

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 18 JUNE 1998 AT 1000 HRS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Provost Robert Stirling and Councillors Drew McIntyre, Irene Reeves, Gordon Cree, Wilma Doyle, Ronald Brailsford, Alan Campbell, Jim O'Neill, John Knapp, David Macrae, Kim Nicoll, George Turnbull, Robert McDill, Eric Ross, David Sneller, Jimmy Boyd, George Smith, Jimmy Carmichael, Robert Taylor, John Smith, Tommy Farrell and Eric Jackson.

ATTENDING: David Montgomery, Chief Executive; Fiona Lees, Depute Chief Executive; Bill Stafford, Director of Community Services; Stephen Chorley, Director of Development Services; John Mulgrew, Director of Education; John Hillis, Director of Housing; Douglas Bulloch, Director of Social Work; Barbara Haughan, Director of Support Services; Alex McPhee, Senior Depute Director of Finance; Robin Gourlay, Depute Director of Commercial Operations; Graham Haugh, Depute Director of Personnel Services; Kate McVey, Head of Legal Services; Bill Walkinshaw, Principal Administrative Officer; Julie Armstrong, Senior Administrative Officer; Alex Hewetson and Melanie Macleod, Administrative Officers.

APOLOGIES: Councillors Gordon McCredie, Douglas Reid, Jane Darnbrough, Kathleen Hall, Ann Hay, Daniel Coffey, David Fulton and Jim Kelly.

CHAIR: Provost Robert Stirling, Chair.

PROVOST'S REMARKS

1. The Provost extended his deepest sympathy to Councillor Fulton on the recent loss of his son and intimated that his thoughts and of those present were with Councillor Fulton and his family at this time. The Provost confirmed that he would, on behalf of the Members and Officers, send a card to Councillor Fulton and his family expressing their sympathy.

PROVOST/DEPUTE PROVOST

2.1 ELECTION OF PROVOST

Nominations for election of Provost were invited.

Councillor Sneller, seconded by Councillor Boyd, moved that Councillor Stirling be elected as Provost.

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment that Councillor Coffey be elected as Provost.

On a division by a show of hands the motion was carried by 18 votes to 4 and Councillor Stirling was elected as Provost.

2.2 ELECTION OF DEPUTE PROVOST

Nominations for election of Depute Provost were invited.

Councillor Sneller, seconded by Provost Stirling, moved that Councillor Boyd be elected as Depute Provost.

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment that Councillor Reid be elected as Depute Provost.

On a division by a show of hands the motion was carried by 18 votes to 4 and Councillor Boyd was elected as Depute Provost.

PREVIOUS MINUTES

3. There were submitted (circulated) Minutes of Meeting of Council held on 7 May 1998 which were approved as a correct record.

COMMITTEE MINUTES

4. There were submitted (circulated) and approved subject to the undernoted amendment, both as correct records and in respect of recommendations contained therein, the Minutes of the undernoted Committee meetings, viz:-
 - 4.1 **SPECIAL NORTHERN AREA LOCAL PLANNING COMMITTEE OF 30 APRIL 1998 (pages 3322-3323).**
 - 4.2 **SPECIAL CENTRAL LOCAL PLANNING COMMITTEE OF 8 MAY 1998 (pages 3330-3331).**
 - 4.3 **KILMARNOCK NORTH LOCAL COMMITTEE OF 12 MAY 1998 (pages 3332-3336).**
 - 4.4 **CUMNOCK AREA LOCAL COMMITTEE OF 14 MAY 1998 (pages 3337-3342).**
 - 4.5 **NORTHERN AREA LOCAL PLANNING COMMITTEE OF 15 MAY 1998 (pages 3343-3345).**
 - 4.6 **SPECIAL CENTRAL LOCAL PLANNING COMMITTEE OF 15 MAY 1998 (page 3346).**
 - 4.7 **HOUSING COMMITTEE OF 20 MAY 1998 (pages 3347-3359).**
 - 4.7.1 **NEW HOUSING PARTNERSHIP COMMITTEE (Item 3.1, Page 3348)**

It was agreed:

