

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 27 JUNE 2002 AT 1000 HRS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Provost Jimmy Boyd and Councillors Katie Hall, Ann Hay, 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, Alan Campbell, 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; Robin Wales, Accounting Assistant; Bill Walkinshaw, Administration Manager; Ian Arnott, Corporate Accounting Manager; Carolyn Gordon, Public Relations Assistant; and Julie Armstrong, Principal Administrative Officer.

APOLOGIES: Councillors Brian McNeil and Julie Faulds.

CHAIR: Provost Jimmy Boyd, Chair.

PROVOST'S REMARKS

1. At the commencement of the meeting the Provost, on behalf of the Council, expressed his sincere condolences on the recent news of the bus crash in France involving pupils and teachers from Largs Academy. The Provost reported that the Council had been advised that there had been 1 fatality and 12 people seriously injured. The Provost advised that on receipt of this news, Councillor Farrell, Chair of the Education Committee, had sent an e-mail to Peter McNamara, the Chair of the Education Committee in North Ayrshire Council expressing the Council's deepest sympathy and offering support if required from any of the Council Departments.

The Provost asked Members and Officers to join together to express condolences on the sad news from the neighbouring Authority.

Thereafter the sederunt was taken as detailed above and the Provost went on to welcome Councillor Macrae to her first Council meeting having recently been successful in the By-Election held on 6 June 2002.

The Provost also took the opportunity to congratulate a number of local residents whose work had recently been recognised in the Queen's Honours List.

The Provost firstly congratulated the Winter Olympics Gold Medal Winners, Rhona Martin of Dunlop and Margaret Morton of Mauchline, who both had been honoured with MBEs along with their fellow team mates for their services to curling. He stated that this was a thoroughly deserved award as they had given the profile of curling a tremendous boost and had affirmed national pride in their sport.

Next, the Provost congratulated Dorothy Houston of Cumnock, who was awarded an MBE for her efforts over the past 30 years in the voluntary sector during which Dorothy had been involved in the Scout movement and the Children's Panel and had also established Victim Support in Cumnock seven years ago. The Provost also stated that Dorothy was also on the Crime Prevention Panel and was involved in the WRVS as well as being a school teacher at Coylton Primary School.

Finally, the Provost congratulated Elizabeth Highten of Witchhill School in Kilmarnock on receiving an MBE for her work with children with special needs. The Provost stated that Deputy Head Teacher Elizabeth, who had worked at the school for almost 25 years, was also involved in Guiding and was an Elder at her local Church in Darvel.

PROVOST/DEPUTE PROVOST

2. ELECTION OF PROVOST/DEPUTE PROVOST

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 division by a show of hands the motion was carried by 17 votes to 10.

PREVIOUS MINUTES

3. There were submitted (circulated) Minutes of Meeting of Council held on 2 May 2002 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 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 3 MAY 2002 (pages 2552-2556).**
 - 4.2 **DEVELOPMENT SERVICES COMMITTEE OF 7 MAY 2002 (pages 2557-2564).**
 - 4.3 **EMERGENCY POWERS COMMITTEE OF 8 MAY 2002 (pages 2565-2566).**
 - 4.4 **SOUTHERN LOCAL PLANNING COMMITTEE OF 10 MAY 2002 (pages 2567-2569).**
 - 4.5 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 14 MAY 2002 (pages 2570-2575).**
 - 4.6 **LOCAL GOVERNMENT LICENSING PANEL OF 15 MAY 2002 (pages 2576-2578).**
 - 4.7 **NORTHERN AREA LOCAL COMMITTEE OF 15 MAY 2002 (pages 2579-2583).**
 - 4.8 **CENTRAL LOCAL PLANNING COMMITTEE OF 17 MAY 2002 (pages 2584-2587).**
 - 4.9 **DOON VALLEY LOCAL COMMITTEE OF 21 MAY 2002 (pages 2588-2592).**

