

EAST AYRSHIRE COUNCIL**COMMUNITY SERVICES COMMITTEE****MINUTES OF MEETING HELD ON WEDNESDAY 5 FEBRUARY 2003 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Jimmy Carmichael, Stephanie Young, Brian Reeves, Daniel Coffey, Lilian MacLean, Drew McIntyre, Iain Linton, Jane Darnbrough, Finlay MacLean, Eric Jackson, Tommy Farrell, William Menzies, Provost Jimmy Boyd and Councillors Eric Ross, Elaine Dinwoodie and Elaine Stewart.

ATTENDING: David Montgomery, Chief Executive; William Stafford, Director of Community Services; David Mitchell, Head of Administrative and Legal Services; John Griffiths, Head of Leisure Services; John F Crawford, Head of Protective Services; Chris Johnston and Paul Whip, Financial Services Managers; Adam Geary, Museums, Arts and Theatre Manager; Denis Craig, Principal Officer, Recreation; Gillian McCluskey, Trainee Solicitor; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillors Ann Hay, John Weir, Harry Wilson and Julie Faulds.

CHAIR: Councillor Jimmy Carmichael, Chair.

DRAFT ESTIMATES 2003/2004 - GENERAL SERVICES**1.1 FINANCIAL REPORT (Item 1, Page 3032, 99/03)**

There was submitted for information only, and noted, a report dated 28 January 2003 (circulated under separate cover as Item 1 of the Special Policy and Resources Committee of 31 January 2003) by the Director of Finance which advised the Policy and Resources Committee of the position with regard to the General Services Revenue Budget for 2003/2004 and which recommended that the Policy and Resources Committee determine final allocations for each of the Service Committees and requested that those Committees note and confirm acceptance of the financial allocations for 2003/2004 and align service plans with these taking into account the views and comments made during the Council's public consultation exercise.

1.2 EXCERPT FROM SPECIAL POLICY AND RESOURCES COMMITTEE OF 31 JANUARY 2003 (Item 1, Page 3032, 99/03)

There was submitted for information and noted, an Excerpt from the Special Policy and Resources Committee of 31 January 2003 (circulated) which requested that the Community Services Committee note and confirm acceptance of the final allocations for 2003/2004 and align service delivery plans with these as determined by the Policy and Resources Committee at its meeting on 31 January 2003.

1.3 REVENUE ESTIMATES 2003/2004

There was submitted a report dated 31 January 2003 (circulated) by the Director of Community Services which requested the Committee to consider the allocation of resources to this Committee for 2003/2004 by the Policy and Resources Committee.

Councillor Carmichael, seconded by Councillor Dinwoodie, moved that the Community Services Committee confirm acceptance of the resource allocation

notified by the Policy and Resource Committee and approve the distribution of this allocation as detailed in Paragraph 3 of the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment that the Community Services Committee note the resource allocation notified by the Policy and Resources Committee and note the distribution of this allocation as detailed in Paragraph 3 of the report.

On a division by a show of hands, the motion was carried by 11 votes to 4.

BUDGETARY CONTROL SUMMARY STATEMENT - COMMUNITY SERVICES TO 17 NOVEMBER 2002 (PERIOD 8)

2. There was submitted and noted a joint report dated 18 January 2003 (circulated) by the Directors of Finance and of Community Services on the current budgetary control position and the projected out-turn for the year for the Community Services Department for the period ended 17 November 2002 (Period 8).

ABSENCE MANAGEMENT REPORT QUARTER 4 (30 SEPTEMBER TO 31 DECEMBER 2002)

3. There was submitted and noted a report dated 20 January 2003 (circulated) by the Director of Community Services on absence rates and absence management for the Department of Community Services for the period 30 September to 31 December 2002.

REVENUE BUDGET 2003/2004 - CHARGES FOR SERVICES

4. There was submitted a report dated 14 January 2003 (circulated) by the Director of Community Services which requested that the Committee approve increased charges for services provided by the Department.

