

EAST AYRSHIRE COUNCIL**DEVELOPMENT SERVICES COMMITTEE****MINUTES OF MEETING HELD ON TUESDAY 21 OCTOBER 2003 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Eric Ross, Jim O'Neill, John McGhee, Stephanie Young, Brian Reeves, Daniel Coffey, Douglas Reid, Isabella Macrae, Iain Linton, Ray Murray, Stuart Finlayson, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell and Jimmy Carmichael.

ALSO PRESENT: Councillor John Knapp.

ATTENDING: David Montgomery, Chief Executive; Stephen Chorley, Director of Development Services; Jim Kane, Head of Roads and Transportation; John Spooner, Business Development Manager; David McDowall, Building Control Manager; John Robertson, Senior Accountant; Karen McLeod, Solicitor; and Robert Beaton, Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Drew McIntyre, John Campbell and Elaine Dinwoodie.

CHAIR: Councillor Eric Ross, Chair.

MONITORING REPORTS**1.1 BUSINESS GRANTS AND LOANS: STATUS REPORT**

There was submitted and noted a report dated 6 September 2003 (circulated) by the Director of Development Services on companies which had received financial support under the Council's Business Grants and Loans Schemes in the period from 1 August 2003 to 30 September 2003.

1.2 APPEAL DECISIONS 01 AUGUST 2002 - 31 MARCH 2003

There was submitted and noted a report dated 30 September 2003 (circulated) by the Director of Development Services which presented an analysis of Appeal Decisions received from the Scottish Executive for the above period.

1.3 BUDGETARY CONTROL SUMMARY STATEMENT DEVELOPMENT SERVICES TO 27 JULY 2003 (PERIOD 4)

There was submitted and noted a joint report dated 16 September 2003 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Development Services Department, for the period ended 27 July 2003 (Period 4).

CENSUS 2001 - POPULATION INFORMATION FOR SMALL AREAS

2. There was submitted and noted a report dated 14 October 2003 (circulated) by the Director of Development Services which highlighted the differences in population statistics published from the Census 2001 for "wards" used for the Census data and Council Electoral Wards.

REVIEW OF BUILDING CONTROL (Item 3, Page 2557, 99/03)

3. There was submitted a report dated 2 October 2003 (circulated) by the Director of Development Services which presented a review of the key changes to Building Control which will result from the Building (Scotland) Act 2003 and its implications for the services provided by the Council.

It was agreed:-

- (i) to note the contents of the report; and
- (ii) to note that a further review of the anticipated increase in workload, future income and future staffing requirements as detailed within the report would be submitted to a future meeting of the Committee following the publication of revised fee structures.

Councillor Reid joined the meeting during discussion of the above item.

REVIEW OF ACCESS PANELS IN SCOTLAND

4. There was submitted a report dated 2 October 2003 (circulated) by the Director of Development Services which presented the outcome of the consultation by the Scottish Executive on the Review of Disability Access Panels within Scotland and the implications for the Building Control Section of an increased workload relating to disability issues.

It was agreed:-

- (i) to note the contents of the report;
- (ii) in principle, to the establishment of a post of Disability Awareness Adviser within the Building Control Unit of the Department; and
- (iii) to refer (ii) to the Corporate Governance Committee for consideration of appropriate terms and conditions.

REVIEW OF STRUCTURE AND FUNCTIONS OF HISTORIC SCOTLAND

5. There was submitted a report dated 16 September 2003 (circulated) by the Director of Development Services which advised on a consultation paper entitled "Review of Structure and Function of Historic Scotland" prepared by the Education Department of the Scottish Executive and to homologate an Officer response on the consultation.

It was agreed:-

- (i) to approve the contents of this report and to homologate the actions taken as detailed within the report subject to a further strengthening of the expressions of concern regarding the need to resolve perceived conflicts of interest in the current roles of Historic Scotland and the need for closer regard to be had to democratic accountability, within any future organisational arrangements; and
- (ii) to submit a copy of the report to the Scottish Executive with the indicated further strengthening, as representing the formal views of East Ayrshire Council on the consultation paper.

