

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON 19 DECEMBER 1996 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Provost Robert Stirling and Councillors Gordon McCredie, Drew McIntyre, Irene Reeves, Gordon Cree, Ronald Brailsford, Alan Campbell, Jim O'Neill, Kathleen Hall, Bob Beattie, John Knapp, Daniel Coffey, David Macrae, Kim Nicoll, George Turnbull, Robert McDill, Eric Ross, Jim Kelly, David Sneller, Jimmy Boyd, George Smith, Jimmy Carmichael, John Smith, Tommy Farrell, and Eric Jackson.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Stephen Chorley, Director of Development Services; Gordon Clark, Director of Finance, Margaret Burnell, Senior Depute Director of Education; Alex McPhee, Depute Director of Finance; Allan McDougall, Depute Director of Social Work; Roddy Wallace, Head of Administration; Kate McVey, Head of Legal Services; Bill Walkinshaw, Principal Administrative Officer; and Julie Armstrong, Senior Administrative Officer.

APOLOGIES: Councillors Douglas Reid, Wilma Doyle, Jane Darnbrough, David Fulton and Robert Taylor.

CHAIR: Provost Stirling, Chair.

PROVOST'S REMARKS

As this was the last Council meeting before Christmas, the Provost wished all Members and Officers present a Merry Christmas and Happy New Year.

PREVIOUS MINUTES

1. There was submitted (circulated) Minutes of Meeting of Council held on 7 November 1996 which were approved as a correct record.

COMMITTEE MINUTES

- 2.1 There were submitted (circulated) and, except the undernoted, approved both as correct records and in respect of recommendations contained therein, the Minutes of the undernoted Committee meetings as follows, viz:-
 - 2.1.1 **DOON VALLEY LOCAL PLANNING COMMITTEE OF 29 OCTOBER 1996 (Pages 1435-1437)**
 - 2.1.2 **DOON VALLEY LOCAL COMMITTEE OF 29 OCTOBER 1996 (Pages 1438-1442)**
 - 2.1.3 **CUMNOCK AREA LOCAL PLANNING COMMITTEE OF 30 OCTOBER 1996 (Pages 1443-1444)**
 - 2.1.4 **CUMNOCK AREA LOCAL COMMITTEE OF 30 OCTOBER 1996 (Pages 1445-1448)**
 - 2.1.5 **SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE OF 31 OCTOBER 1996 (Page 1449)**
 - 2.1.6 **KILMARNOCK NORTH LOCAL COMMITTEE OF 31 OCTOBER 1996 (Pages 1450-1453)**

- 2.1.7 KILMARNOCK CENTRAL LOCAL PLANNING COMMITTEE OF 1 NOVEMBER 1996 (Pages 1454-1459)
- 2.1.8 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 1 NOVEMBER 1996 (Pages 1460-1465)
- 2.1.9 KILMARNOCK SOUTH LOCAL PLANNING COMMITTEE OF 5 NOVEMBER 1996 (Page 1466)
- 2.1.10 KILMARNOCK SOUTH LOCAL COMMITTEE OF 5 NOVEMBER 1996 (Pages 1467-1471)
- 2.1.11 IRVINE VALLEY LOCAL PLANNING COMMITTEE OF 6 NOVEMBER 1996 (Page 1472)
- 2.1.12 IRVINE VALLEY LOCAL COMMITTEE OF 6 NOVEMBER 1996 (Pages 1473-1479)
- 2.1.13 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 8 NOVEMBER 1996 (Pages 1488-1494)
- 2.1.14 NORTHERN AREA LOCAL COMMITTEE OF 8 NOVEMBER 1996 (Pages 1495-1500)
- 2.1.15 SOCIAL WORK COMMITTEE OF 14 NOVEMBER 1996 (Pages 1501-1512)
- 2.1.16 SPECIAL KILMARNOCK CENTRAL LOCAL PLANNING COMMITTEE OF 20 NOVEMBER 1996 (Pages 1513-1514)
- 2.1.17 SPECIAL IRVINE VALLEY LOCAL PLANNING COMMITTEE OF 20 NOVEMBER 1996 (Pages 1515-1516)
- 2.1.18 HOUSING COMMITTEE OF 20 NOVEMBER 1996 (Pages 1517-1523)
- 2.1.19 EDUCATION COMMITTEE OF 21 NOVEMBER 1996 (Pages 1524-1535)
- 2.1.20 COMMUNITY SERVICES COMMITTEE OF 27 NOVEMBER 1996 (Pages 1536-1543)
- 2.1.21 DEVELOPMENT SERVICES COMMITTEE OF 28 NOVEMBER 1996 (Pages 1544-1559)
- 2.1.22 COMMERCIAL OPERATIONS COMMITTEE OF 3 DECEMBER 1996 (Pages 1560-1563)
- 2.1.23 EMERGENCY POWERS COMMITTEE OF 5 DECEMBER 1996 (Pages 1564-1565)
- 2.1.24 POLICY AND RESOURCES COMMITTEE OF 5 DECEMBER 1996 (Pages 1566-1597)
- 2.2 KILMARNOCK SOUTH LOCAL COMMITTEE OF 5 NOVEMBER 1996
 - 2.2.1 MATTERS ARISING
 - GARDEN COMPETITION (Item 1, Page 1467)
 - It was agreed that the Director of Housing write to all competitors in the Garden Competition advising them of the results of the competition.
- 2.3 IRVINE VALLEY LOCAL COMMITTEE OF 6 NOVEMBER 1996
 - 2.3.1 MATTERS ARISING
 - DEVELOPMENT OF INFORMATION AND ADVICE SERVICES (Item 2, Page 1473)