Councillor Carmichael, seconded by Councillor Dinwoodie moved:-

- (i) that, subject to the approval by Special Council on 13 February 2003 of the General Services Revenue Estimates 2003/2004, the proposed charges outlined in Appendices 1 to 11 be implemented from 1 April 2003; and
- (ii) otherwise, to note the contents of the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment that the proposed charges outlined in Appendices 1 to 11 be noted and to continue deliberation of the charges.

On a division by a show of hands, the motion was carried by 11 votes to 4.

DECLARATION OF SURPLUS GROUND AT WESTERN ROAD, GALSTON AND TRANSFER TO THE EDUCATIONAL AND SOCIAL SERVICES DEPARTMENT

5. There was submitted a report dated 15 January 2003 (circulated) by the Director of Community Services which requested that the Committee declare surplus to requirements an area of land at Western Road, Galston, extending to 1.4102 hectares (3.485 acres) or thereby (shown on the attached plan), for the purpose of transfer to the Educational and Social Services Department.

It was agreed that the ground in question be declared surplus to requirements and be transferred to the Educational and Social Services Department.

BING AT MOORFIELD, KILMARNOCK

6. There was submitted a report dated 24 January 2003 (circulated) by the Director of Community Services which requested the Committee to declare surplus to requirements the bing at Moorfield, Kilmarnock.

It was agreed:-

- (i) to declare the bing at Moorfield, Kilmarnock, surplus to requirements; and
- (ii) to refer the matter to the Director of Development Services for disposal.

REPORT ON THE ADOPTION OF THE RACE RELATIONS (AMENDMENT) ACT 2000

7. There was submitted a report dated 13 January 2003 (circulated) by the Director of Community Services which advised of the impact on the Department of the adoption of the Council's Race Equality Scheme.

It was agreed:-

- (i) to note the contents of the Departmental Assessment of the impact of the Race Equality (Amendment) Act 2000 as set out in Appendix I to the report;
- (ii) to approve the three year plan/timetable to meet the general duty of the Act as set out in Appendix I to the report; and
- (iii) to remit to the Training and Development Section to investigate the development of relevant training so that all Community Services staff were made aware of the Race Equality (Amendment) Act 2000, the Council's Race Equality Scheme and how both impact on the operations of the Department and the Council.

MAJOR GRANTS AND SERVICE LEVEL AGREEMENTS

8.1 Declaration of Interest

Councillor Carmichael declared a direct non-pecuniary interest in the New Cumnock Environmental Regeneration Volunteers (NERV) element of this item.

Councillor Dinwoodie declared an indirect non-pecuniary interest in the Kilmarnock Leisure Centre Trust element of this item.

Councillor Stewart declared a direct pecuniary interest in the Bellsbank Adventure Playground element of this item.

8.2 Consideration of Item

There was submitted a report dated 20 January 2003 (circulated) by the Director of Community Services which sought approval for new Service Level Agreements covering the Committee's grants to the Kilmarnock Leisure Centre Trust, New Cumnock Environmental Regeneration Volunteers (NERV) and the Bellsbank Adventure Playground and which also sought approval for the level of grant for these organisations for 2003/2004.

Councillor McIntyre, seconded by Councillor Farrell, moved:-

- (i) subject to the approval by Special Council on 13 February 2003 of the General Services Revenue Estimates 2003/2004:-

- (a) to approve the introduction of Service Level Agreements for the Kilmarnock Leisure Centre Trust, New Cumnock Environmental Volunteers and Bellsbank Adventure Playground;
 - (b) to approve a grant of £130,000 to the Kilmarnock Leisure Centre Trust for 2003/04;
 - (c) to approve a grant of £22,300 to the New Cumnock Environmental Regeneration Volunteers for 2003/04; and
 - (d) to approve a grant of £22,250 to the Bellsbank Adventure Playground for 2003/04, subject to the requirement to add an appropriate dissolution clause to their Constitution at the organisation's next Annual General Meeting;
- (ii) to remit to the Director of Community Services to submit appropriate progress reports in 2003/04; and
 - (iii) otherwise, to note the contents of the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment to continue consideration of this item to allow Members further time to consider the terms of the proposed Service Level Agreements.