 - (i) that instead of a Sub-Committee a Special Ad Hoc Housing Partnership Committee be established;
 - (ii) that one of the delegated powers be changed from "identification of appropriate sites and packages of sites" to read "identification of appropriate sites and packages of sites subject to obtaining clearance on their availability from the appropriate parent Committees"; and
 - (iii) that the membership of the Committee be Councillors Kelly, Macrae, Farrell, Doyle, Sneller, Coffey and Reid.
 - 4.8 **IRVINE VALLEY LOCAL COMMITTEE OF 20 MAY 1998 (pages 3360-3366).**
 - 4.9 **COMMERCIAL OPERATIONS COMMITTEE OF 21 MAY 1998 (pages 3367-3368).**
 - 4.10 **SOUTHERN LOCAL PLANNING COMMITTEE OF 21 MAY 1998 (pages 3369-3378).**

4.11 DEVELOPMENT SERVICES COMMITTEE OF 26 MAY 1998 (pages 3379-3394).**4.11.1 A PLANNING POLICY FRAMEWORK FOR STREET TRADING IN EAST AYRSHIRE (Item 5, Page 3386)**

Councillor McIntyre, seconded by Councillor Boyd, moved the Minutes as a correct record and the approval of any recommendations contained therein.

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment to continue consideration of this item to allow further thought to be given to the issue.

On a division by a show of hands, the motion was carried by 18 votes to 4.

4.11.2 DESIGNATION OF CATRINE VOES AND WOODLANDS LOCAL NATURE RESERVE (Item 17, Page 3391)

It was agreed to nominate the Local Member, George Smith, as the Council's Elected Member representative on the Management Committee of the Catrine Voes and Woodlands Trust.

4.12 KILMARNOCK CENTRAL LOCAL COMMITTEE OF 26 MAY 1998 (pages 3395-3398).**4.13 COMMUNITY SERVICES COMMITTEE OF 27 MAY 1998 (pages 3399-3411).****4.13.1 DEAN CASTLE COUNTRY PARK**

It was agreed that the Director of Community Services would investigate the possibility of the provision of shelter for children and school parties when visiting the Dean Castle Country Park.

4.14 KILMARNOCK SOUTH LOCAL COMMITTEE OF 27 MAY 1998 (pages 3412-3414).**4.15 EDUCATION COMMITTEE OF 28 MAY 1998 (pages 3415-3426).****4.16 NORTHERN AREA LOCAL COMMITTEE OF 28 MAY 1998 (pages 3427-3430).****4.17 SOCIAL WORK COMMITTEE OF 2 JUNE 1998 (pages 3431-3436).****4.18 DOON VALLEY LOCAL COMMITTEE OF 2 JUNE 1998 (pages 3437-3440).****4.19 POLICY AND RESOURCES COMMITTEE OF 4 JUNE 1998 (pages 3441-3479).****4.19.1 CHAIR'S REMARKS**

Councillor Sneller made a statement in relation to the current status of the Commercial Operations Department and related issues and gave mention of the recent request for premature retirement by the Director of Finance which had been granted.

4.19.2 CUMNOCK MUNICIPAL BANK (Item 4.2, Page 3445)

It was agreed that the Minutes be amended to record that Councillor Farrell did not leave the meeting.

4.19.3 CHAIR'S REMARKS (Pg 3444)

A motion by Councillor Brailsford, seconded by Councillor Campbell, to reconsider in terms of Standing Order 51 the call for a vote of no confidence in the Leader of the Council was, on a division by a show of hands, defeated by 18 votes to 4 and failed to receive the requisite two-thirds of the Members voting.

4.19.4 LOCAL COMMITTEE COMMUNITY GRANTS SCHEME (Item 6, Page 3446)

It was agreed to appoint Councillor Coffey to the Advisory Group on Cross Boundary Grants.

4.19.5 NUCLEAR FREE LOCAL AUTHORITIES (Item 12, Page 3450)

It was agreed to nominate the Chair of Community Services Committee to the Nuclear Free Local Authorities.

