

EAST AYRSHIRE COUNCIL

**MINUTES OF MEETING HELD ON THURSDAY 27 MARCH 1997 AT 1000 HRS
IN THE MEETING ROOM, COUNCIL HEADQUARTERS,
LONDON ROAD, KILMARNOCK**

PRESENT: Provost Robert Stirling and Councillors Gordon McCredie, Drew McIntyre, Irene Reeves, Gordon Cree, Wilma Doyle, Ronald Brailsford, Jane Darnbrough, Jim O'Neill, Kathleen Hall, Bob Beattie, John Knapp, Daniel Coffey, David Fulton, David Macrae, Kim Nicoll, George Turnbull, Eric Ross, Jim Kelly, David Sneller, George Smith, Jimmy Carmichael, Robert Taylor, John Smith and Eric Jackson.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; William Stafford, Director of Community Services; Stephen Chorley, Director of Development Services; John Mulgrew, Director of Education; Gordon Clark, Director of Finance; Barbara Haughan, Director of Support Services; Chris McAleavey, Senior Depute Director of Housing; Alan McDougall, Depute Director of Social Work; Roddy Wallace, Head of Administration; Kate McVey, Head of Legal Services; William Taylor, Head of Roads and Transportation; Bill Walkinshaw, Principal Administrative Officer; Julie Armstrong, Senior Administrative Officer; Melanie Macleod and Alex Hewetson, Administrative Officers.

APOLOGIES: Councillors Douglas Reid, Alan Campbell, Robert McDill, Jimmy Boyd and Tommy Farrell.

CHAIR: Provost Stirling, Chair.

PREVIOUS MINUTES

1. There were submitted Minutes of Meeting of Council held on 13 February 1997 and Special Meeting of Council held on 6 March 1997 which were approved as correct records (both circulated).

COMMITTEE MINUTES

- 2.1 There were submitted (circulated) and, except as 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 4 FEBRUARY 1997 (page 1758).**
 - 2.1.2 **DOON VALLEY LOCAL COMMITTEE OF 4 FEBRUARY 1997 (pages 1759-1762).**
 - 2.1.3 **CUMNOCK AREA LOCAL PLANNING COMMITTEE OF 5 FEBRUARY 1997 (pages 1763-1764).**
 - 2.1.4 **CUMNOCK AREA LOCAL COMMITTEE OF 5 FEBRUARY 1997 (pages 1765-1769).**
 - 2.1.5 **KILMARNOCK NORTH LOCAL PLANNING COMMITTEE OF 6 FEBRUARY 1997 (page 1770).**
 - 2.1.6 **KILMARNOCK NORTH LOCAL COMMITTEE OF 6 FEBRUARY 1997 (pages 1771-1774).**

2.1.7 KILMARNOCK CENTRAL LOCAL PLANNING COMMITTEE OF 7 FEBRUARY 1997 (pages 1775-1776).

2.1.8 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 7 FEBRUARY 1997 (pages 1777-1780)

It was agreed to amend the Minutes to show that the Meeting commenced at 1430 hrs and terminated at 1515 hrs.

2.1.9 KILMARNOCK SOUTH LOCAL COMMITTEE OF 11 FEBRUARY 1997 (pages 1781-1784).

2.1.10 IRVINE VALLEY LOCAL PLANNING COMMITTEE OF 12 FEBRUARY 1997 (pages 1785-1789).

2.1.11 IRVINE VALLEY LOCAL COMMITTEE OF 12 FEBRUARY 1997 (pages 1790-1795).

2.1.12 NORTHERN AREA LOCAL PLANNING COMMITTEE OF 12 FEBRUARY 1997 (pages 1796-1798).

2.1.13 NORTHERN AREA LOCAL COMMITTEE OF 12 FEBRUARY 1997 (pages 1799-1804).

It was agreed to note that the meeting terminated at 1603 hrs.

2.1.14 SOCIAL WORK COMMITTEE OF 20 FEBRUARY 1997 (pages 1821-1827).

2.1.15 SPECIAL POLICY AND RESOURCES COMMITTEE OF 25 FEBRUARY 1997 (pages 1828-1829).

2.1.16 SPECIAL SOCIAL WORK COMMITTEE OF 26 FEBRUARY 1997 (pages 1830-1831).

2.1.17 HOUSING COMMITTEE OF 26 FEBRUARY 1997 (pages 1832-1846).

2.1.18 EDUCATION COMMITTEE OF 27 FEBRUARY 1997 (pages 1847-1862).

It was agreed to note that at Appendix III - Business Sub-Committee of 13 February 1997, the meeting terminated at 1450 hrs.

