

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 28 JUNE 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, Harry Wilson, Iain Linton, Alex Walsh, Jane Darnbrough, Alan Campbell, John Knapp, Jim Raymond, Finlay MacLean, Robert McDill, Eric Jackson, George Smith, Jimmy Kelly, 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; Alex McPhee, Director of Finance; James Lavery, Director of Homes and Technical Services; Tom McHugh, Head of Accounting Services; Barbara Haughan, Head of Administrative and Legal Services; Douglas Campbell, Head of Corporate Development and Communication; Graham Short, Head of Schools; Steven Moore, Head of Social Work; Bill Walkinshaw, Administration Manager; Ian Arnott, Corporate Accounting Manager; David Mitchell, Legal Manager; and Julie Armstrong, Principal Administrative Officer.

APOLOGIES: Councillors David Macrae and Tommy Farrell.

CHAIR: Provost Jimmy Boyd, Chair.

PROVOST'S REMARKS

1. The Provost referred to the sudden death of Cardinal Thomas Winning who, he stated, was not only the leading Churchman within his own faith but a prominent person in the life of Scotland. The Provost advised that he had written to the Archdiocese of Glasgow on behalf of the Council and the local people of East Ayrshire who the Council represented to express condolences and read to the meeting a portion of that letter as follows, viz:-

"There can be no doubt that Cardinal Winning was held in the very highest regard by the people of Scotland, regardless of race or creed. He carried out his responsibilities with great dignity and was much admired for the ready sense of humour which he brought to so many situations. He will be long remembered for his unflinching commitment in championing the cause of the less fortunate in society and leaves behind a legacy of courage, devotion and service".

The Provost, on a happier note, stated he was sure everyone was delighted to learn of the award of the Queen's Police Medal to Mr Jim Orr, Depute Chief Constable and Director of the Scottish Drug Enforcement Agency, in the Birthday Honours. The Provost reported that he had written to Mr Orr to express the Council's satisfaction at this well deserved recognition of his career.

PROVOST/DEPUTE PROVOST

2. **ELECTION OF PROVOST/DEPUTE PROVOST**

Councillor Hall left the meeting at this point.

Nominations for election of Provost and Depute Provost were invited.

Councillor McIntyre, seconded by Councillor Jackson, moved that Councillor Boyd be elected as Provost and Councillor Darnbrough be elected as Depute Provost.

Councillor Reid, seconded by Councillor Wilson, moved as an amendment that Councillor Daniel Coffey be elected as Provost and Councillor Lilian MacLean be elected as Depute Provost.

On a request by Councillor Reid that a roll call vote be taken and there being at least one-third of the Members in agreement (12), in accordance with Standing Order 35, the vote was taken by calling the roll as follows, viz:-

For the motion - Provost Boyd and Councillors Reeves, McIntyre, Walsh, Darnbrough, Knapp, Raymond, Jackson, Smith, Kelly, Menzies, Ross, Dinwoodie, Taylor and Carmichael.

For the amendment - Councillors Hay, Daniel Coffey, Willie Coffey, Reid, Lilian MacLean, Weir, Wilson, Linton, Campbell, Finlay MacLean, McDill and Faulds.

Abstentions - Councillors McNeil and Young.

The motion was therefore carried by 15 votes to 12.

Councillor McNeil left the meeting at this point.

PREVIOUS MINUTES

3. There were submitted (circulated) Minutes of Meeting of Council held on 3 May 2001 which were approved as a correct record.

COMMITTEE MINUTES

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

- 4.1 **SOUTHERN LOCAL PLANNING COMMITTEE OF 27 APRIL 2001 (pages 1771-1779).**

Councillor McNeil rejoined the meeting at this point.

- 4.2 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 27 APRIL 2001 (pages 1780-1788).**

- 4.3 **CENTRAL LOCAL PLANNING COMMITTEE OF 4 MAY 2001 (pages 1792-1798).**

- 4.4 **DEVELOPMENT SERVICES COMMITTEE OF 8 MAY 2001 (pages 1799-1805).**

- 4.5 **EMERGENCY POWERS COMMITTEE OF 8 MAY 2001 (page 1806).**

Councillor Hall rejoined the meeting at this point.