4.20 SPECIAL DEVELOPMENT SERVICES COMMITTEE OF 4 JUNE 1998 (pages 3480-3484).**4.21 CENTRAL LOCAL PLANNING COMMITTEE OF 5 JUNE 1998 (pages 3485-3489).**

**SNP GROUP COMMITTEE AND OTHER OUTSIDE ORGANISATIONS -
MEMBERSHIP AMENDMENTS**

5. It was unanimously agreed in terms of Standing Order 51 to reconsider this matter.

There was submitted a report dated 15 June 1998 (circulated) by the Director of Support Services which advised the Council of a request received from the SNP Group to amend their membership on the Council's Committees/Sub-Committees and on outside organisations in respect of which the Council had representation.

It was agreed:

(i) to amendments to the membership of Committees/Sub-Committees as follows:-

Policy and Resources	Councillors McDill and Hay for McCredie and Nicoll.
Decentralisation Sub-Committee	Councillor McDill for Councillor McCredie
Personnel and Property Sub-Committee	Councillor Brailsford for Councillor Nicoll
Publicity and Publications Sub-Committee	Councillors Coffey and Reid for McCredie and Nicoll
Contracting Sub-Committee -	
Building Maintenance	Councillor Campbell for Councillor Reid
Building Cleaning	Councillor McDill for Councillor Brailsford
Ground Maintenance	Councillor Nicoll for Councillor McCredie
Vehicle Maintenance	Councillor Hall for Councillor Brailsford
All Catering Contract	Councillor Hall for Councillor Brailsford
Refuse Collection	Councillor Coffey for Councillor Campbell
Other Cleansing (Street)	Councillor Coffey for Councillor Campbell
Road and Light Etc Maintenance	Councillor Coffey for Councillor Campbell
Emergency Powers	Councillor Reid for Councillor Nicoll
Commercial Operations	Councillor Brailsford for Councillor Nicoll

Community Services	Councillors Coffey and Nicoll for Hall and Brailsford
Leisure Sub-Committee	Councillor Campbell for Councillor Brailsford
Licensing Sub-Committee	Councillor Campbell for Councillor Brailsford
Education Appeals	Councillor Coffey for Councillor Brailsford
Education Joint Appeals and Bursaries	Councillor Hay for Councillor Brailsford
Community Care Sub-Committee	Councillor Brailsford for Councillor Campbell

Other Committees

JCC Staff - Teachers	Councillor Hay for Councillor Brailsford; and
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- (ii) that in respect of further changes required by the SNP Group as a result of the above and any other changes that are proposed that the Chief Executive or Director of Support Services be advised accordingly.

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

6. There was submitted a report dated 2 June 1998 (circulated) by the Director of Support Services advising of the need in terms of Standing Orders 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.

6.1 LEADER OF COUNCIL

Councillor McIntyre, seconded by Councillor Farrell, moved that Councillor Sneller be appointed as Leader of the Council.

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment a vote of no confidence in Councillor Sneller and that Councillor Coffey be appointed as Leader of Council.

On a division by a show of hands the motion was carried by 17 votes to 4.

6.2 DEPUTE LEADER OF COUNCIL

Councillor Sneller, seconded by Councillor Farrell, moved that Councillor McIntyre be appointed as Depute Leader of Council.

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment that Councillor Reid be appointed as Depute Leader of Council.

On a division by a show of hands the motion was carried by 18 votes to 4.

6.3 CHAIRS AND VICE-CHAIRS OF COMMITTEES

Councillor Sneller, seconded by Councillor McIntyre, moved the following appointments, viz:-

Policy and Resources

	D Sneller (Chair)
	E Jackson (Vice-Chair)
Best Value Sub	D Sneller (Chair)
Contracting Sub	D Sneller (Chair)
Decentralisation Sub	D Fulton (Chair)
Members Services & Civic Ceremonial Sub	T Farrell (Chair)
Personnel & Property Sub	E Jackson (Chair)
Appeals Sub	E Jackson (Chair)
	(Councillors Boyd and O'Neill as potential Chairs)
Publicity & Publications Sub	E Jackson (Chair)
Queens Drive, Kilmarnock <u>Ad Hoc</u> Sub	D Sneller (Chair)

Emergency Powers

D Sneller (Chair)
A McIntyre (Vice-Chair)

Commercial Operations

That the Chair and Vice-Chair remain
vacant meantime.