It was agreed to include reference to the existing Registrar service at Galston under the Local Office Section in the recently published "Essential East Ayrshire - Your A-Z Guide".

2.4 DEVELOPMENT SERVICES COMMITTEE OF 28 NOVEMBER 1996

2.4.1 MATTERS ARISING

KILMARNOCK FLOODING STUDY - ISSUES AND OPTIONS (Item 3, Page 1545)

A motion by Councillor Coffey seconded by Councillor McDill to reconsider in terms of Standing Order 51 the decision regarding the composition of the deputation to London for the meeting with George Kynoch, MP Minister for Industry and Local Government in order that provision could be made to include an opposition member was defeated by 18 votes to 7 and failed to achieve the requisite two thirds majority of Members voting.

It was noted that the proposed meeting had been rescheduled from 17 December 1996 to 14 January 1997 by the Minister.

Arising from further discussion on the above, it was agreed that the costs for the deputation to London for the meeting would be provided to Councillor McCredie.

ENVIRONMENTAL IMPROVEMENT PROJECTS (Item 8, Page 1548)

The motion by Councillor McDill seconded by Councillor Coffey to reconsider in terms of Standing Order 51, the decision not to remit the related report to the appropriate Local Committees was defeated by 18 votes to 7 and failed to achieve the requisite two thirds majority of Members voting.

2.6 COMMERCIAL OPERATIONS COMMITTEE OF 3 DECEMBER 1996

2.6.1 MATTERS ARISING

CLEANSING - VEHICLE REPLACEMENT (Item 3, Page 1561)

The motion by Councillor McCredie seconded by Councillor Campbell to reconsider in terms of Standing Order 51 the decision to acquire five 26 tonne refuse collection vehicles was defeated by 18 votes to 7 and failed to achieve the requisite two thirds majority of Members voting.

2.7 POLICY AND RESOURCES COMMITTEE OF 5 DECEMBER 1996

2.7.1 MATTERS ARISING

BUDGET ESTIMATES 1997/98 (Item 3, Page 1567)

It was also agreed that a further Special Policy and Resources Committee would be held at 2.00 p.m. on 24 February 1997 to discuss the budget estimates.

2.8 CHAIR'S SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE OF 19 NOVEMBER 1996 - SAMH (SOUTH AYRSHIRE MENTAL HEALTH) TRAINING PROGRAMME (Item 3, Page 1586)

Declaration of Interest

Councillor McCredie declared a non pecuniary interest in this item.

APPOINTMENTS TO OUTSIDE ORGANISATIONS

3.1 JOHN WHEATLEY CENTRE (Item 27, Page 1202)

There was submitted a report dated 2 December 1996 (circulated) by the Director of Support Services requesting that consideration be given to appointing a Member of Council to serve on the John Wheatley Advisory Committee.

Councillor Farrell seconded by Councillor McIntyre moved that Councillor Sneller be appointed to the Advisory Committee.

Councillor McDill seconded by Councillor Coffey moved as an amendment that Councillor Nicoll be nominated to the Advisory Committee.

On a division by a show of hands the motion was carried by 18 votes to 7.

3.2 THE NIMMO CHILDREN'S TRUST (FORMERLY KILBIRNIE CHILDREN'S FIRE DISASTER APPEAL TRUST)

There was submitted a report dated 9 December 1996 (circulated) by the Director of Support Services requesting that consideration be given to appointing a Member of the Council to serve as a Trustee on the Nimmo Children's Trust.

It was agreed that Councillor Boyd, Chair of the Social Work Committee be nominated to serve as a Trustee on the Nimmo Children's Trust.