- 4.6 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 15 MAY 2001 (pages 1807-1810).**

- 4.7 **NORTHERN AREA LOCAL COMMITTEE OF 16 MAY 2001 (pages 1811-1814).**

- 4.8 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 18 MAY 2001 (pages 1815-1817).**

- 4.9 **DOON VALLEY LOCAL COMMITTEE OF 22 MAY 2001 (pages 1818-1821).**

- 4.10 HOUSING COMMITTEE OF 23 MAY 2001 (pages 1822-1831).
- 4.11 SPECIAL POLICY AND RESOURCES COMMITTEE OF 23 MAY 2001 (pages 1832-1833).
- 4.12 EMERGENCY POWERS COMMITTEE OF 23 MAY 2001 (page 1834).
- 4.13 KILMARNOCK SOUTH LOCAL COMMITTEE OF 23 MAY 2001 (pages 1835-1838).
- 4.14 CUMNOCK AREA LOCAL COMMITTEE OF 23 MAY 2001 (pages 1839-1840).
- 4.15 SOCIAL WORK COMMITTEE OF 24 MAY 2001 (pages 1841-1844).
- 4.16 SOUTHERN LOCAL PLANNING COMMITTEE OF 24 MAY 2001 (pages 1845-1847).
- 4.17 EDUCATION COMMITTEE OF 29 MAY 2001 (pages 1848-1858).
- 4.18 KILMARNOCK NORTH LOCAL COMMITTEE OF 29 MAY 2001 (pages 1859-1862).
- 4.19 COMMUNITY SERVICES COMMITTEE OF 30 MAY 2001 (pages 1863-1871).
- 4.20 IRVINE VALLEY LOCAL COMMITTEE OF 30 MAY 2001 (pages 1872-1876).
- 4.21 CENTRAL LOCAL PLANNING COMMITTEE OF 1 JUNE 2001 (pages 1877-1886).
- 4.22 DEVELOPMENT SERVICES COMMITTEE OF 5 JUNE 2001 (pages 1887-1899).

MATTERS ARISING

(i) REVIEW OF SCHEME OF DELEGATION (Item 11, Page 1895)

Following a request by Councillor Reid, it was agreed that the recommendations on the amendments to the Scheme of Delegation in respect of planning and other applications be considered under Item 9,

- 4.23 POLICY AND RESOURCES COMMITTEE OF 14 JUNE 2001 (pages 1900-1915).
- 4.24 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 15 JUNE 2001 (pages 1916-1921).

ABSTRACT OF ACCOUNTS AND COMPETITIVE SERVICES ANNUAL REPORT 2000/01

- 5. There was submitted a report dated 14 June 2001 (circulated) by the Director of Finance which submitted the Annual Accounts for 2000/01 to the Council and which sought approval to forward them to the Controller of Audit.

It was agreed:

- (i) that £0.900m should be transferred to the Insurance Fund;
- (ii) that £0.421m should be transferred from the Housing Revenue Account to the Renewal and Repairs Fund;
- (iii) that the Annual Accounts for 2000/01 be forwarded to the Controller of Audit; and
- (iv) otherwise to note the contents of the report.

STATUTORY PERFORMANCE INDICATORS 2000/01

6. There was submitted a report (circulated) by the Chief Executive which submitted the draft Statutory Performance Indicators for 2000/01 and which sought agreement to forward these for audit to the Council's External Auditor in line with established practice.

It was agreed:

- (i) to note the draft performance information submitted by Departments as contained within the appendix to the report;
- (ii) to submit the draft performance information to the Council's External Auditor;
- (iii) to note that following the audit of performance information, further reports would be submitted by Directors to their respective Service Committees; and
- (iv) otherwise to note the contents of the report.

APPOINTMENTS TO CUMNOCK AND DISTRICT LEISURE GROUP

7. There was submitted a report dated 6 June 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which sought three nominations from the Council to the Board for Cumnock and District Leisure Group.

