

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 18 MAY 2000 AT 1000 HRS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Provost Jimmy Boyd and Councillors Brian McNeil, Stephanie Young, Brian Reeves, Daniel Coffey, Willie Coffey, Douglas Reid, John Weir, Drew McIntyre, 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, Robert Taylor 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; Kate McVey, Solicitor to Council; Bernadette Docherty, Senior Depute Director of Social Work; Roddy Wallace, Head of Administration; Douglas Campbell, Head of Public Relations and Marketing; Bill Walkinshaw, Principal Administrative Officer and Julie Armstrong, Senior Administrative Officer.

APOLOGIES: Councillors Katie Hall, Ann Hay, David Macrae and Alan Campbell.

CHAIR: Provost Jimmy Boyd, Chair.

DEATH OF COUNCILLOR ROBERT STEVENSON

The Provost, before beginning the formal Agenda for this meeting, referred to the sad and sudden death of Councillor Robert Stevenson who died on Wednesday 10 May 2000.

The Provost stated that Bob's family had suffered a great loss and spoke for all Members, Officers and staff in sending his widow, Margaret, and his family sincere condolences.

The Provost stated that Bob was elected to East Ayrshire Council in May last year and, although he had only been with us a short time, he had gained the respect of Members and Officers alike in the way that he had applied himself to his Council duties. Approachable, pleasant company and with a highly developed sense of humour, Bob quickly established himself in a role that was not new to him, having spent many years as a Member with Glasgow Corporation.

The Provost further stated that Bob worked tirelessly for his constituents and used his wide experience to assist them with a variety of problems. There was no doubt that he was a great loss to the local community and would be greatly missed by so many who turned to him for advice.

The Provost advised that, on the Council's behalf, he had written to Margaret and the family to express sympathy at this very difficult time and, as a further mark of respect the Provost asked all present to be upstanding and join him in a minute's silence.

The Council observed a minute's silence.

Following the minute's silence, it was agreed that an extract of these Minutes would be sent to Councillor Stevenson's family.

PROVOST/DEPUTE PROVOST

1.1 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 D Coffey moved as an amendment that Councillor Faulds be elected as Provost and Councillor McDill be elected as Depute Provost.

On a division by a show of hands the motion was carried by 17 votes to 10 and Councillor Boyd was elected as Provost and Councillor Darnbrough was elected as Depute Provost.

PREVIOUS MINUTES

2. There were submitted (circulated) Minutes of Meeting of Council held on 6 April 2000 which were approved as a correct record.

COMMITTEE MINUTES

3. 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:-

3.1 CENTRAL LOCAL PLANNING COMMITTEE OF 7 APRIL 2000 (pages 848-852, 99/02).

3.2 DEVELOPMENT SERVICES COMMITTEE OF 11 APRIL 2000 (pages 853-857, 99/02).

3.3 KILMARNOCK NORTH LOCAL COMMITTEE OF 11 APRIL 2000 (pages 858-862, 99/02).

3.3.1 MATTERS ARISING

(i) SOCIAL INCLUSION (Item 9.2, Page 861, 99/02)

The Council in approving the recommendations agreed that the request to the Scottish Executive would be specifically in relation to relaxing the rules to allow non-coalfield areas in East Ayrshire to qualify for additional Social Inclusion monies.

(ii) 2000/2001 PROGRAMME OF STRUCTURAL MAINTENANCE OF ROADS AND FOOTWAYS (Item 7, Page 860, 99/02)

It was noted that a report would be submitted to a future Development Services Committee on a proposed policy on dropped kerbs to assist wheelchair users to gain access to and depart from public footpaths.

