

**EAST AYRSHIRE COUNCIL****MINUTES OF MEETING HELD ON THURSDAY 24 OCTOBER 2002 AT 1000 HRS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Provost Jimmy Boyd and Councillors Brian McNeil, Katie Hall, Stephanie Young, Brian Reeves, Daniel Coffey, Willie Coffey, Douglas Reid, Lilian MacLean, John Weir, Drew McIntyre, Isabel Macrae, Harry Wilson, Iain Linton, Alex Walsh, Jane Darnbrough, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, William Menzies, Eric Ross, Elaine Dinwoodie, Elaine Stewart 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; Stephen Moore, Head of Social Work; Bill Walkinshaw, Administration Manager; Caroline Gordon, Public Relations Assistant; and Julie Armstrong, Principal Administrative Officer.

**APOLOGIES:** Councillors Ann Hay, Alan Campbell and Julie Faulds.

**CHAIR:** Provost Jimmy Boyd, Chair.

**PREVIOUS MINUTES**

1. There were submitted (circulated) Minutes of Meeting of Council held on 27 June 2002 which were approved as a correct record.

**COMMITTEE MINUTES**

2. 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 Committee meetings, viz:-
  - 2.1 **SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 26 JUNE 2002 (pages 2671-2672).**
  - 2.2 **SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 27 JUNE 2002 (pages 2684-2686).**
  - 2.3 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 28 JUNE 2002 (pages 2687-2691).**
  - 2.4 **EMERGENCY POWERS COMMITTEE OF 22 JULY 2002 (pages 2692-2696).**
  - 2.5 **DEVELOPMENT SERVICES COMMITTEE (SITTING AS A PLANNING COMMITTEE) OF 1 AUGUST 2002 (pages 2697-2700).**
    - (i) **APPLICATION NO 01/0741/FL: PROPOSED DEVELOPMENT TO HOUSE AND EXERCISE APPROXIMATELY 10 GREYHOUNDS AT HAINING MAINS, HURLFORD BY D W S STRAWHORN (Item 3, Page 2698, 99/03)**

It was noted that the back reference page number in the Minutes heading should read page 2690.

**(ii) APPLICATION NOS 02/0071/FL AND 02/0072/LB: PROPOSED CHANGE OF USE FROM EXISTING (ASSEMBLY) CHURCH TO TWO RESIDENTIAL HOMES AT HURLFORD KIRK, MAIN ROAD, CROOKEDHOLM BY MR R JARVIE (Item 4, Page 2699, 99/03)**

It was noted:

- (a) that the back reference page number in the Minutes heading should read page 2689;
- (b) that the first line of the last paragraph on page 2699 should read "Provost Boyd, seconded by Councillor Raymond, moved as an amendment ....."; and
- (c) that on page 2700 the sentence should read "On a division by a show of hands the motion was carried by nine votes to four".

**2.6 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 2 AUGUST 2002 (pages 2701-2705).**

**2.7 SOUTHERN LOCAL PLANNING COMMITTEE OF 9 AUGUST 2002 (pages 2706-2709).**

**2.8 DEVELOPMENT SERVICES COMMITTEE (SITTING AS A PLANNING COMMITTEE) OF 14 AUGUST 2002 (pages 2710-2712).**

**2.9 CENTRAL LOCAL PLANNING COMMITTEE OF 16 AUGUST 2002 (pages 2713-2717).**

**2.10 SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 19 AUGUST 2002 (page 2718).**

**(i) APPLICATION FOR GRANT OF LICENCE TO KEEP A DOG BREEDING AND REARING ESTABLISHMENT AT WATERSIDE FARM, GLASGOW ROAD, GALSTON (Item 1, Page 2718, 99/03)**

Councillor Weir, seconded by Councillor Wilson, moved that the Council reconsider this matter in terms of Standing Order 40 as further information had now become available.