It was agreed:

- (i) to nominate Provost Boyd and Councillors Kelly and Faulds to the Board of Cumnock and District Leisure Group; and
- (ii) that the nominations be subject to confirmation of appropriate insurance being in place as detailed within paragraph 4 of the report.

CAREERS SCOTLAND - LOCAL ADVISORY BOARD

8. There was submitted a report dated 15 June 2001 (circulated) by the Director of Educational and Social Services which invited the Council to identify a representative to be a member of the Careers Scotland Local Advisory Board.

Councillor Kelly, seconded by Councillor Knapp, moved:

- (i) subject to the checks mentioned at paragraph 4.1 of the report, to accept the invitation to be represented on the Local Advisory Board of the Careers Service; and
- (ii) to nominate Councillor Farrell to serve on the Advisory Board.

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

- (i) subject to the checks mentioned at paragraph 4.1 of the report, to accept the invitation to be represented on the Local Advisory Board of the Careers Service; and
- (ii) to nominate Councillor Finlay MacLean to serve on the Advisory Board.

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

EAST AYRSHIRE COUNCIL SCHEME OF DELEGATION

9. There was submitted a report dated 13 June 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of

Council amendments to the Scheme of Delegation which took cognisance of the new decision making structure and certain operational requirements.

Councillor Hall left the meeting at this point.

Councillor McIntyre, seconded by Councillor Jackson, moved:

- (i) to approve and adopt the amended Scheme of Delegation;
- (ii) that the composition and membership of Corporate Sub-Committee of Policy and Resources Committee be as follows, viz:-
 Number of Councillors - 11 (4 a quorum)
 Membership: Councillors Jackson, Linton, D Coffey, Reid, Weir, McIntyre, Wilson, Knapp, Kelly, Farrell and Provost Boyd;
- (iii) that the composition and membership of the Local Government Licensing Panel be as follows:
 Number of Councillors - 11 (4 a quorum)
 Membership: Councillors Carmichael, Lilian MacLean, Hay, Reeves, Weir, Macrae, Wilson, Farrell, Faulds, Menzies and Taylor; and
- (iv) otherwise to note the contents of the report.

Councillor Reid, seconded by Councillor Wilson, moved as an amendment to approve and adopt the amended Scheme of Delegation with the following amendments, viz:-

- (a) that a separate Scrutiny Committee be established with delegated authority;
- (b) to delete paragraphs 2 and 4 shown at item (c), Page 50, in relation to Local Planning Committees;
- (c) that the composition and membership of Corporate Sub-Committee of Policy and Resources Committee be as follows, viz:-
 Number of Councillors - 11 (4 a quorum)
 Membership: Councillors Jackson, Linton, D Coffey, Reid, Weir, McIntyre, Wilson, Knapp, Kelly, Farrell and Provost Boyd;
- (d) that the composition and membership of the Local Government Licensing Panel be as follows:
 Number of Councillors - 11 (4 a quorum)
 Membership: Councillors Carmichael, Lilian MacLean, Hay, Reeves, Weir, Macrae, Wilson, Farrell, Faulds, Menzies and Taylor; and
- (e) that the Scrutiny Committee be chaired by a member of the main Opposition Group and include two other Members from the Opposition and three Members from the Administration.

On a request by Councillor Reid that a roll call vote be taken and there being at least one-third of the Members in agreement (12), in accordance with Standing Order 35, the vote was taken by calling the roll as follows, viz:-

For the motion: Provost Boyd and Councillors Reeves, McIntyre, Walsh, Darnbrough, Knapp, Raymond, Jackson, Smith, Kelly, Menzies, Ross, Dinwoodie, Taylor and Carmichael.

For the amendment: Councillors Hay, Young, Daniel Coffey, Willie Coffey, Reid, Lilian MacLean, Weir, Wilson, Linton, Campbell, Finlay MacLean, McDill and Faulds.

Abstention : Councillor McNeil.

The motion was therefore carried by 15 votes to 13.

APPOINTMENT OF LEADER OF THE COUNCIL, DEPUTE LEADER AND CHAIRS AND VICE-CHAIRS

10. There was submitted a report dated 29 May 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which requested Council to consider the appointment of the Leader of the Council, Depute Leader of the Council and Chairs and Vice-Chairs of the Committees and Sub-Committees as detailed in the appendix to the report for the ensuing year.

