

## **EAST AYRSHIRE COUNCIL**

### **MINUTES OF MEETING HELD ON THURSDAY 4 NOVEMBER 1999 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, Robert Stevenson, John Weir, Drew McIntyre, David Macrae, Harry Wilson, Iain Linton, Alex Walsh, Jane Darnbrough, John Knapp, Jim Raymond, 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; William Stafford, Director of Community Services; Barbara Haughan, Director of Corporate Services; Stephen Chorley, Director of Development Services; John Mulgrew, Director of Education; Alex McPhee, Director of Finance; James Lavery, Director of Homes and Technical Services; Bernadette Docherty, Senior Depute Director of Social Work; Roddy Wallace, Head of Administration; Bill Walkinshaw, Principal Administrative Officer; Anna Gallagher, Principal Solicitor; Graham Kerr, Publicity Officer; and Julie Armstrong, Senior Administrative Officer.

**APOLOGIES:** Councillors Brian McNeill, Alan Campbell and Robert Taylor.

**CHAIR:** Provost Jimmy Boyd, Chair.

#### **PRESENTATION BY CHIEF CONSTABLE, STRATHCLYDE POLICE**

1. The Provost welcomed Chief Constable John Orr and his team to the meeting to give a presentation on the activities of Strathclyde Police.

There was a presentation by Chief Constable John Orr on Strathclyde Police Force and which highlighted the recent restructuring of the Division, the success of Spotlight initiatives, local issues, partnerships with the Council and outlined the Mission Statement of the Force.

Divisional Commander Chief Superintendent Bill Campbell then outlined the work of the 'U' Division with regard to East Ayrshire.

Councillor Bashir Maan JP, Convener of Strathclyde Police Joint Board then addressed the meeting.

Following questions from Members the Provost thanked the Convener of Strathclyde Police Joint Board, the Chief Constable, and his team for their presentation.

#### **ADJOURNMENT/RECONVENTION**

2. The Council meeting adjourned at 1035 hrs and reconvened at 1044 hrs with the same Members and Officers in attendance.

#### **CONSIDERATION OF ITEMS**

3. The Chair agreed, in terms of Standing Order 15.1, to consider Agenda item 9 after item 5 below.

### PREVIOUS MINUTES

4. There were submitted Minutes of Meeting of the Council held on 23 September 1999 (circulated) which were approved as a correct record.

#### 4.1 MATTERS ARISING

**Northwest Kilmarnock Environmental Improvement Group (Item 3.19.1(ii), Page 342, 99/02)**

It was noted that the Constitution of the Group had been clarified and that the Group itself had restricted the area which it covered to Wards 4, 6 and 7 only.

It was therefore noted that Members for Wards 4, 6 and 7 only, namely Councillors Stephanie Young, Daniel Coffey and Willie Coffey would be the Ward representatives on the Group.

### COMMITTEE MINUTES

5. There were submitted (circulated) and approved both as correct records and in respect of the recommendations contained therein, the Minutes of the undernoted Committee meetings, viz:-
- 5.1 **EMERGENCY POWERS COMMITTEE OF 14 SEPTEMBER 1999 (page 334, 99/02)**
  - 5.2 **CENTRAL LOCAL PLANNING COMMITTEE OF 16 SEPTEMBER 1999 (pages 335-337, 99/02)**
  - 5.3 **EMERGENCY POWERS COMMITTEE OF 16 SEPTEMBER 1999 (pages 338-339, 99/02)**
  - 5.4 **SOUTHERN LOCAL PLANNING COMMITTEE OF 24 SEPTEMBER 1999 (pages 344-348, 99/02)**
  - 5.5 **KILMARNOCK NORTH LOCAL COMMITTEE OF 28 SEPTEMBER 1999 (pages 349-352, 99/02)**
  - 5.6 **DEVELOPMENT SERVICES COMMITTEE OF 29 SEPTEMBER 1999 (pages 353-359, 99/02)**
  - 5.7 **CUMNOCK AREA LOCAL COMMITTEE OF 30 SEPTEMBER 1999 (pages 360-362, 99/02)**
  - 5.8 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 1 OCTOBER 1999 (pages 363-364, 99/02)**
  - 5.9 **HOUSING COMMITTEE OF 6 OCTOBER 1999 (pages 365-369, 99/02)**
  - 5.10 **IRVINE VALLEY LOCAL COMMITTEE OF 6 OCTOBER 1999 (pages 370-372, 99/02)**
  - 5.11 **SPECIAL POLICY AND RESOURCES COMMITTEE OF 7 OCTOBER 1999 (pages 373-374, 99/02)**
  - 5.12 **COMMUNITY SERVICES COMMITTEE OF 13 OCTOBER 1999 (pages 375-383, 99/02)**
  - 5.13 **KILMARNOCK CENTRAL LOCAL COMMITTEE OF 13 OCTOBER 1999 (pages 384-386, 99/02)**
  - 5.14 **KILMARNOCK SOUTH LOCAL COMMITTEE OF 13 OCTOBER 1999 (pages 387-389, 99/02).**