- 4.10 HOUSING COMMITTEE OF 22 MAY 2002 (pages 2593-2598).
- 4.11 KILMARNOCK SOUTH LOCAL COMMITTEE OF 22 MAY 2002 (pages 2599-2601).
- 4.12 SOCIAL WORK COMMITTEE OF 23 MAY 2002 (pages 2602-2610).
- 4.13 EDUCATION COMMITTEE OF 28 MAY 2002 (pages 2611-2614).
- 4.14 KILMARNOCK NORTH LOCAL COMMITTEE OF 28 MAY 2002 (pages 2615-2619).
- 4.15 COMMUNITY SERVICES COMMITTEE OF 29 MAY 2002 (pages 2620-2625).
- 4.16 IRVINE VALLEY LOCAL COMMITTEE OF 29 MAY 2002 (pages 2626-2629).
- 4.17 NORTHERN LOCAL PLANNING COMMITTEE OF 31 MAY 2002 (pages 2630-2632).
- 4.18 EMERGENCY POWERS COMMITTEE OF 4 JUNE 2002 (page 2633).
- 4.19 SOUTHERN LOCAL PLANNING COMMITTEE OF 7 JUNE 2002 (pages 2634-2637).
- 4.20 EMERGENCY POWERS COMMITTEE OF 12 JUNE 2002 (pages 2638-2639).
- 4.21 POLICY AND RESOURCES COMMITTEE OF 13 JUNE 2002 (pages 2640-2659).

MATTER ARISING

(i) PARTNERSHIP WORKING FRAMEWORK BETWEEN EAST AYRSHIRE COUNCIL AND AYRSHIRE AND ARRAN PRIMARY CARE (NHS) TRUST

It was agreed that that the local community be kept up-to-date with progress.

- 4.22 SPECIAL CUMNOCK AREA LOCAL COMMITTEE OF 13 JUNE 2002 (pages 2660-2667).
- 4.23 CENTRAL LOCAL PLANNING COMMITTEE OF 14 JUNE 2002 (pages 2668-2670).

ABSTRACT OF ACCOUNTS AND COMPETITIVE SERVICES ANNUAL REPORT 2001/02

- 5. There was submitted a report dated 18 June 2002 (circulated) by the Director of Finance which submitted the annual Accounts for 2001/02 to the Council and which sought approval to forward them to the Controller of Audit.

It was agreed:

- (i) to approve the transfer of £0.245m from the Housing Revenue Account to the Renewal and Repairs Fund;
- (ii) to approve the transfer of £1.081m to the Insurance Fund;
- (iii) to approve the establishment of a Capital Fund and any appropriate transfers to it in terms of paragraph 6.1 of the report;
- (iv) to approve the Annual Accounts for 2001/02 and to instruct that they be forwarded to the Controller of Audit; and
- (v) otherwise to note the contents of the report.

STATUTORY PERFORMANCE INDICATORS 2001/02

6. There was submitted a report dated 12 June 2002 (circulated) by the Chief Executive which submitted the draft Statutory Performance Indicators for 2001/02 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.

LOCAL CODE OF CORPORATE GOVERNANCE

7. There was submitted a report dated 19 June 2002 (circulated) by the Chief Executive which sought the Council's approval to build on existing Governance arrangements through the adoption of a Local Code of Corporate Governance and to arrangements for the ongoing monitoring and review of the Code to ensure that it was effective and up-to-date.

It was agreed:

- (i) to note the work undertaken by the Officer Working Group in relation to the framework for Corporate Governance in Local Government;
- (ii) to adopt the Local Code of Corporate Governance as set out in Appendix I to the report;
- (iii) to the inclusion of a statement of assurance in the Council's Financial Statement for 2001/02 and annually thereafter, and to refer to this in the Council's annual Public Performance Report;
- (iv) to approve the improvement action plan as set out in Appendix II of the report;
- (v) to remit to the Director of Finance to engage strategic risk audit services in relation to Corporate Governance and the management of risk within the Council as set out in paragraph 3.8 of the report; and
- (vi) otherwise to note the contents of the report.

LOCAL GOVERNMENT ELECTION - EAST AYRSHIRE COUNCIL WARD 12 - 6 JUNE 2002

8. There was submitted and noted a report dated 7 June 2002 (circulated) by the Chief Executive which submitted, for information, the election results in respect of the Local Government Election for Ward 12 of East Ayrshire Council held on Thursday 6 June 2002 as detailed within the Appendix to these minutes.