Councillor Kelly, seconded by Councillor Knapp, moved the following appointments, viz:-

<u>Position</u>	<u>Councillor</u>
Leader of the Council	A McIntyre
Depute Leader of the Council	E Jackson
<u>Chairs/Vice-Chairs of Committees/ Sub-Committees</u>	
Emergency Powers	A McIntyre (Chair) E Jackson (Vice-Chair)
Policy and Resources	A McIntyre (Chair) E Jackson (Vice-Chair)
Corporate Sub	E Jackson (Chair)
Members' Services and Civic Ceremonial	T Farrell (Chair)
Appeals Sub	Provost Boyd and J Kelly as the two other Potential Chairs
Community Services	R Taylor (Chair) J Carmichael (Vice-Chair)
Development Services and Planning	E Ross (Chair) G Smith (Vice-Chair)
Education	T Farrell (Chair) J Knapp (Vice-Chair)
Education (Appeals) Sub	E Jackson (Chair)
Education (Joint Appeals And Bursaries) Sub	J Knapp (Chair)
Housing	J Kelly (Chair) D Macrae (Vice-Chair)
Appeals Sub	D Macrae (Chair)
Social Work	J Darnbrough (Chair) A Walsh (Vice-Chair)

Local Committees

Irvine Valley	J Raymond (Chair) D Macrae (Vice-Chair)
Doon Valley	E Dinwoodie (Chair) R Taylor (Vice-Chair)
Cumnock Area	W Menzies (Chair) G Smith (Vice-Chair)
Northern Area	S Young (Chair) Vice-Chair: nomination from the Opposition
Kilmarnock North	A McIntyre (Chair) Vice-Chair: nomination from the Opposition
Kilmarnock Central	B Reeves (Chair) A Walsh Vice-Chair)
Kilmarnock South	J Knapp (Chair) J Darnbrough (Vice-Chair)

Local Planning Committees

Northern Area	D Macrae (Chair) J Raymond (Vice-Chair)
Central	A McIntyre (Chair) J Knapp (Vice-Chair)
Southern	T Farrell (Chair) J Kelly (Vice-Chair)
Local Government Licensing Panel	J Carmichael (Chair)

Councillor Reid, seconded by Councillor Wilson, moved as an amendment the following appointments, viz:-

Position

Leader of the Council
Depute Leader of the Council

Councillor

D Reid
D Coffey

Chairs/Vice-Chairs of Committees/ Sub-Committees

Emergency Powers	D Reid (Chair) D Coffey (Vice-Chair)
Policy and Resources	D Reid (Chair) D Coffey (Vice-Chair)
Corporate Sub	D Reid (Chair)
Members' Services and Civic Ceremonial	D Coffey (Chair)
Appeals Sub	D Reid and D Coffey as the two other Potential Chairs

Community Services	H Wilson (Chair) I Linton (Vice-Chair)
Development Services and Planning	R McDill (Chair) J Faulds (Vice-Chair)
Education	F MacLean (Chair) L MacLean (Vice-Chair)
Education (Appeals) Sub	F MacLean (Chair)
Education (Joint Appeals And Bursaries) Sub	L MacLean (Chair)
Housing	W Coffey (Chair) D Reid (Vice-Chair)
Appeals Sub	W Coffey (Chair)
Social Work	J Weir (Chair) D Coffey (Vice-Chair)
<u>Local Committees</u>	
Irvine Valley	H Wilson (Chair) R McDill (Vice-Chair)
Cumnock Area	J Faulds (Chair)
Northern Area	A Hay (Chair) K Hall (Vice-Chair)
Kilmarnock North	D Coffey (Chair) W Coffey (Vice-Chair)
Kilmarnock Central	I Linton (Chair) L MacLean (Vice-Chair)
Kilmarnock South	A Campbell (Chair)
<u>Local Planning Committees</u>	
Northern Area	R McDill (Chair) F MacLean (Vice-Chair)
Central	J Weir (Chair) A Campbell (Vice-Chair)
Southern	J Faulds (Chair)
Local Government Licensing Panel	H Wilson (Chair)

On a request by Councillor Reid that a roll call vote be taken and there being at least one-third of the Members in agreement (12), in accordance with Standing Order 35, the vote was taken by calling the roll as follows, viz:-

For the motion - Provost Boyd and Councillors Young, Reeves, McIntyre, Walsh, Darnbrough, Knapp, Raymond, Jackson, Smith, Kelly, Menzies, Ross, Dinwoodie, Taylor and Carmichael.