On a request by Councillor Weir that a roll call vote be taken and there being at least one-third of the members in agreement (20), in accordance with Standing Order 36.2 the vote was taken by calling the roll as follows, viz:-

For the motion - Councillors McNeil, Hall, Young, D Coffey, W Coffey, Reid, L MacLean, Weir, Wilson, Linton, F MacLean and McDill.

Against the motion - Provost Boyd and Councillors Reeves, McIntyre, Macrae, Walsh, Darnbrough, Knapp, Raymond, Jackson, Smith, Kelly, Farrell, Menzies, Ross, Dinwoodie, Stewart and Carmichael.

The motion to reconsider the matter at this meeting was defeated by 17 votes to 12.

It was thereafter agreed that the matter be remitted back to the Local Government Licensing Panel for reconsideration.

**2.11 DEVELOPMENT SERVICES COMMITTEE OF 27 AUGUST 2002 (pages 2719-2725).**

**(i) SEDERUNT**

It was noted that Councillor Julie Faulds should be recorded as present.

**(ii) REPORT OF LOCAL PLAN INQUIRY INTO UNRESOLVED OBJECTIONS TO THE EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN (Item 6, Page 2721, 99/03)**

Councillor Ross, seconded by Councillor Smith, moved the Minutes as amended as a correct record and approval of the recommendations contained therein.

Councillor Wilson, seconded by Councillor McDill, moved as an amendment that in respect of the above item that the report be refused on the basis of a number of concerns, in particular (i) that the definition of a community to be a cluster of 3 houses in the countryside rather than 10 houses as detailed in the report; (ii) that the distance to a boundary of an opencast site be increased to 800m rather than the 500m as detailed within the report; and (iii) that no working be permitted outwith the potential area of extraction.

On a division by a show of hands the motion was carried by 17 votes to 12.

**2.12 EMERGENCY POWERS COMMITTEE OF 29 AUGUST 2002 (pages 2726-2730).**

**2.13 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 30 AUGUST 2002 (pages 2731-2733).**

**2.14 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 3 SEPTEMBER 2002 (pages 2734-2738).**

**(i) LOCAL COMMITTEE GRANTS SCHEME 2002/03 (Item 6(i)(b), Page 2736, 99/03)**

It was noted that the amendment was seconded by Councillor Linton and not Councillor Walsh.

**2.15 NORTHERN AREA LOCAL COMMITTEE OF 4 SEPTEMBER 2002 (pages 2739-2744).**

**2.16 LOCAL GOVERNMENT LICENSING PANEL OF 5 SEPTEMBER 2002 (page 2745).**

**2.17 SOUTHERN LOCAL PLANNING COMMITTEE OF 6 SEPTEMBER 2002 (pages 2746-2750).**

**2.18 EMERGENCY POWERS COMMITTEE OF 10 SEPTEMBER 2002 (page 2751).**

**2.19 DOON VALLEY LOCAL COMMITTEE OF 10 SEPTEMBER 2002 (pages 2752-2756).**

**2.20 HOUSING COMMITTEE OF 11 SEPTEMBER 2002 (pages 2757- 2766).**

**2.21 KILMARNOCK SOUTH LOCAL COMMITTEE OF 11 SEPTEMBER 2002 (pages 2767-2770).**

**2.22 SOCIAL WORK COMMITTEE OF 12 SEPTEMBER 2002 (pages 2771-2778).**

**(i) RE-ALLOCATION OF SCOTTISH BUDGETARY RESOURCES - DEVELOPMENT PROPOSALS (Item 12, Page 2775, 99/03)**

It was noted that for paragraph (iii) that the reference should be to 2002/03.

**2.23 CUMNOCK AREA LOCAL COMMITTEE OF 12 SEPTEMBER 2002 (pages 2779-2783).**

**2.24 EDUCATION COMMITTEE OF 17 SEPTEMBER 2002 (pages 2784-2793).****(i) BUILDING LEARNING COMMUNITIES: PROPOSED PPP SCHOOLS PROJECT (Item 21, Page 2791, 99/03)**

Councillor Farrell, seconded by Councillor Knapp, moved the Minutes as a correct record and approval of the recommendations contained therein.