REMOVAL OF LEGAL IMPEDIMENTS TO E-PLANNING

6. There was submitted a report dated 29 September 2003 (circulated) by the Director of Development Services which consulted Members on a proposal by the Scottish Executive to remove the legal impediments to E-Planning by introducing an Order; the Town and Country Planning (Electronic Communications) (Scotland) Order 2003.

It was agreed to approve the report which formed the basis of the Council's response to the Consultation Paper on "Removal of Legal Impediments to E-Planning".

MODERNISING PUBLIC LOCAL INQUIRIES: A CONSULTATION PAPER (Item 7, Page 2444, 99/03)

7. There was submitted a report dated 3 October 2003 (circulated) by the Director of Development Services which advised and sought to obtain the Committee's views on a consultation paper entitled "Modernising Public Local Inquiries" prepared by the Scottish Executive.

It was agreed:-

- (i) to approve the contents of the report; and
- (ii) that the Director of Development Services, in conjunction with the Head of Administrative and Legal Services, submit a full response to the consultation paper based on the key points as detailed within the report.

RESTORING COMMUNITIES PROGRAMME (RCP) PROPERTY IMPROVEMENT SCHEME, MAIN STREET AND WELL ROAD, AUCHINLECK (Item 6, Page 211, 03/07)

8. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which (a) informed of progress with the Property Improvement Scheme for Main Street and Well Road, Auchinleck; (b) sought the necessary authority for the Council to enter into legally binding agreements with the owners of private, residential and commercial property for the purpose of implementing improvements to their property; and (c) sought approval to set up a financial management system to deal with the income from the property owners and from the Social Inclusion Partnership to pay for the proposed improvements and the management of the project.

It was agreed:-

- (i) to note the progress of the development of the Property Improvement Scheme;
- (ii) that the Director of Development Services arrange grant payments for the proposed property improvements based on the programme and criteria as detailed within the report; and
- (iii) that the Head of Administrative and Legal Services enter into any legal agreements necessary for the implementation of the scheme.

WATER AND SEWERAGE CONSTRAINTS AND INVESTMENT PROGRAMMES IN EAST AYRSHIRE

9. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which (a) informed Members about information provided by

Scottish Water on development sites within East Ayrshire that were constrained by a lack of water and sewerage infrastructure and the estimated costs to overcome these constraints; (b) updated Members on Scottish Water's current and future investment programmes; and (c) outlined the implications for the review of the East Ayrshire Local Plan.

It was agreed:-

- (i) to note the contents of the report;
- (ii) to approve the approach and actions as detailed within the report; and
- (iii) that the Chair, invite Scottish Water to make a presentation of their investment proposals and operational priorities to all Members of the Council.

EUROPEAN FUNDING

- 10.** There was submitted a report dated 24 September 2003 (circulated) by the Director of Development Services which informed the Committee of the current position regarding the submission of European Funding applications from April - September 2003.

It was agreed to note the substantial European funding for East Ayrshire Council projects achieved from the current Objective 2 and 3 Programmes.

CODE OF GUIDANCE ON FUNDING EXTERNAL BODIES - KILMARNOCK TOWN CENTRE MANAGEMENT INITIATIVE (Item 13, Page 2560, 99/03)

- 11.** There was submitted a report dated 8 October 2003 (circulated) by the Director of Development Services which requested the Committee to (a) note the current activities undertaken by the Kilmarnock Town Centre Management Initiative; and (b) approve continuation of grant funding in terms of the Code of Guidance on Funding of External Bodies.