For the amendment - Councillors Hay, D Coffey, W Coffey, Reid, L MacLean, Weir, Wilson, Linton, Campbell, F MacLean, McDill and Faulds.

Abstention - Councillor McNeil.

The motion was therefore carried by 16 votes to 12.

**DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR
FOR AUGUST TO DECEMBER 2001**

11. There was submitted a report dated 29 May 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of Council a draft East Ayrshire Council Meetings Calendar from August to December 2001 (circulated).

It was agreed:

- (i) to approve the Meetings Calendar submitted with the report;
- (ii) to note that a further draft Meetings Calendar for the period January to June 2002 would be submitted to Council at its meeting in October 2001 for consideration; and
- (iii) otherwise to note the contents of the report.

**EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME -
OUTCOME OF SECOND PERIOD OF FORMAL CONSULTATION
ON THE REVIEW OF THE SCHEME (Item 12, Page 1740, 99/02)**

12. There was submitted a report dated 15 June 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which advised of the outcome of the second of three periods of formal public consultation on the review of the East Ayrshire Council Community Council Scheme and which presented for consideration a proposed draft Scheme for further consultation.

It was agreed:

- (i) to the recommendations contained within the appendix to the report for the purposes of the third period of consultation including the amended recommendation that without prejudice the status quo relating to the boundary between Catrine and Sorn Community Council be maintained for the purposes of the third and final period of consultation;
- (ii) that a consultative exercise facilitated by the Administration Service between Ochiltree Community Council, Auchinleck Community Council and residents relating to the proposal to include Auchinleck Estate within the Ochiltree Community Council boundary be undertaken within the third consultative stage of the review;
- (iii) that the Administration Service facilitate a meeting with New Farm Loch, Piersland-Bentinck Community Councils and affected residents to discuss the proposal shown at paragraph 2.9 of Appendix I;
- (iv) to include within the draft Scheme the possibility of the Southcraig/Dean Kilmarnock boundary following the line of the Kilmarnock Water;
- (v) to approve the draft Scheme shown as Appendix II of the report, including the abovementioned amendments, for consultation; and

- (iv) to remit to the Depute Chief Executive/Director of Corporate Resources to undertake the necessary statutory public notification of this decision in terms of Section 53(3) of the Local Government (Scotland) Act 1973.

Councillor Hall rejoined the meeting during discussion of the above item.

STANDING ORDERS (Item 16, Page 1904, 99/02)

13. There was submitted a report dated 18 June 2001 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted revised Standing Orders for consideration and approval by Council.

Councillor McIntyre, seconded by Councillor Jackson, moved to adopt the Standing Orders contained within the appendix to the report.

Councillor W Coffey, seconded by Councillor D Coffey, moved as an amendment to adopt the Standing Orders contained within the appendix subject to including the making of a provision for "Chair's Remarks" and the right of reply from the Opposition.

On a request by Councillor W Coffey that a roll call vote be taken and there being at least one-third of the Members in agreement (12), in accordance with Standing Order 35, the vote was taken by calling the roll as follows, viz:-

For the motion - Provost Boyd and Councillors Young, Reeves, McIntyre, Walsh, Darnbrough, Knapp, Raymond, Jackson, Smith, Kelly, Menzies, Ross, Dinwoodie, Taylor and Carmichael.

For the amendment - Councillors Hay, D Coffey, Willie Coffey, Reid, L MacLean, Weir, Wilson, Linton, Campbell, F MacLean, McDill and Faulds.

Abstentions - Councillors McNeil and Hall.

The motion was therefore carried by 16 votes to 12.

The meeting terminated at 1135 hrs.

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