**5.15 EDUCATION COMMITTEE OF 14 OCTOBER 1999 (pages 390-398, 99/02).**

**5.15.1 CONSULTATION DOCUMENTS**

**(i) PROPOSED AMENDMENTS TO THE SECONDARY TRANSFER ARRANGEMENTS FOR CHILDREN RESIDING IN THE DELINEATED AREA OF KILMAURS PRIMARY SCHOOL (Item 10.1, Page 393, 99/02)**

A motion by Councillor Reid, seconded by Councillor Hay, to reconsider in terms of Standing Order 51 the consultation proposals adopted by the Committee in light of further information received was, on a division by a show of hands, defeated by 17 votes to 12 and failed to receive the requisite two-thirds of the Members voting.

**5.16 NORTHERN AREA LOCAL COMMITTEE OF 14 OCTOBER 1999 (pages 399-401, 99/02).**

**5.17 CENTRAL LOCAL PLANNING COMMITTEE OF 15 OCTOBER 1999 (pages 402-406, 99/02).**

**5.18 SOCIAL WORK COMMITTEE OF 19 OCTOBER 1999 (pages 407-412, 99/02).**

**5.19 DOON VALLEY LOCAL COMMITTEE OF 19 OCTOBER 1999 (pages 413-415, 99/02).**

**5.20 POLICY AND RESOURCES COMMITTEE OF 21 OCTOBER 1999 (pages 416-443, 99/02).**

**5.20.1 REMIT FROM COMMITTEE - POLITICAL LEADERSHIP STRUCTURES/ ALTERNATIVES TO COMMITTEE SYSTEM (Item 8, Page 418, 99/02)**

In response to remit to nominate seven Members (four Administration and three Opposition) to the Member/Officer Working Group, Councillor McIntyre, seconded by Councillor Jackson moved to nominate Councillors McIntyre, Jackson, Raymond and Farrell and that the Opposition comprise two SNP Members and the Conservative Member, Councillor Young.

A motion by Councillor Reid, seconded by Councillor D Coffey, to reconsider in terms of Standing Order 51 that the Group consist of eight Members (four Administration, three SNP and the Conservative Member) failed to receive the requisite two-thirds of the Members voting, there being 16 Members voting against the motion.

Councillor Reid, seconded by Councillor D Coffey, therefore moved as an amendment to the original motion, that the three Opposition Members be Councillors Wilson, MacLean and Stevenson.

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

It was noted that the SNP Opposition declined to nominate Members.

**5.21 SOUTHERN LOCAL PLANNING COMMITTEE OF 22 OCTOBER 1999 (pages 444-448, 99/02).**

**LOCAL GOVERNMENT FINANCE AND RESPONSIBILITIES: MOTION**

- 6.** There was submitted a report dated 4 November 1999 (circulated) by the Chief Executive which presented for consideration of Council details of a motion proposed by CoSLA based on an approach by Fife Council which called on the Government to increase its financial support and to relax financial controls on Councils and, further, to give greater powers to Councils to act in the overall interests of their communities.

It was agreed:

- (i) to adopt the motion as shown in Appendix I to these Minutes; and
- (ii) to authorise the Council Leader or his representative to sign the motion at the proposed public event on 19 November.

Councillors McIntyre and Hay left the meeting at this point.

### **EAST AYRSHIRE COMMUNITY SAFETY FORUM**

7. There were submitted and noted Minutes of Meeting held on 15 September 1999 (circulated) as shown in Appendix II to these Minutes.

#### **YEAR 2000 (Item 4.1, Page 342, 99/02)**

8. There was submitted and noted a report dated 11 October 1999 (circulated) by the Chief Executive which advised the Council of a recent report by the Controller of Audit on progress by Local Authorities in their preparations to achieve Year 2000 compliance.