Councillor F MacLean, seconded by Councillor L MacLean, moved as an amendment, against a proposed PPP schools project which would be more costly, could lead to the privatisation of the workforce and hinder community use of schools and proposed that Council progress a Not for Profit Model for the refurbishment of school buildings.

On a division by a show of hands the motion was carried by 18 votes to 11.

**2.25 KILMARNOCK NORTH LOCAL COMMITTEE OF 17 SEPTEMBER 2002 (pages 2794-2798).****(i) MINUTES OF PREVIOUS MEETING - MATTER ARISING: ACTION TAKEN AGAINST TENANTS IN RELATION TO DRUG TRAFFICKING/OTHER SERIOUS CRIMES IN THE AREA (Item 3.1.1, Page 2794, 99/03)**

It was noted that the back reference page number in the heading should read 2618.

**2.26 COMMUNITY SERVICES COMMITTEE OF 18 SEPTEMBER 2002 (pages 2799-2803).****2.27 IRVINE VALLEY LOCAL COMMITTEE OF 18 SEPTEMBER 2002 (pages 2804-2811).****2.28 SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 24 SEPTEMBER 2002 (pages 2812-2813).****2.29 DEVELOPMENT SERVICES COMMITTEE (SITTING AS A PLANNING COMMITTEE) OF 24 SEPTEMBER 2002 (pages 2814-2817).****2.30 POLICY AND RESOURCES COMMITTEE OF 3 OCTOBER 2002 (pages 2818-2842).****2.31 SOUTHERN LOCAL PLANNING COMMITTEE OF 4 OCTOBER 2002 (pages 2843-2844).****2.32 CENTRAL LOCAL PLANNING COMMITTEE OF 11 OCTOBER 2002 (pages 2845-2848).****(i) APPLICATION NO 02/0495/FL: PROPOSED INSTALLATION OF AN AUTOMATED TELLER MACHINE AT SPAR, BONNYTON SPSO, 25 MUNRO AVENUE, KILMARNOCK BY ALLIANCE AND LEICESTER (Item 8, Page 2848, 99/03)**

It was agreed that when Members were required to leave a planning meeting as they could not participate in determination of an application as they had not been involved in a previous Hearing in connection with that application, then the reason for their leaving the meeting should in future be recorded in the Minutes of the Meeting.

**EXCERPT OF MINUTES OF DEVELOPMENT SERVICES COMMITTEE  
OF 22 OCTOBER 2002**

3. There was submitted for approval (i) as a correct record; and (ii) the recommendations contained therein, the excerpt of the Minutes of the Development Services Committee held on 22 October 2002 in relation to the Local Plan (circulated).

It was agreed:

- (i) to approve the excerpt as a correct record and to the recommendations contained therein; and
- (ii) to note that an assurance had been given by the Director of Development Services at the Committee meeting that redesignation of Loudoun Hill as an outstanding Historical/Ancient Site of Interest would be revisited at an early date and an appropriate report would be submitted to the Development Services Committee on this matter.

**ADMINISTRATION OF COMPLAINTS REVIEW SUB-COMMITTEE  
OF THE SOCIAL WORK COMMITTEE (Item 12, Page 2681, 99/03)**

4. There was submitted a report dated 3 October 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which proposed, in terms of the administration of the Social Work Complaints Review Sub-Committee, that responsibility for the maintenance of the pool of "independent persons" from which Sub-Committee members were drawn, be transferred from the Department of Educational and Social Services to the Legal and Administrative Services Section of the Department of Corporate Resources, and which recommended that the Scheme of Delegation be amended accordingly.

It was agreed:

- (i) in principle, to the establishment of a Joint Ayrshire Panel of Independent Members;
- (ii) that the Scheme of Delegation be amended to indicate that responsibility for maintaining and administering the Independent Joint Ayrshire Membership Panel on behalf of East Ayrshire Council's Complaints Review Sub-Committee was now the responsibility of the Depute Chief Executive/Director of Corporate Resources; and
- (iii) to note that arrangements were underway to revise and expand the pool of "independent persons" maintained in terms of the Complaints Review Sub-Committee, including exploring the possibility of inter-Authority partnerships.