3.4 CUMNOCK AREA LOCAL COMMITTEE OF 13 APRIL 2000 (pages 863-867, 99/02).

- 3.5 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 14 APRIL 2000 (pages 868-871, 99/02).**
- 3.6 EMERGENCY POWERS COMMITTEE OF 14 APRIL 2000 (page 872, 99/02).**
- 3.7 HOUSING COMMITTEE OF 18 APRIL 2000 (pages 873-875, 99/02).**
- 3.8 IRVINE VALLEY LOCAL COMMITTEE OF 19 APRIL 2000 (pages 876-880, 99/02).**
- 3.9 SOUTHERN LOCAL PLANNING COMMITTEE OF 20 APRIL 2000 (pages 881-889, 99/02).**
- 3.10 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 25 APRIL 2000 (pages 890-894, 99/02).**
- 3.11 COMMUNITY SERVICES COMMITTEE OF 26 APRIL 2000 (pages 895-903, 99/02).**
- 3.11.1 MATTERS ARISING**
- (i) CLEANSING - VEHICLE REPLACEMENT (Item 8, Page 896, 99/02)**
- It was agreed that the Director of Community Services pass on to all employees concerned the Council's appreciation for their help and assistance in maintaining a cleansing service over the period following the recent vandalism of cleansing vehicles.
- 3.12 KILMARNOCK SOUTH LOCAL COMMITTEE OF 26 APRIL 2000 (pages 904-908, 99/02).**
- 3.13 EDUCATION COMMITTEE OF 27 APRIL 2000 (pages 909-919, 99/02).**
- 3.14 NORTHERN AREA LOCAL COMMITTEE OF 27 APRIL 2000 (pages 920-925, 99/02).**
- 3.15 EMERGENCY POWERS COMMITTEE OF 2 MAY 2000 (page 926, 99/02).**
- 3.16 SOCIAL WORK COMMITTEE OF 2 MAY 2000 (pages 927-930, 99/02).**
- 3.17 DOON VALLEY LOCAL COMMITTEE OF 2 MAY 2000 (pages 931-935, 99/02).**
- 3.17.2 MATTERS ARISING**
- (i) FLY-TIPPING IN THE DOON VALLEY (Item 6, Page 932)**
- It was agreed that a report on fly-tipping and the control measures taken by the Council be submitted to all other Local Committees.
- 3.18 POLICY AND RESOURCES COMMITTEE OF 4 MAY 2000 (pages 936-957, 99/02).**
- 3.19 CENTRAL LOCAL PLANNING COMMITTEE OF 5 MAY 2000 (pages 958-961, 99/02).**
- 3.19.1 MATTERS ARISING**
- (i) APPLICATION NO 00/0122/TP: FIRST ENGINEERING (Item 1.4, Page 960)**
- It was noted that the Solicitor to the Council would report back to Council on the outcome of the Council's complaint to the Procurator Fiscal in respect of First Engineering.

**EAST AYRSHIRE OPENCAST COAL SUBJECT PLAN: OBJECTIONS
AND REPRESENTATIONS DOCUMENT AND SCHEDULE OF
PROPOSED MODIFICATIONS (Item 2, Page 962, 99/02)**

4. There was submitted extract from the Development Services Committee held on 9 May 2000 for approval (circulated).

Councillor Eric Ross, seconded by Councillor George Smith, moved approval of the recommendations as contained therein.

Councillor Faulds, seconded by Councillor Iain Linton, moved as an amendment:

- (i) to delete paragraph 4.2(ii) of the report; and
- (ii) to amend Policy MIN 26(v) of the Modified Policies document, circulated as Appendix II to this report: 'the extraction or operational areas do not encroach within 100 metres', to read, viz:- 'the extraction or operational areas do not encroach within 500 metres'.