2.1.19 SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 27 FEBRUARY 1997 (pages 1863-1864).

2.1.20 SPECIAL COMMUNITY SERVICES COMMITTEE OF 27 FEBRUARY 1997 (pages 1865-1866).

2.1.21 SPECIAL COMMERCIAL OPERATIONS COMMITTEE OF 28 FEBRUARY 1997 (pages 1867-1868).

2.1.22 SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE OF 28 FEBRUARY 1997 (pages 1869-1870).

2.1.23 SPECIAL POLICY AND RESOURCES COMMITTEE OF 5 MARCH 1997 (pages 1871-1873).

2.1.24 COMMUNITY SERVICES COMMITTEE OF 5 MARCH 1997 (pages 1874-1884).

2.1.25 DEVELOPMENT SERVICES COMMITTEE OF 6 MARCH 1997 (pages 1888-1904).

Councillor Turnbull, seconded by Councillor Ross, moved approval of the Minutes and any recommendations contained therein.

Councillor McCredie, seconded by Councillor Nicoll, moved as an amendment that under Item 7, Review of Planning Application System, the Local Planning Committees be named as follows:- Kilmarnock, Stewarton and Irvine Valley and Cumnock and Doon Valley.

On a division by a show of hands the motion was carried by 20 votes to 5.

2.1.26 COMMERCIAL OPERATIONS COMMITTEE OF 12 MARCH 1997 (pages 1905-1907).

2.1.27 POLICY AND RESOURCES COMMITTEE OF 13 MARCH 1997 (Pages 1908-1933)

It was noted that in Appendix I - Contracting Sub-Committee (Building Maintenance) of 23 January 1997, it was agreed to amend the spelling in the item heading to read "Collar").

2.2 NORTHERN AREA LOCAL COMMITTEE OF 12 FEBRUARY 1997

2.2.1 MATTERS ARISING

NAMING OF STREETS BY LOCAL COMMITTEES - DEVELOPMENT AT "SOUTHCRAIGS", KILMARNOCK (Item 11, Page 1802).

A motion by Councillor McCredie, seconded by Councillor Brailsford, to reconsider in terms of Standing Order 51 the decision regarding the naming of the development was defeated by 20 votes to 5 and failed to receive the requisite two-thirds majority of Members voting.

2.3 EDUCATION COMMITTEE OF 27 FEBRUARY 1997

2.3.1 MATTERS ARISING

APPENDIX I - JOINT CONSULTATIVE COMMITTEE (TEACHERS) OF 28 JANUARY 1997 - SCHOOL SECURITY AND VETTING OF ADULTS WORKING WITH CHILDREN AND YOUNG PEOPLE (Item 3, Page 1853)

It was agreed to note that the Director of Education would submit a report to an early meeting of the Education Committee on procedures for vetting and accreditation of personnel working with children in schools including adult returners.

2.4 COMMERCIAL OPERATIONS COMMITTEE OF 12 MARCH 1997

2.4.1 REMIT FROM COMMITTEE

(i) MEMBER/OFFICER WORKING GROUP ON CATERING SERVICES (Item 3, Page 1906)

It was agreed:

- (i) to appoint Councillors Carmichael (Chair), Knapp, Jackson and Brailsford to the Member/Officer Working Group on Catering Services; and
- (ii) to note that a Member nomination would also be submitted from the Education Committee in due course.

2.5 POLICY AND RESOURCES COMMITTEE OF 13 MARCH 1997

2.5.1 REMITS FROM COMMITTEE

(i) CIVIC CEREMONIAL SUB-COMMITTEE - EAST AYRSHIRE TOWN TWINNING ASSOCIATION (Item 2, Page 1922)

It was agreed to appoint Provost Stirling, Depute Provost Boyd, Councillor Coffey and the Director of Support Services or nominee to the East Ayrshire Town Twinning Association.

(ii) FINANCE AND PROPERTY SUB-COMMITTEE OF 4 MARCH 1997 - DISCRETIONARY RELIEF OF NON-DOMESTIC RATES WORKING GROUP (Item 4, Page 1932)

It was agreed to appoint Councillors Sneller, McIntyre, Darnbrough, Doyle and Coffey to a Member/Officer Working Group to review the Council's policy on discretionary relief of non-domestic rates.