On a division by a show of hands, the motion was carried by 9 votes to 4.

In view of their respective declarations of interest, neither Councillors Carmichael or Stewart participated in the discussion of, nor the vote on, this item.

ACCOUNTS COMMISSION PERFORMANCE AUDIT OF TRADING STANDARDS

9. There was submitted and noted a report dated 6 December 2002 (circulated) by the Director of Community Services which advised of the background to the National Report by the Accounts Commission entitled "Made to Measure" along with details of the local report on East Ayrshire's Trading Standards Service.

NATIONAL PERFORMANCE FRAMEWORK FOR TRADING STANDARDS

10. There was submitted a report dated 7 January 2003 (circulated) by the Director of Community Services which sought approval of a Service Delivery Plan 2002/2003 prepared in response to the National Performance Framework for Trading Standards by the Department of Trade and Industry (DTI).

It was agreed:-

- (i) to approve the contents of the Service Delivery Plan; and
- (ii) to approve the submission of the Service Delivery Plan to the DTI.

THE REMOVAL AND DISPOSAL OF VEHICLES AMENDMENT (SCOTLAND) REGULATIONS 2002

11. There was submitted a report dated 15 January 2003 (circulated) by the Director of Community Services which advised of new regulations which were intended to assist Local Authorities to deal more quickly with the nuisance of abandoned cars.

It was agreed:-

- (i) that the report be circulated to Local Committees for their information; and

- (ii) otherwise, to note the contents of the report.

OUTDOOR AMENITIES - EQUIPMENT/VEHICLE LEASES AND HIRES

12. There was submitted a report dated 20 January 2003 (circulated) by the Director of Community Services which sought approval to lease and hire essential equipment and vehicles for the operations of the Outdoor Amenities Section.

It was agreed:-

- (i) to approve the lease and hire of the above vehicles and equipment;
- (ii) to instruct the Director of Finance to secure the appropriate operating leases for the vehicles and equipment as required; and
- (iii) otherwise, to note the contents of the report.

GRANTS TO VOLUNTARY ORGANISATIONS: AWARDS TO BANDS

13. There was submitted a report dated 14 January 2003 (circulated) by the Director of Community Services which outlined an application for financial assistance under the Awards to Bands Scheme for Members' consideration.

It was agreed to award a grant of £400 to Newmilns and Galston Band.

PROPOSED NEW RIGHTS OF WAY

14. There was submitted a report dated 13 January 2003 (circulated) by the Head of Administrative and Legal Services/Solicitor to the Council which advised of the results of the public consultation exercise undertaken in respect of the routes aftermentioned and which asked the Committee to determine whether the routes be added to the Council's Rights of Way Register.

It was agreed:-

- (i) to add Victoria Bridge, Queen's Drive, Kilmarnock and Barony Road to Park Road, Auchinleck, to the Council's Rights of Way Register and to authorise the Head of Administrative and Legal Services/Solicitor to the Council to make the necessary arrangements regarding notification and advertisement; and
- (ii) to continue consideration of "The Doctors Road", Ochiltree for the purposes of obtaining further clarification and allowing further consultation with the Community Council and other local groups.

