETING OF COUNCIL HELD ON THURSDAY 25 OCTOBER 2001
AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Provost Jimmy Boyd and Councillors Brian McNeil, Katie Hall, Ann Hay, Stephanie Young, Brian Reeves, Daniel Coffey, Willie Coffey, Douglas Reid, Lilian MacLean, John Weir, Drew McIntyre, David Macrae, Harry Wilson, Iain Linton, Alex Walsh, Jane Darnbrough, Alan Campbell, John Knapp, Jim Raymond, Finlay MacLean, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, Julie Faulds, William Menzies, Eric Ross, Elaine Dinwoodie, Robert Taylor and Jimmy Carmichael.

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; Douglas Campbell, Head of Public Relations and Communication; Stephen Moore, Head of Social Work; Bill Walkinshaw, Administration Manager; Jim Richmond, Police Liaison Officer; and Julie Armstrong, Principal Administrative Officer.

APOLOGY: Councillor Robert McDill.

CHAIR: Provost Jimmy Boyd, Chair.

PROVOST'S REMARKS

1. The Provost referred to the tragic events which took place in the United States of America on 11 September 2001 which would always be enshrined in our memory and stated that the international situation remained most difficult.

The Provost, as a mark of respect, asked the Council to be upstanding for one minute's silence to remember the innocent victims which were lost in those fateful incidents and their aftermath.

The Council then observed a minute's silence.

The Provost stated that, on behalf of East Ayrshire Council and the people whom the Council represent, he had written to Mayor Giuliani of New York and also to the American Consul in Edinburgh to express the Council's sincere sorrow over that country's loss.

The Provost also stated that in relation to current world events that he hoped for early progress towards the objective of a lasting peace.

PREVIOUS MINUTES

2. There were submitted (circulated) Minutes of Meeting of Council held on 28 June 2001 which were approved as a correct record.

COMMITTEE MINUTES

3. There were submitted (circulated) for approval as correct records and approval of any recommendations contained therein, the Minutes of the undernoted Committee meetings, viz:-
- 3.1 **SPECIAL CUMNOCK AREA LOCAL COMMITTEE OF 20 JUNE 2001 (pages 1922-1929).**
 - 3.2 **EMERGENCY POWERS COMMITTEE OF 21 JUNE 2001 (page 1930).**
 - 3.3 **SOUTHERN LOCAL PLANNING COMMITTEE OF 22 JUNE 2001 (pages 1931-1943).**
 - 3.4 **SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 23 JULY 2001 (pages 1954-1955).**
 - 3.5 **EMERGENCY POWERS COMMITTEE OF 31 JULY 2001 (pages 1956-1957).**
 - 3.6 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 3 AUGUST 2001 (pages 1958-1968).**
 - 3.7 **SOUTHERN LOCAL PLANNING COMMITTEE OF 10 AUGUST 2001 (pages 1969-1976)**
 - 3.8 **CENTRAL LOCAL PLANNING COMMITTEE OF 17 AUGUST 2001 (pages 1977-1980).**
 - 3.9 **SPECIAL IRVINE VALLEY LOCAL COMMITTEE OF 17 AUGUST 2001 (page 1981).**
 - 3.10 **DEVELOPMENT SERVICES COMMITTEE OF 28 AUGUST 2001 (pages 1982-1988).**
 - 3.11 **DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 28 AUGUST 2001 (pages 1989-1996).**

MATTERS ARISING

(a) MEMBERS PRESENT (page 1989)

It was agreed that Councillor Jim Raymond's name be deleted from those present.

(b) DETERMINATION OF APPLICATION NO 00/0793/FL: KIER CONSTRUCTION LTD (MINING DIVISION): GREENBURN, KILMARNOCK (Item 2.2, Page 1995, 99/02)

It was agreed:

- (i) to the insertion of the following paragraph after the motion by Councillor Kelly, seconded by Councillor Farrell, to approve the application as follows:-
 "the Chair reported and it was noted that a request by Councillor Kelly, that a vote be taken by roll call, which request had at that stage secured the support of one third of the Members of the Committee in accordance with the Standing Orders, was premature at this point, as there was no alternative proposal"
- (ii) the deletion of the following paragraph:
 "Councillor Kelly requested, in terms of Standing Order 36.2, that the vote be taken by roll call"; and