### **OVERVIEW REPORT ON 1997/98 AUDITS OF LOCAL AUTHORITIES**

9. There was submitted and noted a report dated 20 October 1999 (circulated) by the Director of Finance which presented to Council the report by the Controller of Audit which gave his overview on 1997/98 audits of all Scottish Local Authorities.

### **KILMARNOCK LEISURE CENTRE TRUST**

10. There was submitted a report dated 26 October 1999 (circulated) by the Solicitor to the Council which advised Members of a decision taken by the Trustees of the Kilmarnock Leisure Centre Trust to alter the composition of the Trust membership, and to request the Council to agree these changes.

It was agreed:

- (i) as requested by the Trust, to the changes in membership of Kilmarnock Leisure Centre Trust, namely: (1) four new Trustees to be assumed, two being drawn from the local business community and two from East Ayrshire Sports Council; and (2) that the Chief Executive and Director of Community Services stand down their ex officio posts;
- (ii) that the Director of Community Services bring forward a report on the funding arrangements of the Trust, and the position of ex officio Trustees in due course; and
- (iii) otherwise to note the contents of the report.

### **THE SCOTTISH EXECUTIVE'S RESPONSE TO THE REPORT ON THE COMMISSION ON LOCAL GOVERNMENT AND THE SCOTTISH PARLIAMENT - CONSULTATION PAPER (Item 4, Page 4275, 95/98)**

11. There was submitted a report dated 22 October 1999 (circulated) by the Director of Corporate Services which requested approval of a proposed response to the Scottish Executive's consultation paper on its response to the report on the Commission on

Local Government and the Scottish Parliament (The McIntosh Report) for initial submission to CoSLA and thereafter to the Scottish Executive.

Councillor D Coffey, seconded by Councillor Reid, moved:

- (i) to only note the response detailed within Appendix 1 of the report to the Scottish Executive consultation paper on the report of the Commission on Local Government and the Scottish Parliament; and
- (ii) request that each political group within this Council submit their own response to CoSLA and the Scottish Executive.

Councillor Jackson, seconded by Councillor Farrell, moved as an amendment:

- (i) to agree the proposed response detailed within Appendix 1 of the report as the Council's response to the Scottish Executive Consultation Paper on the report of the Commission on Local Government and the Scottish Parliament; and
- (ii) that the Director of Corporate Services forward a copy of the Council's response to both CoSLA and the Scottish Executive.

On a division by a show of hands the amendment was carried by 16 votes to 11.

The meeting terminated at 1148 hrs.

## **APPENDIX I**

### **Local Government Finance and Responsibilities**

Local Government calls on the Scottish Executive and the Scottish Parliament to take urgent and meaningful action to improve the financial capacity and ability of Scottish Councils to meet the pressing and legitimate expectations of their communities.

For the past six years Councils have had to meet the cost of pay awards within the main no assistance from central government and at a cost of £600 million. This enormous volume of money has inevitably had an impact on the quality of services which Councils are able to provide to their communities.

The present system of control by the Executive denies to Councils, and in turn to their communities, the right and responsibilities to make their own decisions on the need for local expenditure. Local people who wish to vote for increased expenditure and are ready to pay local taxes are denied that choice.

Ten years ago, the Government limited capital spend by Scottish Councils to some £700m at current prices; next year the level of capital expenditure excluding PFI which will be authorised by the Executive will be less than half that amount.

Legislation granting Councils a power of general competence should be introduced and be sufficiently widely drafted to include responsibility:-

- (i) for producing a community plan for the promotion of the overall well-being of their area;
- (ii) for acting as the lead agency in securing the overall co-ordination of service and spending plans for the various public agencies that operate in their area; and
- (iii) for promoting the social and economic development and the improvement of the environment of their area.

### **MOTION**

Local Government calls on the Scottish Executive and the Scottish Parliament:-

- (i) to make provision in the Local Government settlements to fund pay awards;
- (ii) to allow Councils more discretion and more freedom in setting their budgets;
- (iii) to provide, as a matter of urgency, additional capital resources to enable Councils to improve the structure and fabric of their schools, infrastructure and other community facilities; and
- (iv) to make a commitment to the early introduction of legislation granting Councils a power of general competence to act in the overall interests of their communities.