Community Services

	J Smith (Chair)
	G Cree (Vice-Chair)
Leisure Sub	G Cree (Chair)
Licensing Sub	J Smith (Chair)

Development Services

A McIntyre (Chair)
E Ross (Vice-Chair)

Education

	T Farrell (Chair)
	R Taylor (Vice-Chair)
Education Sub	T Farrell (Chair)
Education (Appeals) Sub	E Jackson (Chair)
Education (Joint Appeals & Bursaries)	R Taylor (Chair)

Housing

	J Kelly (Chair)
	D Macrae (Vice-Chair)
Appeals Sub	D Macrae (Chair)
Capital Sub	J Kelly (Chair)

Social Work

	J Boyd (Chair)
	J Darnbrough (Vice-Chair)
Children, Families & Criminal Justice Sub	J Darnbrough (Chair)
Community Care Sub	J Boyd (Chair)

**Special Ad Hoc Housing Partnership
Committee**

J Kelly (Chair)
D Macrae (Vice-Chair)

Local Committees

Irvine Valley	D Fulton (Chair)
	D Macrae (Vice-Chair)
Doon Valley	J Smith (Chair)
	R Taylor (Vice-Chair)

Cumnock Area	E Ross (Chair) G Smith (Vice-Chair)
The Northern Area	J O'Neill (Chair) (Vice-Chair) For SNP to nominate
Kilmarnock North	A McIntyre (Chair) J Knapp (Vice-Chair)
Kilmarnock Central	G Cree (Chair) I Reeves (Vice-Chair)
Kilmarnock South	J Darnbrough (Chair) R Stirling (Vice-Chair)

Local Planning Committees

Northern Area	D Fulton (Chair) J O'Neill (Vice-Chair)
Central Area	G Cree (Chair) J Darnbrough (Vice-Chair)
Southern Area	E Ross (Chair) J Smith (Vice-Chair)

Councillor McDill, seconded by Councillor Nicoll, moved as an amendment the following appointments, viz:-

Policy and Resources

Best Value Sub	D Coffey (Chair) D Reid (Vice-Chair)
Contracting Sub	D Coffey (Chair)
Decentralisation Sub	R McDill (Chair)
Members Services & Civic Ceremonial Sub	R Brailsford (Chair)
Personnel & Property Sub	D Coffey (Chair)
Appeals Sub	D Reid (Chair) D Reid (Chair) (Councillors Campbell and Hall as potential Chairs)
Publicity & Publications Sub	D Coffey (Chair)
Queens Drive, Kilmarnock <u>Ad Hoc</u> Sub	D Reid (Chair)

Emergency Powers

D Coffey (Chair)
D Reid (Vice-Chair)

Commercial Operations

K Hall (Chair)
A Hay (Vice-Chair)

Community Services

Leisure Sub	A Campbell (Chair)
Licensing Sub	R McDill (Vice-Chair) A Campbell (Chair) R Brailsford (Chair)

Development Services

R McDill (Chair)
R Brailsford (Vice-Chair)

Education

Education Sub	K Nicoll (Chair) R Brailsford (Vice-Chair) K Nicoll (Chair)
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Education (Appeals) Sub	K Nicoll (Chair)
Education (Joint Appeals & Bursaries)	K Nicoll (Chair)
Housing	D Reid (Chair)
	K Hall (Vice-Chair)
Appeals Sub	D Reid (Chair)
Capital Sub	D Reid (Chair)
Social Work	R Brailsford (Chair)
	K Hall (Vice-Chair)
Children, Families & Criminal Justice Sub	R Brailsford (Chair)
Community Care Sub	R Brailsford (Chair)
Special Ad Hoc Housing Partnership Committee	D Coffey (Chair)
	D Reid (Vice-Chair)
<u>Local Committees</u>	
Irvine Valley	R McDill (Chair)
	K Nicoll (Vice-Chair)
The Northern Area	K Hall (Chair)
	A Hay (Vice-Chair)
Kilmarnock North	D Coffey (Chair)
	G McCredie (Vice-Chair)
Kilmarnock Central	R Brailsford (Chair)
	D Reid (Vice-Chair)
Kilmarnock South	A Campbell (Chair)
<u>Local Planning Committees</u>	
Northern Area	R McDill (Chair)
	K Nicoll (Vice-Chair)
Central Area	R Brailsford (Chair)
	D Reid (Vice-Chair)

On a division by a show of hands the motion was carried by 18 votes to 4.