On a division by a show of hands the motion was carried by 16 to 11

EAST AYRSHIRE COMMUNITY SAFETY FORUM

5. There was submitted and noted Minutes of Meeting held on 29 March 2000 (circulated) as shown in Appendix I.

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

6. There was submitted a report dated 19 April 2000 (circulated) by the Director of Corporate Services 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 Farrell, seconded by Councillor Kelly, moved the following appointments, viz:-

<u>Position</u>	<u>Councillors</u>
Leader of the Council	A McIntyre
Depute Leader of the Council	E Jackson
<u>Chairs/Vice-Chairs Of Committees/Sub-Committees</u>	
Policy and Resources	A McIntyre (Chair) E Jackson (Vice-Chair)
Best Value Sub	A McIntyre
Members' Services and Civic Ceremonial Sub	T Farrell
Personnel & Property Sub	E Jackson
Publicity & Publications Sub	E Jackson
Queens Drive, Kilmarnock <u>Ad Hoc</u> Sub	A McIntyre
Emergency Powers	A McIntyre (Chair) E Jackson (Vice-Chair)

Community Services

Licensing Sub

Development Services**Education**

Education Sub

Education (Appeals) Sub

Education (Joint Appeals & Bursaries) Sub

Housing

Appeals Sub

Capital Sub

Social Work**Local Committees**

Irvine Valley

Doon Valley

Cumnock Area

Northern Area

Kilmarnock North

Kilmarnock Central

Kilmarnock South

Local Planning Committees

Northern Area

Central Area

Southern Area

R Taylor (Chair)

J Carmichael (Vice-Chair)

J Carmichael

E Ross (Chair)

G Smith (Vice-Chair)

T Farrell (Chair)

J Knapp (Vice-Chair)

T Farrell

E Jackson

J Knapp

J Kelly (Chair)

D Macrae (Vice-Chair)

D Macrae

J Kelly

J Darnbrough (Chair)

A Walsh (Vice-Chair)

J Raymond (Chair)

D Macrae (Vice-chair)

E Dinwoodie (Chair)

R Taylor (Vice-Chair)

W Menzies (Chair)

G Smith (Vice-Chair)

S Young (Chair)

(No nomination made for Vice-Chair)

A McIntyre (Chair)

(No nomination made for Vice-Chair)

B Reeves (Chair)

A Walsh (Vice-Chair)

J Knapp (Chair)

J Darnbrough (Vice-Chair)

D Macrae (Chair)

J Raymond (Vice-Chair)

A McIntyre (Chair)

J Knapp (Vice-Chair)

T Farrell (Chair)

J Kelly (Vice-Chair)

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

<u>Position</u>	<u>Councillors</u>
Leader of the Council	D Reid
Depute Leader of the Council	D Coffey
<u>Chairs/Vice-Chairs of Committees/Sub-Committees</u>	
Policy and Resources	D Reid (Chair) D Coffey (Vice-Chair)
Best Value Sub	D Reid
Members' Services and Civic Ceremonial Sub	H Wilson
Personnel & Property Sub	D Coffey
Publicity & Publications Sub	D Reid
Queens Drive, Kilmarnock <u>Ad Hoc</u> Sub	R McDill
Emergency Powers	D Reid (Chair) D Coffey (Vice-Chair)
Community Services	H Wilson (Chair) I Linton (Vice-Chair)
Licensing Sub	H Wilson
Development Services	R McDill (Chair) J Faulds (Vice-Chair)
Education	F MacLean (Chair) A Campbell (Vice-Chair)
Education Sub	F MacLean
Education (Appeals) Sub	F MacLean
Education (Joint Appeals & Bursaries) Sub	F MacLean
Housing	W Coffey (Chair) D Reid (Vice-Chair)
Appeals Sub	W Coffey
Capital Sub	W Coffey
Social Work	J Weir (Chair) D Coffey (Vice-Chair)
<u>Local Committees</u>	
Irvine Valley	H Wilson (Chair) F MacLean (Vice-Chair)
Doon Valley	Local Members to select.
Cumnock Area	J Faulds (Chair) (No nominations made for Vice-Chair)

Northern Area	A Hay (Chair) B McNeil (Vice-Chair)
Kilmarnock North	D Coffey (Chair) J Weir (Vice-Chair)
Kilmarnock Central	D Reid (Chair) I Linton (Vice-Chair)
Kilmarnock South	A Campbell (Chair) (No nomination made for Vice-Chair)

Local Planning Committees

Northern Area	R McDill (Chair) H Wilson (Vice-Chair)
Central Area	W Coffey (Chair) A Campbell (Vice-Chair)
Southern Area	J Faulds (Chair) (No nomination made for Vice-Chair)

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

It was reported that following the decision, Vice-Chairs for the Northern Area Local Committee and the Kilmarnock North Local Committee remained vacant.

