

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 7 MARCH 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, David Macrae, Harry Wilson, Iain Linton, Alex Walsh, Alan Campbell, Jane Darnbrough, John Knapp, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, Tommy Farrell, Julie Faulds, William Menzies, Eric Ross, Elaine Dinwoodie 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; Julie Armstrong, Principal Administrative Officer; and Lynn Chapman, Trainee Administrative Officer.

APOLOGIES: Councillors Ann Hay and Jim Raymond.

CHAIR: Provost Jimmy Boyd, Chair.

PRESENTATION BY FIREMASTER, STRATHCLYDE FIRE BRIGADE

The Provost welcomed Firemaster Jeff Ord, David Kennedy, Depute Firemaster, Phil Robinson, Assistant Firemaster (West Command) and Robert Scott, Station Officer, all from Strathclyde Fire Brigade.

The Firemaster, in his presentation, provided an outline of the challenges facing the Brigade and gave a video presentation promoting the Brigade. He then went on to give an outline of the Fire Cadet Scheme and also gave a video presentation on the scheme. The Firemaster concluded his presentation by giving an outline of the future funding issues concerning Strathclyde Fire Brigade.

Following questions from Members, the Provost thanked Firemaster Ord and his team for the presentation.

Councillor Weir joined the meeting during the above presentation.

PROVOST'S REMARKS

1. The Provost began by wishing Councillor Hay a speedy recovery from her recent accident in which she had broken her foot.

The Provost then referred to the unprecedented success of the Great Britain Ladies Curlers who had recently won the Gold Medal at the Winter Olympics in Salt Lake City. He stated that he was immensely proud when he became aware that two members of the team were from East Ayrshire and that one other member, now resident in Inverness, hailed originally from Stewarton.

The Provost intimated that along with the Chief Executive he had attended the welcome home party for Mrs Rhona Martin in Dunlop Village Hall on Friday evening. In addition he commented that letters extending a civic message, together with flowers, had gone both to Rhona and to Margaret Morton of Mauchline. In those letters, the Provost confirmed that he had congratulated the team members not only on their success but also on the manner in which they conducted themselves as ambassadors for this country.

The Provost remarked that the sport of curling was now set to take off with increased attention focussed upon it. The Provost stated that he was therefore delighted that East Ayrshire Council had been in the forefront of this movement with the appointment of a Curling Development Officer in 2000. He further stated that this post was jointly funded and managed with the two other Ayrshire Authorities, the Royal Caledonian Curling Club and the Bank of Scotland. The Provost hoped that this would help to encourage others, particularly young people, to follow the Olympic Gold Medallists and try their hand at this enjoyable pastime.

The Provost concluded his remarks by referring to an item on this matter on this meeting's Agenda for consideration and expressed his hope that a Civic Reception could be arranged to mark this exceptional success story.

PREVIOUS MINUTES

2. There were submitted (circulated) Minutes of Meeting of Council held on 13 December 2001 and Minutes of Special Meeting of Council held on 14 February 2002 which were approved as correct records.

COMMITTEE MINUTES

3. There were submitted (circulated) for approval as correct records, except as shown undernoted, and approval of any recommendations contained therein the Minutes of the undernoted Committee meetings, viz:-

- 3.1 **CENTRAL LOCAL PLANNING COMMITTEE OF 7 DECEMBER 2001 (pages 2267-2269).**
- 3.2 **SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 10 DECEMBER 2001 (pages 2270-2271).**
- 3.3 **SPECIAL EDUCATION COMMITTEE OF 11 DECEMBER 2001 (pages 2272-2273).**
- 3.4 **DEVELOPMENT SERVICES COMMITTEE OF 18 DECEMBER 2001 (pages 2279-2285).**

Councillor Campbell joined the meeting at this point.

- 3.5 **DEVELOPMENT SERVICES COMMITTEE (SITTING AS A PLANNING COMMITTEE) OF 18 DECEMBER 2001 (pages 2286-2287).**
- 3.6 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 21 DECEMBER 2001 (pages 2288-2290).**
- 3.7 **EMERGENCY POWERS COMMITTEE OF 10 JANUARY 2002 (page 2291).**
- 3.8 **SOUTHERN LOCAL PLANNING COMMITTEE OF 11 JANUARY 2002 (pages 2292-2295).**
- 3.9 **SPECIAL HOUSING COMMITTEE OF 16 JANUARY 2002 (pages 2296-2297).**