**APPOINTMENTS TO COMMITTEES/SUB-COMMITTEES/
OUTSIDE ORGANISATIONS ETC**

9. There was submitted a report dated 11 June 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 recent By-Election held on 6 June 2002 and in response to a recent request from the Administration.

The following decisions were made:

Vacancies To Be Filled By The Administration Only

Committees/Sub-Committees

Policy and Resources Committee	W Menzies
Community Services Committee	J Boyd
Local Government Licensing Panel	E Dinwoodie
Education Committee	I Macrae
Housing Committee	I Macrae
Appeals Sub-Committee of the Housing Committee	J Raymond
Social Work Committee	I Macrae

Forums

Disability Forum	W Menzies
Environmental Forum	E Dinwoodie (Chair) I Macrae
Ethnic Minorities Forum	W Menzies
Women's Forum	W Menzies

Others

East Ayrshire North Social Inclusion Partnership Board	W Menzies
East Ayrshire Coalfield Social Inclusion Partnership Board	W Menzies
Best Value Service Review for Older People's Residential Services Working Group	I Macrae
Member/Officer Working Group on Road Safety	J Carmichael (Chair) E Stewart
Ayrshire Educational Trust	I Macrae
Royal Incorporation of the Buchanan Bequest	I Macrae
Yipworld.com	J Boyd

Vacancies To Be Filled By The Local Member

It was noted that Councillor Isabel Macrae would fill the undernoted vacancies:-

Irvine Valley Local Committee
Northern Area Local Planning Committee
Irvine Valley Local Regeneration Partnership
Mair Bequest Trust
Bessie C Roxburgh Bequest

Vacancies Attracting Cross-Party Nominations

Councillor Farrell, seconded by Councillor McIntyre, moved the following:-

CoSLA Housing Executive Group - J Raymond as substitute member
CoSLA Urban Affairs Executive Group - W Menzies
Kilmarnock College Board of Management - J Knapp

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

CoSLA Housing Executive Group - W Coffey as substitute member.
CoSLA Urban Affairs Executive Group - D Reid
Kilmarnock College Board of Management - H Wilson

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

Vacancies Which Would be Filled on an Ex Officio Basis

It was noted that the following vacancies would be filled on an ex officio basis:

Better Government for Older People - Chair of Social Inclusion and Equal Opportunity.

Core Co-ordination Group of East Ayrshire Council's Implementation of the Supporting People Programme - Vice-Chair of the Housing Committee.

Budget Scrutiny Group

It was also agreed, following a request from the Administration, that Councillor Dinwoodie replace Councillor Carmichael on the Budget Scrutiny Group.

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

- 10 There was submitted a report dated 10 May 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which requested the Council to consider the appointment of Leader of the Council, the Depute Leader of the Council and Chairs and Vice-Chairs of Committees and Sub-Committees etc as detailed in the appendix to the report until the Council elections in 2003.

Leader/Depute Leader

Councillor Farrell, seconded by Councillor Kelly, moved that Councillor D McIntyre be appointed as Leader of the Council and Councillor E Jackson be appointed as Depute Leader of the Council.

Councillor Wilson, seconded by Councillor Lilian MacLean, moved as an amendment that Councillor D Reid be appointed as Leader of the Council and Councillor D Coffey be appointed as Depute Leader of the Council.

On a division by a show of hands the motion was carried by 17 votes to 10.

Chairs/Vice-Chairs of Committees/Sub-Committees etc

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

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	J Carmichael (Chair) E Dinwoodie (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) J Raymond (Vice-Chair)
Appeals Sub	J Raymond (Chair)
Social Work	J Darnbrough (Chair) A Walsh (Vice-Chair)
<u>Local Committees</u>	
Irvine Valley	I Macrae (Chair) J Raymond (Vice-Chair)
Doon Valley	E Stewart (Chair) E Dinwoodie (Vice-Chair)
Cumnock Area	W Menzies (Chair) G Smith (Vice-Chair)
Northern Area	S Young (Chair)
Kilmarnock North	A McIntyre (Chair)
Kilmarnock Central	B Reeves (Chair)

Kilmarnock South

A Walsh Vice-Chair)
J Knapp (Chair)
J Darnbrough (Vice-Chair)