It was agreed:-

- (i) to note the compliance with the terms of the Code of Guidance in respect of the Council's relationship with Promoting Kilmarnock;
- (ii) to note the achievements of the company during the financial year 2002/2003 as detailed within the report;
- (iii) to approve continued support for the work of Promoting Kilmarnock, working in partnership with the retailers in Kilmarnock and other relevant agencies;
- (iv) to approve the preparation and implementation of a Service Level Agreement in respect of the Council's funding, incorporating the activities as detailed within the report; and
- (v) to remit to the Director of Development Services to bring further reports to future meetings of the Committee, regarding the monitoring of the agreed service level targets and outcomes.

**CODE OF GUIDANCE ON FUNDING EXTERNAL BODIES - AYRSHIRE AND
ARRAN TOURIST BOARD (Item 1, Page 2949, 99/03)**

12. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which requested the Committee to (a) note the current activities of the Ayrshire and Arran Tourist Board; and (b) approve the continuation of grant funding.

It was agreed:-

- (i) to note the compliance with the terms of the Code of Guidance in respect of the Council's relationship with the Ayrshire and Arran Tourist Board (AATB);
- (ii) to approve continued support for the work of the AATB in conjunction with other public sector partners and the tourism industry;
- (iii) to approve the preparation and implementation of a Service Level Agreement in respect of the Council's funding of the AATB; and
- (iv) to remit to the Director of Development Services to bring further reports to future meetings of the Committee regarding the monitoring of agreed service level targets and outcomes.

BUSINESS GATEWAY (Item 8, Page 2722, 99/03)

13. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which advised of the recent launch of the Business Gateway and to reaffirm the role of East Ayrshire Council in providing targeted business development support to local businesses within the new Business Gateway.

It was agreed:-

- (i) to note the progress made in introducing a Business Gateway in Ayrshire;
- (ii) in principle, that the Council should subscribe to a formal statement of commitment to delivery of business support services through the Business Gateway in collaboration with the other partner agencies in Ayrshire;
- (iii) that the Council should not enter into a formal contractual agreement to deliver services within the Business Gateway; and
- (iv) to authorise the Director of Development Services to agree the details of a statement of commitment drawn up in terms of (ii) above.

DERELICT PROPERTY REVOLVING FUND (Item 5, Page 41, 03/07)

14. There was submitted a report dated 23 September 2003 (circulated) which sought authority (a) for the use of the Derelict Property Revolving Fund to implement an initial programme of projects to secure the demolition of a number of derelict properties within East Ayrshire; (b) to implement associated remedial works and, as appropriate, acquire the sites for the Council; and (c) to enter into any legal agreements which may be required to secure implementation of the projects.

It was agreed:-

- (i) to note the current position regarding the cluster of properties centering on 115-123 Main Street, Auchinleck; 1-7 Bridge Street, Muirkirk; 26 Castle, New Cumnock; and premises of the Northwest Kilmarnock Amateur Boxing Club, Kirkton Road, Kilmarnock;

- (ii) to authorise the Head of Administrative and Legal Services to enter into any necessary legal agreement to secure the implementation of the projects as detailed within the report; and
- (iii) that the Director of Development Services pursue resolution of the outstanding issues in relation to the premises detailed in the report, as a matter of urgency.

A76 CORRIDOR PARTNERSHIP

- 15.** There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which sought agreement for the Director of Development Services to liaise with Officials of Dumfries and Galloway Council and other public and private sector interests, as appropriate, with a view to establishing a joint strategy to secure a strategy and investment programme in the future upgrading of the A76 trunk road.

It was agreed:-

- (i) to note the contents of the report; and
- (ii) that the Director of Development Services liaise with the principle stakeholders with a view to establishing a joint strategy to secure the future upgrading of the A76 trunk road.

NEW ROADS AND STREETWORKS ACT 1991 - RECENT CONSULTATION PAPERS

- 16.** There was submitted a report dated 3 October 2003 (circulated) by the Director of Development Services which advised (a) of the issue by the Scottish Executive of three consultation documents relating to the New Roads and Streetworks Act 1991 which came into effect on 1 October 2003; (b) of the responses that had been made; and (c) of the implications for staff resources to comply with these proposed changes.