AWARDING OF CONTRACTS

15. There was submitted and noted a report dated 29 January 2003 (circulated) by the Depute Chief Executive/Director of Corporate Resources which provided, for information, details of tenders which have been accepted in respect of contracts as follows:-

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Erection and Dismantling of Seasonal Street and Tree Lighting 2002/2003 Programme	John Girvan & Sons Ltd., Ayr	£39,361.54

<u>CONTRACT</u>	<u>SUCCESSFUL CONTRACTOR</u>	<u>AMOUNT</u>
Appointment of Producer - Pantomime 2003/2004	Telltale Theatre Productions, Coventry	£62,500.00

EXCLUSION OF PRESS AND PUBLIC

16. 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 the Paragraph of Schedule 7A of the Act as shown against each item.

PROPOSED AMENDMENT OF KILMARNOCK LEISURE CENTRE TRUST DOCUMENTATION (PARA 4)

17.1 Declaration of Interest

Provost Boyd and Councillors Dinwoodie and Darnbrough declared an indirect non-pecuniary interest in this item.

17.2 Consideration of Item

There was submitted a joint report dated 15 January 2003 (circulated) by the Director of Community Services and the Head of Administrative and Legal Services which (i) advised of the position of the Council's External Auditor in relation to the financial undertaking by the Council to the Kilmarnock Leisure Centre Trust; and (ii) requested that the Committee consider whether the Council should seek to revise the Agreement with the Trust insofar as it relates to the Council's financial undertaking to the Trust.

Councillor Carmichael, seconded by Councillor McIntyre, moved:-

- (i) to amend the Minute of Agreement to remove the liability outlined in Paragraph 2.2 of the report;
- (ii) to remit to the Head of Administrative and Legal Services to prepare a report to the next meeting of Kilmarnock Leisure Centre Trust in order that a decision can be taken in accordance with Paragraph 2.5 of the report; and
- (iii) to remit to the Head of Administrative and Legal Services to prepare the requisite documentation in accordance with Paragraph 4.1 of the report.

Councillor D Coffey, seconded by Councillor Linton, moved as an amendment that the status quo be retained.

On a division by a show of hands, the motion was carried by 12 votes to 4.

BUDGETARY CONTROL SUMMARY STATEMENT - REFUSE COLLECTION AND STREET CLEANSING TO 17 NOVEMBER 2002 (PERIOD 8) (PARA 6)

18. There was submitted and noted a joint report dated 18 January 2003 (circulated) by the Directors of Finance and of Community Services which advised of the current budgetary control position and the projected out-turn for the year for Refuse Collection and Street Cleansing for the period ended 17 November 2002 (Period 8).

BUDGETARY CONTROL SUMMARY STATEMENT - OUTDOOR AMENITIES AND LEISURE MANAGEMENT TO 17 NOVEMBER 2002 (PERIOD 8) (PARA 6)

19. There was submitted and noted a joint report dated 18 January 2003 (circulated) by the Directors of Finance and of Community Services which advised of the current budgetary control position and the projected out-turn for the year for Outdoor Amenities and Leisure Management for the period ended 17 November 2002 (Period 8).

Councillor Eric Ross left the meeting during the above item.

CLEANSING DSO - BUSINESS PLAN 2003/2004 (PARA 6)

20. There was submitted a report dated 14 January 2003 (circulated) by the Director of Community Services which sought approval for the Cleansing DSO Business Plan for 2003/2004.

It was agreed to approve the Cleansing DSO Business Plan for 2003/04.

Councillor Eric Ross re-joined the meeting during the above item.

LEISURE MANAGEMENT DSO - BUSINESS PLAN 2003/04 (PARA 6)

21. There was submitted a report (circulated) by the Director of Community Services which sought approval for Leisure Management DSO Business Plan for 2003/04.

It was agreed to approve the Leisure Management DSO Business Plan for 2003/04.

OUTDOOR AMENITIES DSO - BUSINESS PLAN 2003/04 (PARA 6)

22. There was submitted a report dated 13 January 2003 (circulated) by the Director of Community Services which sought approval for Outdoor Amenities DSO Business Plan for 2003/04.

It was agreed to approve the Outdoor Amenities DSO Business Plan for 2003/04.

The meeting terminated at 1120 hours.