- 3.10 SPECIAL POLICY AND RESOURCES COMMITTEE OF 16 JANUARY 2002 (page 2298).
- 3.11 CENTRAL LOCAL PLANNING COMMITTEE OF 18 JANUARY 2002 (pages 2299-2300).
- 3.12 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 22 JANUARY 2002 (pages 2301-2306).
- 3.13 LOCAL GOVERNMENT LICENSING PANEL OF 23 JANUARY 2002 (pages 2307-2310).
- 3.14 NORTHERN AREA LOCAL COMMITTEE OF 23 JANUARY 2002 (pages 2311-2316).
- 3.15 DOON VALLEY LOCAL COMMITTEE OF 29 JANUARY 2002 (pages 2317-2320).
- 3.16 HOUSING COMMITTEE OF 30 JANUARY 2002 (pages 2321-2330).

(i) HOUSING CAPITAL PROGRAMME 2001/02 - MODIFICATION OF THE CAPITAL PLAN (Item 3.1, Page 2322)

A motion by Councillor W Coffey, seconded by Councillor Reid, to reconsider in terms of Standing Order 40 the process by which extensions to existing contracts are granted subject to the approval of the Director of Homes and Technical Services following consultation with the Chair of the Housing Committee, failed to receive the requisite two-thirds of the Members voting, the motion being defeated by 14 votes to 15.

- 3.17 KILMARNOCK SOUTH LOCAL COMMITTEE OF 30 JANUARY 2002 (pages 2331-2335).
 - 3.18 SOCIAL WORK COMMITTEE OF 31 JANUARY 2002 (pages 2336-2339).
 - 3.19 CUMNOCK AREA LOCAL COMMITTEE OF 31 JANUARY 2002 (pages 2340-2346).
 - 3.20 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 1 FEBRUARY 2002 (pages 2347-2351).
 - 3.21 SPECIAL POLICY AND RESOURCES COMMITTEE OF 1 FEBRUARY 2002 (pages 2352-2354).
 - 3.22 EMERGENCY POWERS COMMITTEE OF 1 FEBRUARY 2002 (page 2355).
 - 3.23 SPECIAL EDUCATION COMMITTEE OF 5 FEBRUARY 2002 (pages 2356-2357).
 - 3.24 EDUCATION COMMITTEE OF 5 FEBRUARY 2002 (pages 2358-2364).
 - 3.25 KILMARNOCK NORTH LOCAL COMMITTEE OF 5 FEBRUARY 2002 (pages 2365-2371).
 - 3.26 COMMUNITY SERVICES COMMITTEE OF 6 FEBRUARY 2002 (pages 2372-2376).
 - 3.27 IRVINE VALLEY LOCAL COMMITTEE OF 6 FEBRUARY 2002 (pages 2377-2382).
- (i) PLAYPARK PROVISION (Item 9, Page 2380)**

It was agreed that paragraph 9(i)(c) be amended to read after "Teenage sports wall" "..... supported upgrade of the Sorn Road side but noted that temporary removal of this site left the east of Galston without playpark provision until the upgrade was completed".

- 3.28 SPECIAL SOCIAL WORK COMMITTEE OF 7 FEBRUARY 2002 (pages 2383-2384).
- 3.29 SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 7 FEBRUARY 2002 (pages 2385-2386).
- 3.30 SPECIAL HOUSING COMMITTEE OF 7 FEBRUARY 2002 (pages 2387-2388).
- 3.31 SOUTHERN LOCAL PLANNING COMMITTEE OF 8 FEBRUARY 2002 (page 2389).
- 3.32 SPECIAL POLICY AND RESOURCES COMMITTEE OF 13 FEBRUARY 2002 (pages 2390-2392).
- 3.33 CENTRAL LOCAL PLANNING COMMITTEE OF 15 FEBRUARY 2002 (pages 2399)
- 3.34 SPECIAL KILMARNOCK CENTRAL LOCAL COMMITTEE OF 19 FEBRUARY 2002 (page 2400).
- 3.35 POLICY AND RESOURCES COMMITTEE OF 21 FEBRUARY 2002 (pages 2401-2422).

APPOINTMENTS TO COMMITTEES/SUB-COMMITTEES/OUTSIDE ORGANISATIONS ETC

4. There was submitted a report dated 28 February 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which invited Council to consider vacancies and, where appropriate, appoint Members to vacant positions on various Committees/Sub-Committees and outside organisations following the resignation of a Member of the Council.

The following decisions were made.