ESTABLISHMENT OF A SPECIAL AD HOC COMMERCIAL STRATEGY REVIEW COMMITTEE

7. By way of introduction to this item and to bring Members up to date, the Chief Executive stated that he had received the report by the Investigating Officer into the inquiry initiated by him in February of this year into the Commercial Operations Department budgetary position.

The report had been commissioned by him to investigate three areas of concern:

- (i) the serious discrepancies in the projected out-turns and the times of their emergence;
- (ii) the lack of financial information in response to reasonable requests and an apparent absence of proper reporting mechanisms; and
- (iii) the apparent breakdown in necessary working relationships.

The Chief Executive advised that as Members would no doubt appreciate, this was a very broad remit and necessitated the investigation of a number of complex issues.

It was, of course, necessary for a number of Officers to be interviewed, and reports and other productions to be assembled.

He had now had the opportunity to digest the report and the supporting documents annexed to it and had come to a view on disciplinary action. He therefore reported that he had today intimated in writing the initiation of formal disciplinary proceedings against three named Officers of the Council - the Director of Commercial Operations, the Depute Director of Commercial Operations with financial responsibilities and the Depute Director of Finance with accounting and budgetary responsibilities.

He stated that Members would be aware that the Councillors were a vital part of the Council's overall disciplinary procedure and should not be involved in the detail of the investigation or in discussion of its findings at this stage as this would debar them from taking part in any future part of the disciplinary proceedings whereas Members should be reminded of the legal constraints which applied in these circumstances he gave assurance that the disciplinary proceedings would be progressed as swiftly as possible and Members would be informed of the outcome.

There was submitted a report dated 12 June 1998 (circulated) by the Chief Executive:

- (i) to advise Council of the receipt of the Statutory Notice by the Secretary of State. This Notice required the Council to provide information to the Secretary of State on an apparent failure to comply with the Local Government Planning and Land Act 1980 in relation to the "rate of return" on construction and maintenance work; and
- (ii) to identify Council procedure for responding to the Notice and implementation of associated issues.

The Chief Executive expanded on the report and confirmed that it was recommended that the Special Ad Hoc Commercial Strategy Review Committee would meet in place of the Commercial Operations Committee as required and as a consequence it was suggested that the scheduled meetings of the Commercial Operations Committee detailed within the approved meetings calendar would not now take place as there would be no business to be transacted by the Commercial Operations Committee until further notice, such business falling within the remit of the Special Ad Hoc Strategy Review Committee.

ADJOURNMENT

The Council adjourned at 1140 hrs and reconvened at 1152 hrs with the same Members present and considered the recommendations in the report as follows:

- (i) it was agreed to note the remit of the Accounts Commission and its powers to make a report and that any final report by the Accounts Commission would be in the public domain;
- (ii) Councillor Sneller, seconded by Councillor McIntyre, moved that the Special Ad Hoc Commercial Strategy Review Committee be established with the composition, quorum, Terms of Reference and delegated powers as detailed in paragraph 7 of the report.

Councillor Nicoll, seconded by Councillor Brailsford, moved as an amendment that the Special Ad Hoc Commercial Strategy Review Committee be established.

On a division by a show of hands the motion was carried by 18 votes to 4.

- (iii) Councillor Sneller, seconded by Councillor McIntyre, moved that the Council appoint seven Elected Members to the Special Ad Hoc Commercial Strategy Review Committee.

Councillor Nicoll, seconded by Councillor Brailsford, moved as an amendment that the Committee comprise four Labour Members and four SNP Members with representatives from the Trades Unions and the Directorate with an independent Chair and two independent advisers, with voting rights restricted to Councillors.

On a division by a show of hands the motion was carried by 18 votes to 4.