**AN EAST AYRSHIRE EMERGENCY RELIEF TRUST**

**5.1 Declarations of Interest**

Provost Boyd and Councillors Darnbrough, McIntyre and D Coffey declared an indirect non-pecuniary interest in this item in terms of paragraph 12(b) of the National Code of Local Government Conduct.

**5.2 Consideration of Item**

There was submitted a report dated 9 October 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of

Council the proposal to create an Emergency Relief Trust to cover the whole of East Ayrshire.

It was agreed:

- (i) to request that the Kilmarnock and Loudoun District Council Emergency Relief Trust gives consideration to amending the purpose of the Trust to enable the Trust to encompass the area of East Ayrshire;
- (ii) to request that the Kilmarnock and Loudoun District Council Emergency Relief Trust gives consideration to amending the appointment of Trustees to provide for additional Trustees being drawn from the Elected Members of East Ayrshire Council;
- (iii) to recommend to the Trust, the discontinuation of direct Officer representation on the Trust itself;
- (iv) that the number of Elected Members that the Council would wish to recommend for nomination as membership to the Trust be eight (five Administration, three Opposition), the recommendation being the Provost, ex officio (as Chair), Chair of the Social Work Committee, Chair of the Housing Committee and Vice-Chair of the Community Services Committee, all ex officio and Leader of the Council and noted that the three nominations from the Opposition would be submitted to the Administration Section in due course;
- (v) that the Depute Chief Executive/Director of Corporate Resources notify the Kilmarnock and Loudoun District Council Emergency Relief Trust accordingly;
- (vi) that a report be submitted to a future Policy and Resources Committee detailing all Trusts which are administered by East Ayrshire Council, or in respect of which the Council has a significant interest; and
- (vii) otherwise to note the report.

#### **APPOINTMENT OF TRUSTEES - MORTON PARK TRUST, DARVEL**

6. There was submitted a report dated 19 September 2002 (circulated) by the Head of Administrative and Legal Services requesting that the Council give consideration to the appointment of Trustees to act in terms of the Trust Deed and Disposition of Alexander Morton and Others recorded 19 June 1898, which Deed governs the ownership arrangements in respect of the Morton Park, Mairs Road, Darvel.

It was agreed to appoint the Local Member, the Chair and Vice-Chair of the Community Services Committee and the Provost as ex officio Trustees to serve on the Morton Park Public Trust.

#### **CORPORATE GOVERNANCE: REVIEW OF THE COUNCIL'S DECISION MAKING STRUCTURE (Item 4.21.1, page 1450, 99/03)**

7. There was submitted a report dated 10 October 2002 (circulated) by the Chief Executive which submitted, in accordance with an earlier decision of Council in terms of the previous review of the Council's decision making structure, a proposal for when the subsequent review of the Council's existing decision making structure should be considered.

It was agreed:

- (i) to confirm that the review of the Council's present decision making structure be carried out after the Council Elections in May 2003; and
- (ii) otherwise to note the report.

**RACE RELATIONS (AMENDMENT) ACT 2000**

8. There was submitted a report dated 21 October 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which recommended adoption of the Race Equality Scheme shown attached to the report in accordance with the requirements of the Race Relations (Amendment) Act 2000.

It was agreed:

- (i) to approve the adoption of the Race Equality Scheme attached to the report in accordance with the Race Relations (Amendment) Act 2000;
- (ii) that each Service Director prepare a report to the earliest appropriate Service Committee meeting on the impact of the Act on their Services and policies and their proposals for promoting race equality within the terms of the Council's Race Equality Scheme; and
- (iii) that the Depute Chief Executive/Director of Corporate Resources arrange an early consultation meeting with representatives from the Ethnic Minorities Forum on the Scheme and publicise the Race Equality Scheme to the East Ayrshire community.

The meeting terminated at 1122 hrs.