MEMBERSHIP - COMMERCIAL OPERATIONS AND COMMUNITY SUB-COMMITTEE OF THE EDUCATION COMMITTEE

4. It was agreed to the request to replace Councillor Gordon McCredie on the Commercial Operations Committee and Community Sub-Committee of the Education Committee with Councillor Ronald Brailsford as Councillor McCredie wished to resign from the Committee and Sub-Committee.

EAST AYRSHIRE LICENSING BOARD - RESIGNATION

5. There was submitted a report dated 2 December 1996 (circulated) by the Clerk to the Licensing Board intimating the resignation from the Licensing Board of Councillor Eric Ross and seeking the appointment of a Member of Council to the Board.

It was agreed to appoint Councillor Kelly to East Ayrshire Licensing Board.

BANKING ARRANGEMENTS (Item 8, Page 1568)

6. There was submitted a report dated 10 December 1996 (circulated) by the Director of Finance requesting Council to make certain resolutions in favour of the Clydesdale Bank to provide the Director of Finance with the necessary authority to open and operate the various accounts required.

It was agreed:-

- (i) to make the resolutions as shown in Appendix I to this Minute; and
- (ii) that the indemnity in respect of pre-signed cheques given at paragraph 5 in the Appendix be also given to the Royal Bank of Scotland who were currently the Council's banker up to 31 March 1997.

EAST AYRSHIRE SHADOW COUNCIL EXTERNAL AUDITORS REPORT (Item 2, Page 1193)

7. There was submitted a report dated 10 December 1996 (circulated) by the Director of Finance to advise Council on the various points raised by the External Auditor in

respect of the completion of the audit of the accounts of East Ayrshire Council for the period ended 31 March 1996.

It was agreed to note the content of the report by the Audits Commission and that the Auditor was satisfied that the Accounts accurately reflected the financial transactions of the Council and that there was nothing the Council had done with which the Auditor wished to take public issue.

YOUTH SUPPORT PROJECT (Item 1, Page 1677)

8. There was submitted a joint report dated 3 December 1996 (circulated) by the Directors of Education, Social Work and of Personnel Services to advise Council, in pursuit of the growth package agreed by Council on 5 March 1996, of a proposal for a joint project between the Education and Social Work Departments and to seek approval for staff additions which had been submitted to this meeting instead of the Personnel Sub-Committee as an early decision was required in respect of the staffing implications.

It was agreed subject to consultation with the Trade Unions, to approve the following additional employees to the Project, viz:-

| POST | GRADE |
|--------------------------------|--|
| 1 Teacher | Basic Scale (£12,981 - £20,796) |
| 1 Social Worker (Group Worker) | QSW (£15,885 - £20,247) |
| 1 Auxiliary/Clerical Assistant | GS 1/2 (Term time 30 hours per week) (£6,744 - £10,715) |
| Sessional Support and Driver | MW 3 (up to 26 weeks) (£4,350) |
| Support Costs | £3,500 |

BLUE COLLAR CCT - ORGANISATIONAL ARRANGEMENTS FOR TENDERING AND TENDER APPROVAL

9. There was submitted a report dated 16 December 1996 (circulated) by the Director of Support Services seeking approval of the proposed Committee arrangements for contract and tender approval in respect of "blue collar" CCT contracts.

It was agreed:-

- (i) to approve the Committee arrangements and Delegated Powers as shown in Appendix II to this Minute; and
- (ii) that the Scheme of Delegation be amended and the Director of Support Services issue the appropriate Addendum.

The meeting terminated at 1035 hours.

APPENDIX I**RESOLUTIONS**

- 1.1** That a Banking Account or Accounts be opened/continued and further Accounts opened as may be considered advisable from time to time, in the name of the Council with The Clydesdale Bank (“the Bank”) and that the following resolutions shall apply to all accounts of the Council with the Bank now, or in the future.
- 1.2** That the Bank be, and it is hereby instructed and authorised to honour, comply with and debit to the Council’s account or accounts, whether in credit or overdrawn in consequence of such debit, all cheques, warrants, or other orders or instructions, bills accepted and promissory notes or negotiable instruments made drawn or given on behalf of the Council at any time provided that any such cheques, warrants, orders, bills, promissory notes, negotiable instruments or instructions are signed by: Gordon Clark, Director of Finance, Alexander McPhee, Senior Depute Director of Finance or Thomas McHugh, Depute Director of Finance.
- 1.3** That as regards the following matters:
- (a) Instructions to withdraw, deliver, dispose of or deal with any property, documents or securities held on account of the Council and the withdrawal of securities, documents or articles lodged for safe custody on account of the Council;
 - (b) Endorsement of all cheques, orders, bills, promissory notes and negotiable instruments payable to the Council;
 - (c) Any indemnities or counter-indemnities given to the Bank;
 - (d) Instructions for the opening of credits or the issue of guarantees, bonds or indemnities by the Bank;
 - (e) The discounting of inland or foreign bills.