- (iv) Councillor Sneller, seconded by Councillor McIntyre, moved that the Committee comprise five Labour Members and two SNP Members and that the five Labour Members be the Chair of the Policy and Resources Committee, the Vice-Chair of the Policy and Resources Committee, the Chair of the Education Committee, the Vice-Chair of the Housing Committee and the Vice-Chair of the Community Services Committee.

Councillor Nicoll, seconded by Councillor Brailsford, moved as an amendment that those Members be not appointed.

On a division by a show of hands the motion was carried by 18 votes to 4.

Councillor Sneller, seconded by Councillor McIntyre, moved that Councillor Sneller be appointed Chair and Councillor Jackson be appointed Vice-Chair of the Special Ad Hoc Commercial Strategy Review Committee.

Councillor Nicoll, seconded by Councillor Brailsford, moved that the Members be not appointed.

On a division by a show of hands the motion was carried by 18 votes to 4.

Councillor Sneller, not as part of a motion, referred to two vacancies and asked the Opposition Group to reconsider appointing Members to these vacancies.

On this being declined Councillor Sneller, seconded by Councillor McIntyre, moved that the two vacancies be filled by the Chair of the Development Services Committee and the Vice-Chair of the Social Work Committee.

Councillor Nicoll, seconded by Councillor McDill, moved as an amendment that the Members be not appointed.

On a division by a show of hands the motion was carried by 18 votes to 4.

- (v) It was otherwise agreed to note the contents of the report.

DRAFT ANNUAL REPORT 1997/98

8. There was submitted a report (circulated) by the Director of Finance which advised Council of the progress on the preparation of the Council's Annual Report and Accounts for the year ended 31 March 1998.

It was agreed:

- (i) to delegate authority to the Special Ad Hoc Commercial Strategy Review Committee to consider and approve in the first instance the delivery of accounts to the Controller of Audit;
- (ii) that a further report with these accounts be presented to a subsequent meeting of the Policy and Resources Committee with the audited accounts being presented to the Council when finally available; and
- (iii) otherwise to note the contents of the report.

NOMINATION OF MEMBERS TO BOARD OF NEW HOUSING PARTNERSHIP

9. There was submitted a report dated 10 June 1998 (circulated) by the Director of Housing requesting that the Council nominate four Elected Members to be appointed to the Board of the new Housing Partnership planned for East Ayrshire.

It was agreed to nominate Councillors Kelly, Farrell, Sneller and Reid to the Board of the Housing Partnership.

STANDING ORDERS RELATING TO CONTRACTS (Item 9, Page 3328)

10. There was submitted a report dated 8 June 1998 (circulated) by the Director of Support Services the preparation of separate Standing Orders for Contracts.

It was agreed:

- (i) to note the present position with regard to preparation of separate Standing Orders relating to Contracts; and
- (ii) that the Director of Support Services submit draft Standing Orders for Contracts with a report to the Council meeting on 24 September 1998.

EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME 1997 - OUTCOME OF REVIEW OF SCHEME AND UPDATE ON DEVELOPMENT OF A CODE OF PRACTICE FOR COMMUNITY COUNCILS (Item 7, page 3327)

11. There was submitted a report dated 15 June 1998 (circulated) by the Director of Support Services on the outcome of the review of the East Ayrshire Council Community Council Scheme 1997 and progress on the preparation of a Code of Practice for Community Councils for the exchange of information.

The Principal Administrative Officer reported that one letter with six signatures from Community Councillors had been received which requested that the name revert to Bonnyton Community Council but no formal response had been received from the Community Council. On the basis of the submissions detailed in the report and the lack of satisfactory alternative reasons for altering the name, for the purpose of final consultation it was recommended that the name be retained as Bonnyton and Woodstock Community Council.

It was agreed:

- (i) to approve the amendments to the proposals for the review of the East Ayrshire Council Community Council Scheme 1997 as contained in Appendix I of the report and, as recommended by Officers, in respect of Bonnyton and Woodstock Community Council and as a result, advise consultees accordingly and initiate a further period of public consultation on these amendments; and

- (ii) to remit to the Director of Support Services to progress consultation on the Code of Practice.

The meeting terminated at 1210 hrs.