It was agreed:-

- (i) to note the consultation documents issued by the Scottish Executive to amend the New Roads and Streetworks Act 1991 and that responses had been returned to the Scottish Executive;
- (ii) in principle, to the appointment of an Enforcement Officer; and
- (iii) to refer (ii) above to the Corporate Governance Committee for consideration of appropriate terms and conditions.

PUBLIC TRANSPORT FUND: KILMARNOCK TO ARDROSSAN PUBLIC TRANSPORT CORRIDOR (Item 17, Page 2969, 99/03)

- 17.** There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which sought approval to appoint a consultant for the design and site supervision of public transport infrastructure schemes to be implemented in the current financial year and the early months of the next financial year.

It was agreed to appoint the consultant Faber Maunsell to carry out final design and site supervision for the public transport schemes to be implemented in 2003/2004 which were to be funded from the fifth round of The Public Transport Fund.

**DAMAGE TO PILE PROTECTION WORKS AT MURE PLACE FOOTBRIDGE,
NEWMILNS (Item 4, Page 2980, 99/03)**

18. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which advised of the outcome of the tendering process for the Mure Place footbridge protection works, and which sought approval to proceed with the project.

It was agreed that the Director of Development Services proceed with the project as detailed within the report.

**KILMARNOCK TOWN CENTRE - CHRISTMAS PARKING ARRANGEMENTS
(Item 14, Page 2132, 99/03)**

19. There was submitted a report dated 7 October 2003 (circulated) by the Director of Development Services which sought guidance regarding off-street parking charges in the Kilmarnock Town Centre car parks on the four Sundays in December, prior to Christmas.

Councillor Robert McDill, seconded by Councillor Daniel Coffey, moved to make all parking free within Kilmarnock Town Centre on the four Sundays in December, subject to the multi-storey car park being kept open by employing an Attendant and that the cost of the proposal be funded from within the current budget for Development Services or from other funding sources.

Councillor Eric Ross, seconded by Councillor George Smith, moved as an amendment to continue the previous practice of imposing normal charges in the Council's short-stay car parks within Kilmarnock Town Centre, subject to the arrangements and appropriate publicity as detailed within the report.

On a division by a show of hands, the amendment was carried by 12 votes to 5.

**ON-STREET PARKING - KILMARNOCK TOWN CENTRE
(Item 16, Page 2561, 99/03)**

20. There was submitted a report dated 3 October 2003 (circulated) by the Director of Development Services which (a) advised of the procedure to be followed in dealing with formal objections to the draft Traffic Order for the proposed on-street parking restrictions in Kilmarnock Town Centre; (b) sought approval to appoint a Reporter, if necessary; and (c) sought approval for the procedures to be used in determining approval of the Traffic Order.

It was agreed:-

- (i) to note the progress of the Kilmarnock Town Centre on-street parking proposals, the number of objections received and the procedure being followed;
- (ii) to appoint a Scottish Executive Reporter to hear maintained objections, should this become necessary; and
- (iii) to invite objectors to address a meeting of the Development Services Committee, if a Reporter's Hearing was not required.

BUDGET ANNOUNCEMENT: 20 MPH SPEED LIMITS FOR SCHOOL AREAS AND CYCLING, WALKING AND SAFER STREETS (Item 12, Page 214, 03/07)

21. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which (a) advised that the Transport Minister recently announced additional allocations of funds for 20 mph speed limits for school areas and additional funding for cycling, walking and safer streets projects; and (b) sought agreement for projects to be implemented during the current financial year from the new budget for 20 mph speed limits.

It was agreed:-

- (i) to welcome the additional funding announced by the Transport Minister for future cycling, walking and safer streets schemes and the introduction of 20 mph speed limits;
- (ii) to note that a review of the existing safety measures in the vicinity of schools and proposals for future works programmes for cycling, walking and safer street schemes and 20 mph speed limits would be the subject of a further report; and
- (iii) that speed reduction measures at Bellfield Primary School and Darvel Primary School would be implemented in the current financial year with the new allocation for 20 mph speed limits.