Chair of Community Services (Appointment to be made until June 2002)

Councillor Farrell, seconded by Councillor McIntyre, moved to appoint Councillor Carmichael to the Chair.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment to appoint Councillor Wilson to the Chair.

On a division by a show of hands, the motion was carried by 15 votes to 13.

Vice-Chair of Community Services (until June 2002)

Councillor Farrell, seconded by Councillor McIntyre, moved to appoint Councillor Dinwoodie to the Vice-Chair.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment to appoint Councillor Linton to the Vice-Chair.

On a division by a show of hands, the motion was carried by 15 votes to 13.

Community Safety Forum

It was noted that the Chair and Vice-Chair of the Community Services Committee would automatically become ex officio members of the Community Safety Forum.

Kilmarnock Leisure Centre Trust

Councillor Farrell, seconded by Councillor McIntyre, moved to recommend to the Trust that Councillor Dinwoodie as Vice-Chair of the Community Services Committee to be appointed as a Trustee.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment to recommend to the Trust that Councillor Linton be appointed as a Trustee.

On a division by a show of hands, the motion was carried by 15 votes to 13.

Strathclyde Joint Police Board

Councillor Farrell, seconded by Councillor McIntyre, moved to appoint Councillor Reeves as the member with Councillor Menzies as substitute member (Councillor Reeves being substitute member at present).

Councillor Reid, seconded by Councillor Wilson, moved as an amendment to appoint Councillor Linton.

On a division by a show of hands, the motion was carried by 15 votes to 13.

Scottish Accident Prevention Council - Road Safety

Councillor Farrell, seconded by Councillor McIntyre, moved to appoint the Chair of Community Services Committee

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment to appoint Councillor Wilson.

On a division by a show of hands, the motion was carried by 15 votes to 13.

Councillor Hall left the meeting at this point.

East Ayrshire Woodlands

Councillor Farrell, seconded by Councillor McIntyre, moved to appoint Councillor Dinwoodie.

Councillor Reid, seconded by Councillor D Coffey, moved as an amendment to appoint Councillor Faulds.

On a division by a show of hands, the motion was carried by 15 votes to 12.

Further Appointments to be filled by the Administration/Local Member for Ward 31

It was agreed that the Chair of the Community Services Committee be appointed to the Policy and Resources Committee and that the vacancies within the following Committees etc which were due to be filled by the Administration be continued for further consideration as follows, viz:-

Budget Scrutiny Group.
Community Services Committee
Development Services and Planning Committee
Environmental Forum
Local Government Licensing Panel
Social Work Committee

It was also agreed that the following appointments would be automatically filled by the Local Member for Ward 31 and therefore only required to be addressed following the outcome of the By-Election as appropriate, viz:-

- (a) Southern Local Planning Committee;
- (b) Doon Valley Local Committee - It was noted that as the position of Vice-Chair was still vacant at the moment that this matter be addressed following the By-Election;
- (c) Dalmellington and District Conservation Trust Board of Management; and
- (d) Cumnock and Doon Valley Minerals Trust - It was noted that although it was not automatic that the Local Member fills this vacant position, past convention had been that the Local Member for the area take up the position on the Trust and it was therefore noted that the matter be addressed following the By-Election.

Councillor Hall rejoined the meeting at this point.

SCOTTISH COMMISSION FOR THE REGULATION OF CARE - EAST AYRSHIRE FIT PERSON ARRANGEMENTS

5. There was submitted a joint report dated 22 February 2002 (circulated) by the Directors of Educational and Social Services and of Community Services which sought approval in principle for "Fit Person arrangements" which would come into effect on 1 April 2002 when the Scottish Commission for the Regulation of Care was established.

It was agreed:

- (i) to approve the appointment of the Heads of Services respectively as registered persons as set out below:
 - (a) the Head of Social Work to be the registered person for the home care and domicillary care including support packages, care homes (children, adults and older people) adoption services, fostering services, day care for adults and adult placement services;
 - (b) the Head of Community Support to be the registered person for day care for children; and
 - (c) the Head of Leisure Services to be the registered person for kids' clubs and associated child related activities; and
- (ii) otherwise to note the contents of the report.

BOUNDARY COMMISSION FOR SCOTLAND - FIFTH PERIODICAL REVIEW OF PARLIAMENTARY CONSTITUENCIES - SCOTLAND

7. There was submitted a report dated 21 February 2002 (circulated) by the Chief Executive which provided the Council with (i) information on the Fifth Periodical Review of Parliamentary Constituencies in Scotland; (ii) information on the implications for East Ayrshire; and (iii) an opportunity to consider any part of the proposals on which the Council wished to make representation.