It was noted that no nominations were forthcoming.

OVERVIEW REPORT ON 1998/99 AUDITS OF LOCAL AUTHORITIES

7. There was submitted and noted a report dated 3 May 2000 (circulated) by the Director of Finance which presented to Members the report by the Controller of Audit giving his overview on 1998/99 audits of all Scottish Local Authorities.

COLLABORATIVE LINKS WITH AYRSHIRE AND ARRAN PRIMARY CARE NHS TRUST (Item 11, Page 934, 99/02)

8. There was submitted a report dated 11 May 2000 (circulated) by the Director of Social Work which sought approval by Council to an operational framework involving the Council and Ayrshire and Arran Primary Health Care Trust.

It was agreed to the operational framework with Ayrshire and Arran Primary Care NHS Trust set out in broad terms as follows, viz:-

- Providing high quality, responsive and accountable services to the public;
- Working in partnership to promote a socially inclusive society;
- Planning together to provide and develop services at both a strategic and operational level;
- Routinely involving representatives of service users, carers and the community;
- Maximising closer working between our agencies;
- Implementing changes which will make a positive difference to people's lives;

- Working in purposeful partnership with our staff to achieve common goals.

**PERTH AND KINROSS COUNCIL -
RURAL AND URBAN POST OFFICES**

9. There was submitted a report dated 5 May 2000 (circulated) by the Director of Corporate Services which advised Council of an approach by Perth and Kinross Council which requested that this Council give their support to protect rural and urban Post Offices throughout Scotland as a result of the introduction of Government legislation which changes the way in which state benefits are paid.

It was agreed:

- (i) to support the request from Perth and Kinross Council to protect rural and urban Post Offices throughout Scotland; and
- (ii) that a letter be sent to the Scottish Executive, Westminster and the Department of Trade and Industry advising of this Council's view.

REBATES (BENEFITS) ON WATER CHARGES

10. There was submitted a report dated 10 May 2000 (circulated) by the Director of Finance which advised Members of a proposal by Scottish Borders Council that a benefits scheme for Water Charges be implemented.

It was agreed:

- (i) that the Council supports the introduction of a Water and Sewerage Charges Benefits Scheme aligned to the existing Council Tax Benefit Scheme and funded as indicated in paragraph 3 of the report; and
- (ii) that this Council's view be communicated to the Secretary of State for Social Security, the First Minister of the Scottish Parliament, local MPs and MSPs and CoSLA.

EXCLUSION OF PRESS AND PUBLIC

11. The Council resolved that under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 of Schedule 7A of the Act.

**PROPOSED SETTLEMENT OF CLAIM BY BELLFIELD BOWLING CLUB,
KILMARNOCK (Item 19, Page 899, 99/02)**

12. There was submitted a report dated 17 April 2000 (circulated) by the Solicitor to the Council on the outcome of negotiations between Officers of the Council, which is the statutory successor to the former Kilmarnock and Loudoun District Council, and Bellfield Bowling Club in relation to the terms of the Minute of Agreement and which sought approval of recommended terms of settlement.

It was agreed:

- (i) to the proposed terms of settlement as outlined at paragraph 3.4.1 of the report together with the refurbishment/redecoration costs carried out to date of £2,500, subject to the production of receipts; and

- (ii) that the balance of any fund remaining thereafter together with interest be applied to an improvement project identified by the Club and agreed by the Director of Community Services and monies released by Officers of the Council on production of suitable receipts.

The meeting terminated at 1100 hrs.