AWARDING OF CONTRACTS

22. There was submitted and noted a report dated 8 October 2003 (circulated) by the Depute Chief Executive/Director of Corporate Resources, which provided, for information, details of tenders which had been accepted, as detailed in the Appendix to these Minutes.

PROPERTY SURPLUS TO REQUIREMENTS - ROADS DEPOT AND LAND AT CARSPHAIRN ROAD, DALMELLINGTON

23. There was submitted a report dated 7 October 2003 (circulated) by the Director of Development Services which sought approval for the former Roads Depot and adjoining land at Carsphairn Road, Dalmellington, to be declared surplus to operational requirements for disposal on the open market in accordance with the Council's procedures.

It was agreed to declare the former Roads Depot and adjoining land at Carsphairn Road, Dalmellington, surplus to operational requirements for disposal on the open market in accordance with the Council's procedures.

PROPERTY SURPLUS TO REQUIREMENTS - 13 MAIN STREET, KILMAURS

24. There was submitted a report dated 7 October 2003 (circulated) by the Director of Development Services which sought approval for the commercial premises at 13 Main Street, Kilmaurs, and associated garden ground to be declared surplus to operational requirements.

It was agreed to declare the building at 13 Main Street, Kilmaurs, and land as detailed with the report, surplus to operational requirements.

EXCLUSION OF PRESS AND PUBLIC

25. The Committee 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 7A of the Act.

EAST AYRSHIRE EMPLOYMENT INITIATIVE LIMITED (Item 1.6, Page 40, 03/07)

26. There was submitted a report dated 6 October 2003 (circulated) by the Director of Development Services which (a) provided a progress report on the work of the East Ayrshire Employment Initiative since its inception in 1998; (b) requested approval for an increased funding contribution for the year 2003/04 and beyond; and (c) sought authorisation for the Director of Development Service to approve a Service Level Agreement based on this report.

It was agreed:-

- (i) to approve the financial contribution as detailed within the report for 2004/05 and the proposal to fund the Employment Initiative to, at least, this level for financial years 2005/06 and 2006/07;
- (ii) to authorise the Director of Development Services to agree a Service Level Agreement covering the topics as detailed within the report; and
- (iii) otherwise, to note the contents of the report.

BUDGETARY CONTROL SUMMARY STATEMENT - STREET LIGHTING UNIT - TRADING SERVICES TO 27 JULY 2003 (PERIOD 4)

27. There was submitted and noted a joint report dated 16 September 2003 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Street Lighting Unit for the period ended 27 July 2003 (Period 4).

BUDGETARY CONTROL SUMMARY STATEMENT - ROADS DLO - TRADING SERVICES TO 27 JULY 2003 (PERIOD 4)

28. There was submitted and noted a joint report dated 16 September 2003 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Roads DLO - Trading Services for the period ended 27 July 2003 (Period 4).

BUDGETARY CONTROL SUMMARY STATEMENT - VEHICLE MAINTENANCE DSO TRADING SERVICES TO 27 JULY 2003 (PERIOD 4)

29. There was submitted and noted a joint report dated 16 September 2003 (circulated) by the Director of Finance and the Director of Development Services which advised of the current budgetary control position and the projected out-turn for the year for the Vehicle Maintenance DSO - Trading Services for the period ended 27 July 2003 (Period 4).

The meeting terminated at 1201 hours.

APPENDIX

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Patching 2 North Area	Lightways Contractors Ltd., Larbert	£53,948.99
Tarmac Johnstone Nimpactocote Resurfacing	Tarmac Johnstone Material Services, Derby	£64,847.20
Rural Screeding No 2	Wallace Dick & Sons Ltd., Darvel	£31,164.79