(iii) GRANTS TO VOLUNTARY ORGANISATIONS - MEMBER/OFFICER GROUPS (Item 7, Page 1911)

It was agreed to appoint the following Elected Members to the undernoted Member/Officer Groups to examine options open to the Council in terms of alternative approaches to grant aid for the undernoted categories of organisations and that the Chair of the Policy and Resources Committee be an ex officio participant on each of the Groups:

- (1) Support for the Unemployed - Councillors Carmichael, Ross, Darnbrough and Brailsford;
- (2) Young People - Councillors Farrell, Beattie, Macrae and Brailsford;
- (3) Women's Empowerment and Training Initiatives - Councillors Reeves, Doyle, G Smith and Nicoll;
- (4) Advice and Information - Councillors Fulton, Jackson, Cree and Coffey; and
- (5) Equal Opportunities - Councillors O'Neill, McIntyre, Taylor and Reid.

DECENTRALISATION SCHEME (Item 1, Page 1929)

3. There was submitted a report dated 20 March 1997 (circulated) by the Chief Executive seeking approval for the Council's Decentralisation Scheme and arrangements for its publication.

It was agreed:

- (i) to adopt the terms of the Decentralisation Scheme as set out in Appendix I of the report with minor typographical corrections to be incorporated;
- (ii) that the adopted Decentralisation Scheme be submitted to the Secretary of State;
- (iii) to publish the adopted Scheme as detailed in the report; and
- (iv) otherwise to note the content of the report.

**FINAL DRAFT SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS (Item 2, Page 1757)**

4. There was submitted a report dated 17 March 1997 (circulated) by the Director of Support Services to report on the outcome of the third and final formal consultation process on the review of existing Community Council Schemes; to submit for adoption East Ayrshire Council's Community Council Scheme; and to seek authority to give public notice of the adopted Scheme in accordance with Part 1, Section 22(3)(e) of the Local Government Etc (Scotland) Act 1994.

Councillor Sneller, seconded by Councillor McIntyre, moved as an amendment:

- (i) to reject the suggestion by Moscow and Waterside Community Council to alter their boundary in order to incorporate an area of Fenwick Community Council;
- (ii) that the Council approve the amendments as contained within the final draft Scheme as shown in Appendix A of the report for the establishment of Community Councils in addition to the following amendments:
 - (a) Page 4, para 10(e) to read

“At the meeting, the Chair shall be as follows:- either (i) the local Elected East Ayrshire Councillor for the whole area covered by the Community Council, or appropriate substitute; or (ii) where there is more than one Elected East Ayrshire Councillor for the area covered by the Community Council, the Chair for the initial Election will be the Chair of the relevant Local Committee, or his/her substitute who is not. The Election shall be in accordance with the Rules determined by the Council.”
 - (b) Page 10, Annexation III - Rule 3 to read

“The Chair of the meeting will be as follows:- (a) in the case of an initial election - either (i) the local Elected East Ayrshire Councillor for the whole area covered by the Community Council or appropriate substitute; or (ii) where there is more than one Elected East Ayrshire Councillor for the area covered by the Community Council, the Chair for the initial Election will be the Chair of the relevant Local Committee or his/her nominee. In the event that the Chair is an Elected East Ayrshire Councillor for the Community Council area in question, the Chair shall nominate an appropriate substitute who is not; and (b) for an ordinary election - the Chair of the Community Council”.
- (iii) to adopt the final draft Scheme as amended and boundary maps which had been displayed at the meeting in terms of Part I, Section 22(3)(d) of the Local Government Etc (Scotland) Act 1994;
- (iv) that the adopted Scheme be sealed with the Common Seal of the Council; and
- (v) to remit to the Director of Support Services to undertake the necessary statutory public notification of the adopted Scheme in terms of Part I, Section 22(3)(e) of the Local Government Etc (Scotland) Act 1994.

Councillor Coffey, seconded by Councillor Brailsford, moved as an amendment the motion as detailed above with the exception of the following change:-

Page 10, Section 3, Rule 3 to read “that the Chair of the meeting in the case of an initial election, where there is more than one Elected Member, be appointed by rotation of the appropriate Elected Members, to be determined at the Annual General Meeting of the relative Community Council.

On a division by a show of hands the motion was carried by 20 votes to 5.

PARLIAMENTARY GENERAL ELECTION ISSUES

5.1 ORGANISATION OF POLLING DISTRICTS AND POLLING PLACES

There was submitted a report dated 12 March 1997 (circulated) by the Chief Executive to present for Council approval lists of Polling Districts and Polling Places in respect of the Parliamentary Constituencies of Kilmarnock and Loudoun and Carrick, Cumnock and Doon Valley (Part).

It was agreed to approve the lists of Polling Districts and Polling Places as detailed in Appendices I and II of the report for the purpose of Parliamentary Elections in respect of the Parliamentary Constituencies of Kilmarnock and Loudoun and Carrick, Cumnock and Doon Valley (Part).