Local Planning Committees

Northern Area

J Raymond (Chair)
I Macrae (Vice-Chair)

Central

A McIntyre (Chair)
J Knapp (Vice-Chair)

Southern

T Farrell (Chair)
J Kelly (Vice-Chair)

Local Government Licensing Panel

E Dinwoodie (Chair)

Social Inclusion and Equal Opportunity

W Menzies (Chair)

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

Chairs/Vice-Chairs of Committee/Sub-Committee etc

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

J Boyd (Chair)

Appeals Sub

D Coffey as other potential
Chair

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)
A Campbell (Vice-Chair)

Local Committees

Irvine Valley

H Wilson (Chair)
R McDill (Vice-Chair)

Cumnock Area	J Faulds (Chair)
Northern Area	K Hall (Chair) A Hay (Vice-Chair)
Kilmarnock North	D Coffey (Chair) J Weir (Vice-Chair)
Kilmarnock Central	I Linton (Chair) L MacLean Vice-Chair)
Kilmarnock South	A Campbell (Chair)

Local Planning Committees

Northern Area	R McDill (Chair) F MacLean (Vice-Chair)
Central	D Reid (Chair) W Coffey (Vice-Chair)
Southern	J Faulds (Chair)
Local Government Licensing Panel	H Wilson (Chair)
Social Inclusion and Equal Opportunity	J Faulds (Chair)

On a division by a show of hands the motion was carried by 18 votes to 12.

DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR FOR AUGUST TO DECEMBER 2002

11. There was submitted a report dated 15 May 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which submitted for consideration of Council a draft East Ayrshire Council Meetings Calendar for August to December 2002.

It was agreed:

- (i) to approve the Meetings Calendar enclosed with the report; and
- (ii) otherwise to note the contents of the report.

COMPLAINTS REVIEW SUB-COMMITTEE OF THE SOCIAL WORK COMMITTEE: COMPOSITION IN TERMS OF THE COUNCIL'S SCHEME OF DELEGATION (Item 2, Page 1501, 96/99)

12. There was submitted a report dated 21 June 2002 (circulated) by the Chief Executive which sought homologation of the Chief Executive's action in respect of interim arrangements made relative to the composition of the Complaints Review Sub-Committee of the Social Work Committee in order to allow arrangements to be implemented following receipt of a complaint to the Complaints Review Sub-Committee while proceeding in compliance with new guidance from the Scottish Executive.

It was agreed

- (i) to homologate the arrangements made by the Chief Executive;
- (ii) to note that a report would be prepared and submitted to the appropriate meeting of Council in due course in respect of the new provisions for

independent membership of the Complaints Review Sub-Committee which would include proposed arrangements for the establishment of a panel of independent members; and

- (iii) otherwise to note the contents of the report.

**COUNCIL RESPONSE TO CONSULTATION ON AYRSHIRE AND ARRAN
NHS DRAFT LOCAL HEALTH PLAN 2002/03**

- 13.** There was submitted a report dated 21 June 2002 (circulated) by the Depute Chief Executive/Director of Corporate Resources which recommended consideration of a Council response to the consultation on the Ayrshire and Arran NHS Draft Local Health Plan 2002/03.

It was agreed:

- (i) to approve the proposed response to the Ayrshire and Arran NHS Draft Local Health Plan 2002/03 as detailed in the appendix to the report;
- (ii) to endorse this as the Council's formal response to the consultation; and
- (iii) otherwise to note the terms of the report.

The meeting terminated at 1052 hrs.

APPENDIX**CANDIDATE ELECTED TO SERVE FOR ELECTORAL WARD 12**

NAME	DESCRIPTION
Isabella Macrae	Scottish Labour Party Candidate

The total number of votes polled for each candidate were as follows:-

NAME	DESCRIPTION	VOTES
Francis Dawson	Frank Dawson Scottish National Party (SNP)	539
Alex Kiloh	Scottish Liberal Democrats	13
Isabella Macrae	Scottish Labour Party Candidate	591
Moira McLean	Liz McLean Scottish Conservative Candidate	92
James Monaghan	Scottish Socialist Party	46

There were three ballot papers rejected for the following reasons:-

- Unmarked or null and void for uncertainty

The percentage poll was 45%