- (iii) the paragraph at the bottom of page 1995 that commences “The request that the vote be taken by roll call to as follows, viz” be amended to read as follows:

“there being an alternative proposal the vote was taken by calling the roll as follows, viz:-“

- 3.12 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 31 AUGUST 2001 (pages 1997-2003).**
- 3.13 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 4 SEPTEMBER 2001 (pages 2004-2008).**
- 3.14 LOCAL GOVERNMENT LICENSING PANEL OF 5 SEPTEMBER 2001 (pages 2009-2010).**
- 3.15 NORTHERN AREA LOCAL COMMITTEE OF 5 SEPTEMBER 2001 (pages 2011-2015).**
- 3.16 EMERGENCY POWERS COMMITTEE OF 6 SEPTEMBER 2001 (page 2016).**
- 3.17 SOUTHERN LOCAL PLANNING COMMITTEE OF 7 SEPTEMBER 2001 (pages 2017-2024).**
- 3.18 DOON VALLEY LOCAL COMMITTEE OF 11 SEPTEMBER 2001 (pages 2025-2029).**
- 3.19 HOUSING COMMITTEE OF 12 SEPTEMBER 2001 (pages 2030-2039)**

Councillor Campbell joined the meeting at this point.

REMITTS FROM COMMITTEE

(a) THE SUPPORTING PEOPLE PROGRAMME (Item 8, Page 2033, 99/02)

Following the remit to Council of the nomination of an Elected Member to serve as a representative on the Core Co-ordination Group of East Ayrshire Council's implementation of the Supporting People Programme, it was agreed to the recommendation from the Committee that the nomination should be Councillor Macrae, Vice-Chair of the Committee.

(b) PILOT CARE AND REPAIR PROJECT (Item 9, Page 2033, 99/02)

It was agreed to nominate three Elected Members (two Administration and one Opposition), Members being Councillors Kelly, Knapp and W Coffey.

- 3.20 KILMARNOCK SOUTH LOCAL COMMITTEE OF 12 SEPTEMBER 2001 (pages 2040-2043).**
- 3.21 SOCIAL WORK COMMITTEE OF 13 SEPTEMBER 2001 (pages 2044-2047).**
- 3.22 CUMNOCK AREA LOCAL COMMITTEE OF 13 SEPTEMBER 2001 (pages 2048-2052).**
- 3.23 CENTRAL LOCAL PLANNING COMMITTEE OF 13 SEPTEMBER 2001 (pages 2053-2057).**
- 3.24 EDUCATION COMMITTEE OF 18 SEPTEMBER 2001 (pages 2058-2066).**
- 3.25 KILMARNOCK NORTH LOCAL COMMITTEE OF 18 SEPTEMBER 2001 (pages 2067-2072).**

- 3.26 **COMMUNITY SERVICES COMMITTEE OF 19 SEPTEMBER 2001 (pages 2073-2078).**
- 3.27 **IRVINE VALLEY LOCAL COMMITTEE OF 19 SEPTEMBER 2001 (pages 2079-2084).**
- 3.28 **DEVELOPMENT SERVICES COMMITTEE - SITTING AS A PLANNING COMMITTEE OF 25 SEPTEMBER 2001 (pages 2085-2091).**

Councillor McNeil left the meeting at this point.

- 3.29 **EMERGENCY POWERS COMMITTEE OF 27 SEPTEMBER 2001 (page 2092).**
- 3.30 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 28 SEPTEMBER 2001 (pages 2093-2095).**
- 3.31 **POLICY AND RESOURCES COMMITTEE OF 4 OCTOBER 2001 (pages 2096-2119).**

Councillor McNeil rejoined the meeting at this point.

REMIT FROM COMMITTEE

(a) CORPORATE SUB-COMMITTEE - JOINT CONSULTATIVE ARRANGEMENTS (LOCAL GOVERNMENT EMPLOYEES AND CRAFTPERSONS) (Item 8, Page 2115, 99/02)

It was agreed:

- (i) that the membership of the JCC consist of eight Members of the Council (four from the Administration and four from the Opposition) and otherwise to approve the draft Constitution; and
- (ii) that the membership be Councillors Jackson, McIntyre, Kelly and Provost Boyd and that the four names from the Opposition Group be submitted to the Chief Executive as soon as possible.