5.2 ELECTION PUBLICITY ON STREET FURNITURE

There was submitted a report dated 17 March 1997 (circulated) by the Director of Development Services recommending a policy on the placing of election publicity within the limits of public roads.

It was agreed that publicity for European, Parliamentary and East Ayrshire Council elections be permitted under the conditions as detailed in paragraph 3.1 of the report.

5.3 PARTY POLITICAL EVENTS WITHIN TOWN/VILLAGE CENTRES IN EAST AYRSHIRE

There was submitted a report dated 17 March 1997 (circulated) by the Director of Community Services requesting consideration of a procedure for the control of requests from political groups in respect of events at town/village centres on land that is under Council ownership.

It was noted that an amended Appendix had been circulated.

Councillor Sneller, seconded by Councillor McIntyre, moved to adopt the procedures as detailed in the amended Appendix circulated on 26 March 1997 for the control of requests from political groups in respect of party political events within town/village centres on land under the ownership of East Ayrshire Council.

Councillor McCredie, seconded by Councillor Nicoll, moved as an amendment that the Appendix should be amended as follows:

Item 1, line 2 - after village centre add “and six in Kilmarnock Town Centre”.

Item 2, line 1 - delete “four” and insert “six”.

Item 3.6, line 6 - after “present” add “and the applicants be invited to attend”.

On a division by a show of hands the motion was carried by 20 votes to 5.

MEMBER/OFFICER INDEMNITY COVER (Item 5, Page 1890)

6. There was submitted a report dated 10 March 1997 (circulated) by the Director of Support Services to respond to requests relative to a report considered by the

Development Services Committee on 6 March 1997 on the implications for Elected Members/Officers appointed by the Council to serve on outside bodies in terms of their liabilities/responsibilities and the Council's insurance cover.

It was agreed:

- (i) to remit the matter to the Director of Finance in consultation with the Head of Legal Services to contact:
 - (a) all outside bodies on which Members/Officers served to ensure separate and/or adequate indemnity cover was in place; and
 - (b) the Accounts Commission/CoSLA for guidance on local authority participation in outside bodies in order that a further report may be prepared for the Policy and Resources Committee; and
- (ii) to amend the reference to the Passenger Transport Authority Joint Board to read the Strathclyde Passenger Transport Authority in the Appendix to the report.

REVIEW OF SCHEME OF DELEGATION (Item 5, Page 1320)

7. There was submitted a report dated 11 March 1997 (circulated) by the Director of Support Services on a draft review of the Scheme of Delegation of Powers and Duties to Committees, Sub-Committees and Officers for consideration and approval.

It was agreed:

- (i) to approve the Scheme of Delegation and to authorise the Director of Support Services to implement amendments and to make the necessary arrangements to publish the Scheme;
- (ii) to note that additional regular reviews of the Scheme of Delegation would be programmed;
- (iii) that Councillor Campbell be nominated to the Contracting Sub-Committee Other Cleaning (Street) Contract and Roads and Lighting Etc Maintenance Contract and that Councillors Jackson and O'Neill be nominated to the Contracting Sub-Committee for White Collar CCT contracts;
- (iv) that Councillors G Smith, Cree and Brailsford be the additional Members to serve on the Licensing Sub-Committee of the Community Services Committee; and
- (iv) that the Director of Education in consultation with the Director of Finance provide Councillor Nicoll with details on insurance provision for loss or damage to school pupils' possessions while in educational premises.

RESCHEDULING OF THE COUNCIL AND MEETINGS OF COMMITTEES/SUB-COMMITTEES

8. It was agreed in terms of Standing Order 51 to reconsider the matter.

There was submitted a report dated 25 March 1997 (circulated) by the Director of Support Services regarding proposed alterations to the meetings calendar in order to accommodate preparatory work by Officers for the forthcoming Parliamentary General Election to be held on 1 May 1997.

It was agreed:

(i) to approve the undernoted changes to the meetings calendar:

Cumnock Area Local Committee - 1400 hrs - Tuesday 6 May

Doon Valley Local Committee - 1400 hrs - Wednesday 7 May

Kilmarnock North Local Committee - 1400 hrs - Thursday 8 May

Council - 1000 hrs - Wednesday 14 May

Business Sub-Committee - 1000 hrs - Thursday 8 May

Licensing Sub-Committee - 1100 hrs, or immediately following the meeting of the Council - Wednesday 14 May

(ii) to note the arrangements for the Southern Local Planning Committee - 1400 hrs - Wednesday 2 April; and

(iii) to remit to the Director of Support Services to make the necessary arrangements.

The meeting terminated at 1104 hrs.