The Bank or its Nominee be hereby authorised to accept on behalf of the Council the following signatories:

- (i) Gordon Clark
- (ii) Alexander McPhee
- (iii) Thomas McHugh

- 1.4** That the Bank be supplied with a list of the names of the Officials of the Council and advised of any alterations to the list.
- 1.5** That it is the Council’s desire and intention to issue Cheques drawn on the Current Accounts kept in the Books of the Bank in our name with the signature of Gordon Clark, Director of Finance lithographed or stamped thereon in facsimile: Therefore we do agree that in honouring such Cheques when presented to the Bank they shall as between the Council and the Bank have the same rights, powers and privileges and be in the same position in all respects as if the facsimile signature on such Cheques was the manuscript

signature of the said Gordon Clark and it shall not be competent to the Council to plead or maintain as against the Bank that any such Cheques so presented have been issued without the Council's authority or that the facsimile signature thereon has been adhibited without the Council's authority: And we further agree to hold the Bank indemnified from and against all loss, costs, damage and expense which they may sustain or incur or be liable for, in any manner of way in consequence of the Bank honouring cheques issued by the Council as aforesaid.

- 1.6** That these Regulations be communicated to the Bank and remain in force until amending Resolutions shall be passed by a Meeting of the Council, and a copy thereof, certified by the Chair shall have been received by the Bank.

APPENDIX II

CCT COMMITTEE ARRANGEMENTS

1. POLICY AND RESOURCES COMMITTEE

Terms of Reference and delegated powers to include:-

To consider the recommendations of the Ad-Hoc Contracting Sub-Committee in respect of each contract and to act in the acceptance of tenders.

2. AD-HOC CONTRACTING SUB-COMMITTEE OF THE POLICY AND RESOURCES COMMITTEE

Terms of Reference:

To be responsible for the approval and monitoring of all “client side” processes for CCT contracts including contract documentation and tendering arrangements and to consider tenders received and make recommendations to the Policy and Resources Committee on tender acceptance.

Delegated Powers:

Full delegated powers to deal with all matters within the above Terms of Reference subject to existing Council policies.

Composition:

The composition of the Sub-Committee shall be a variable one depending on the CCT contract under consideration, but shall include in all cases the Chair and Vice-Chair of the Policy and Resources Committee as follows:-

(i) Building Maintenance Contract

Lead Clients - Housing and Property

Chair and Vice-Chair of the Policy and Resources Committee

Chair and Vice-Chair of Housing Committee (lead client)

Opposition Members - 1

Quorum - 3

(Note: Property as lead client - Chair and Vice-Chair of Policy and Resources already Members)

(ii) Sport and Leisure Management Contract

Lead Client - Community Services

Chair and Vice-Chair of Policy and Resources Committee

Chair and Vice-Chair of Community Services Committee

Opposition Members - 1

Quorum - 3

(iii) Building Cleaning Contract

Lead Clients - Education and Social Work
Chair and Vice-Chair of Policy and Resources Committee
Chair and Vice-Chair of Education Committee
Chair and Vice-Chair of Social Work Committee
Opposition Members - 2
Quorum - 4

(iv) Ground Maintenance Contract

Lead Client - Community Services
Chair and Vice-Chair of Policy and Resources Committee
Chair and Vice-Chair of Community Services Committee
Opposition Members - 1
Quorum - 3

(v) Vehicle Maintenance and Vehicle Management Contract

Lead Clients - Social Work and Education
Chair and Vice-Chair of Policy and Resources Committee
Chair and Vice-Chair of Education Committee
Chair and Vice-Chair of Social Work Committee
Opposition Members - 2
Quorum - 4

(vi) All Catering Contract

Lead Clients - Education and Social Work
Chair and Vice-Chair of Policy and Resources Committee
Chair and Vice-Chair of Education Committee
Chair and Vice-Chair of Social Work Committee
Opposition Members - 2
Quorum - 4

(vii) Refuse Collection Contract

Lead Client - Community Services
Chair and Vice-Chair of Policy and Resources Committee
Chair and Vice-Chair of Community Services Committee
Opposition Members - 1
Quorum - 3

(viii) Other Cleaning (Street) Contract

Lead Client - Community Services

Chair and Vice-Chair of Policy and Resources Committee

Chair and Vice-Chair of Community Services Committee

Opposition Members - 1

Quorum - 3