- 3.32 **SOUTHERN LOCAL PLANNING COMMITTEE OF 5 OCTOBER 2001 (pages 2120-2122).**
- 3.33 **CENTRAL LOCAL PLANNING COMMITTEE OF 12 OCTOBER 2001 (pages 2123-2124).**

DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR FOR JANUARY TO JUNE 2002

- 4. There was submitted a report dated 15 October 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of Council a draft East Ayrshire Council Meetings Calendar for January to June 2002.

It was agreed:

- (i) to approve the Meetings Calendar enclosed with the report;
- (ii) to note that a further draft Meetings Calendar for the period August to December 2002 would be submitted to Council at its meeting in June 2002 for consideration; and
- (iii) otherwise to note the contents of the report.

**EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME -
OUTCOME OF THE REVIEW OF SCHEME (Item 12, Page 1952, 99/02)**

5. There was submitted a report dated 15 October 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources on the outcome of the final formal consultation process on the review of the East Ayrshire Council Community Council Scheme and which sought authority to give public notice of the adopted scheme in accordance with Part 1, Section 22 of the Local Government Etc (Scotland) Act 1994.

It was agreed:

- (i) that the description shown in Annexation 1 of the report for Ochiltree Community Council should include a reference to Skares;
- (ii) to adopt the amended Scheme as contained within Appendix 2 of the report including the boundaries as detailed within the maps displayed at the meeting in terms of Part 1, Section 22 of the Local Government Etc (Scotland) Act 1994;
- (iii) that the adopted Scheme be sealed with the Common Seal of the Council; and
- (iv) that the Depute Chief Executive/Director of Corporate Resources undertake the necessary statutory notification of the Adopted Scheme in terms of Part 1, Section 22 of the Local Government Etc (Scotland) Act 1994.

DISPOSAL OF ASH

- 6 There was submitted a report dated 24 October 2001 (circulated) by the Director of Community Services which advised the Council of a proposal by the Scottish Executive Environment Rural Affairs Department to dispose of ash at Garlaff Landfill Site, Cumnock and which requested the Council to consider its position on the matter.

It was agreed:

- (i) that since complete assurance could not be given that there was no risk associated with waste material and in recognition of public concern, that the Council record its opposition to the proposed disposal of any such waste into East Ayrshire; and
- (ii) that it be remitted to the Director of Community Services to advise the Scottish Executive accordingly.

Councillor Raymond left the meeting during discussion of the above item.

EXCLUSION OF PRESS AND PUBLIC

7. The 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.

Councillor Hay left the meeting at this point.

**MINUTE OF WAIVER - BELLFIELD COTTAGE, BELLFIELD ESTATE,
KILMARNOCK - CAPITAL PROGRAMME 2001/2002 -
COMMUNITY SERVICES (Item 19, Page 2118, 99/02)**

8. There was submitted a joint report dated 9 October 2001 (circulated) by the Directors of Development Services, of Community Services and of Finance which sought approval to the terms and conditions of a Minute of Waiver to be granted by the Trustees of the Buchanan Bequest in respect of the proposed disposal of Bellfield Cottage, Bellfield Estate, Kilmarnock to allocate additional capital resources to the Community Services Department in the financial year 2001/2002 equal to 50% of the net proceeds of sale and to amend the Community Services Capital Programme for the financial year 2001/2002 to allow for the inclusion of an identified capital project in Bellfield Estate, Kilmarnock to reflect the terms of the Minute of Waiver.

It was agreed:

- (i) to approve the terms and conditions associated with the Minute of Waiver to be granted by the Buchanan Bequest and authorise the Solicitor to the Council in conjunction with the Director of Development Services to finalise the terms and conditions; and
- (ii) to the allocation of additional capital resources to the Community Services Department in the financial year 2001/2002 equal to 50% of the net proceeds of sale of Bellfield Cottage, Bellfield Estate, Kilmarnock and to amend the Community Services Capital Programme for 2001/2002 as proposed in paragraph 3.4 of the report.

Councillors McNeil and Kelly left the meeting during discussion of the above item.

The meeting terminated at 1200 hrs.

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