It was agreed:

- (i) to note the separate consultation exercises carried out by the Secretary of State in respect of Scottish Parliament as detailed under paragraph 4 of the report;

- (ii) to authorise the Chief Executive to submit on behalf of the Council, objections to the Boundary Commission for Scotland's Fifth Periodical Review of Parliamentary Constituencies in Scotland as detailed in paragraph 6 of the report;
- (iii) to note that the representations also provide for the Council to submit a suggestion on the name of any proposed new Parliamentary Constituency (presently Kilmarnock, Stewarton and Cumnock) at the Local Inquiry; and
- (iv) otherwise to note the contents of the report.

OLYMPIC CURLING SUCCESS

8. There was submitted a report dated 4 March 2002 (circulated) by the Chief Executive to consider and recognise the achievement of the British Women's Curling Team who recently won Olympic Gold Medals at the Winter Olympics in Salt Lake City.

It was agreed:

- (i)(a) to homologate the decision to support the welcome home party in Dunlop;
- (b) to support similarly a welcome home function in Mauchline;
- (ii) to host a Civic Reception on a suitable future date for the successful British Women's Curling Team;
- (iii) to remit, in accordance with normal practice, to the appropriate Officer to make the necessary arrangements in consultation with the Chair of the Members' Services and Civic Ceremonial Sub-Committee; and
- (iv) otherwise to note the contents of the report.

REQUEST FOR GRANT ASSISTANCE - SCOTTISH LOW PAY UNIT

9. There was submitted a report dated 25 February 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources to consider a request for funding from the Scottish Low Pay Unit.

It was agreed:

- (i) to a grant of £4,267.33 to the Scottish Low Pay Unit for the financial year 2001/02;
- (ii) that a review of future funding for the work of the Unit be considered at a future meeting of the Policy and Resources Committee in light of the services provided more locally by agencies such as the Citizens Advice Bureau; and
- (iii) otherwise to note the contents of the report.

SCOTTISH ENVIRONMENT PROTECTION AGENCY

10. There was submitted a report dated 26 February 2002 (circulated) by the Director of Community Services to consider nominating a Member of the Council to serve on the West Regional Board of the Scottish Environment Protection Agency.

Councillor Farrell, seconded by Councillor McIntyre, moved:

- (i) to nominate the Chair of the Community Services Committee as the Member to serve on the West Regional Board of the Scottish Environment Protection Agency;

- (ii) to remit to the Director of Community Services to advise the Scottish Environment Protection Agency accordingly; and
- (iii) otherwise to note the contents of the report.

Councillor Wilson, seconded by Councillor Reid, moved as an amendment

- (i) to nominate Councillor Faulds as the Member to serve on the West Regional Board of the Scottish Environment Protection Agency;
- (ii) to remit to the Director of Community Services to advise the Scottish Environment Protection Agency accordingly; and
- (iii) otherwise to note the contents of the report.

On a division by a show of hands the motion was carried by 15 votes to 13.

**CLYDEBANK ACTION ON ASBESTOS GROUP - MOTION AGREED BY WEST
DUNBARTONSHIRE COUNCIL ON 28 NOVEMBER 2001**

11. There was submitted a report dated 4 March 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which invited Council to consider the terms of an approach from West Dunbartonshire Council inviting support for the position they had adopted in respect of former workers suffering from asbestosis, or related illnesses, whose legal claims for compensation against their former employer, Turner & Newall Ltd, had been adversely affected by the actions of US based company Federal Mogul since acquiring ownership of Turner & Newall Ltd.

It was agreed:

- (i) to note the approach from West Dunbartonshire Council and the position it had adopted in respect of the actions by Federal Mogul since acquiring Turner & Newall Ltd;
- (ii) to affirm, in principle, its support for all former employees of Turner & Newall Ltd with outstanding asbestos related compensation claims which had been adversely affected by the actions of Federal Mogul in this matter; and
- (iii) to remit to the Depute Chief Executive/Director of Corporate Resources to advise West Dunbartonshire Council of the terms of the decision.

The meeting terminated at 1204 hrs.

**TO RETURN TO PREVIOUS PAGE
PLEASE PRESS THE BACK BUTTON
AT THE TOP LEFT OF THE PAGE**