

**EAST AYRSHIRE COUNCIL****MINUTES OF MEETING HELD ON THURSDAY 24 MARCH 2011  
AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS,  
LONDON ROAD, KILMARNOCK**

**PRESENT:** Provost Stephanie Young and Councillors Rose-Ann Cuninghame, John MacKay, John McGhee, Helen Coffey, Willie Coffey, Maureen McKay, Tom Cook, Robert Keohone, Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost John Campbell, Councillors Gordon Cree, Drew McIntyre, John Knapp, Hugh Ross, Jim Todd, Alan Brown, Stuart Finlayson, Robert McDill, Jimmy Kelly, Neil McGhee, Jim Roberts, David Shaw, William Crawford, Barney Menzies, Kathy Morrice, Eric Ross, Elaine Dinwoodie, Drew Filson and Moira Pirie.

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; David Mitchell, Head of Legal, Procurement and Regulatory Services; Gwen Barker, Community Planning and Partnership Manager; Lynne Buchanan, Communications and Customer First Manager; Pauline Minnery, Policy Officer; Hugh Melvin, Principal Planning Officer; and Julie McGarry, Administration Manager.

**CHAIR:** Provost Stephanie Young, Chair.

**PROVOST'S REMARKS**

1. The Provost began the Council meeting by expressing her shock and sadness at the magnitude of devastation which had occurred following the earthquake in Christchurch on 22 February 2011 and confirmed that she had written to Mayor Parker of Christchurch, New Zealand, with condolences to the people of Christchurch.

The Provost also referred to the scenes of destruction following the earthquake and tsunami in Japan and that thoughts were with the people of the country in their time of need.

The Provost then congratulated St Sophia's Primary School in Galston in obtaining their first green flag.

The Provost then referred to the Food for Life Programme which had operated in East Ayrshire since piloting it at Hurlford Primary School in 2004 and which was then extended to all Primaries in 2007. The Provost explained that by replacing junk food menus with freshly made meals using local and organic ingredients, East Ayrshire had gone from Scotland's fattest to the second slimmest in only two years continuing to show the success of East Ayrshire's focus on health and wellbeing and the creation of a sustainable schools meal service. The Provost also commented that one of the local suppliers used in school meals, Corrie Mains Farm, had recently been crowned Scottish Egg Champions.

The Provost then congratulated the Council Cleaning Team who had recently won the APSE Healthy Accolade Award for outstanding achievement in building cleaning. The Provost explained that the team delivered the cleaning service at the busy Northwest Area Centre in Kilmarnock's Western Road.

The Provost then referred to the first residents who had now taken possession of their homes at MacDonald Drive, New Farm Loch, Kilmarnock, this ambitious house building programme was completed ahead of schedule which was fantastic news.

The Provost then referred to four Teachers from East Ayrshire who had successfully achieved the Standard for Headship at an Awards Ceremony held in Edinburgh in February.

The Provost then advised that she had recently had the honour to hand over a new coat of arms from the Lord Lyon to New Cumnock Primary School.

The Provost further advised that she had attended the Chinese New Year celebrations (Year of the Rabbit) on Sunday 13 February and that once again KULOC had put on a marvellous display and the procession and music had been spectacular.

The Provost then referred to the success of the Scottish Night which had taken place for her chosen charity of the year, Alzheimer Scotland. The Provost advised that the Duchess of Hamilton had attended and spoke poignantly of her experiences. The Provost explained that she had received a lot of positive comments on the venue (Rosebank) which she believed was an appropriate venue considering Alzheimer's Scotland did so much to support the very people who used the Resource Centre. The Provost confirmed that the fundraising total had now reached over £23,000.

The Provost then referred to the Nurture Team who had developed a ground breaking approach to supporting the most vulnerable young people and had won a gold award at the CoSLA Excellence Awards. The Provost advised that this approach had been piloted in nurseries, primaries and a secondary school in Kilmarnock and Cumnock.

The Provost then expressed her delight to have participated in the 250th anniversary of the formation of Fenwick Weavers. The Provost stated that it had been an excellent day and performances from local school children had been first class.

The Provost then referred to the Community Planning Awards Ceremony held on Wednesday 16 March 2011 at which Community Planning Partners recognised the contribution the community and voluntary sector had made to East Ayrshire. The Provost explained that there were five awards presented on the evening and that she had been extremely impressed by the work carried out by both groups and individuals.

Finally, the Provost congratulated Elaine Stewart for winning the National Youth Worker of the Year Award 2011 in the category of "Agencies and Partner Organisations". The Provost advised that a presentation had been made at the recent Annual Youth Link Awards and it was in recognition of the outstanding commitment she had given to The Zone Project in Dalmellington and a range of other initiatives in the Doon Valley supporting young people and families.

#### **AREA COMMANDER, EAST AYRSHIRE AND EAST RENFREWSHIRE AREA, STRATHCLYDE FIRE AND RESCUE**

2. The Provost then welcomed to the Council meeting, Tony Hughes, Area Commander, Strathclyde Fire and Rescue.

The Area Commander gave a presentation to the Council meeting covering the area profile; service delivery demands; area priorities and how future challenges would be met.

Members then had the opportunity to ask questions.

It was agreed that the Chief Executive would bring back proposed arrangements regarding the Area Commander's suggestion to make himself available to Elected Members following every second Council meeting.

The Provost then thanked the Area Commander for his presentation.

### **PREVIOUS MINUTES**

3. There were submitted and approved as a correct record, Minutes of the Council meeting held on 16 December 2010 (pages 1463-1472), 10 February 2011 (pages 1514-1517) and Special Council of 24 February 2011 (pages 1532-1534) (circulated).

### **CABINET/COMMITTEE MINUTES**

4. There were submitted (circulated) and approved, both as correct records and in respect of any recommendations contained therein, with the exception of the Minutes of the Governance and Scrutiny Committee which were for noting only, the Minutes of the undernoted meetings, viz:-
  - 4.1 **APPEALS PANEL OF 7 DECEMBER 2010 (page 1444).**
  - 4.2 **LOCAL GOVERNMENT LICENSING PANEL OF 8 DECEMBER 2010 (pages 1445-1448).**
  - 4.3 **APPEALS PANEL OF 10 DECEMBER 2010, 25 JANUARY 2011 AND 8 FEBRUARY 2011 (pages 1449-1451).**
  - 4.4 **CABINET OF 15 DECEMBER 2010 (pages 1452-1459).**
  - 4.5 **SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE OF 15 DECEMBER 2010 (pages 1460-1462).**
  - 4.6 **GOVERNANCE & SCRUTINY COMMITTEE OF 17 DECEMBER 2010 (FOR INFORMATION ONLY) (pages 1473-1476).**
  - 4.7 **NORTHERN LOCAL PLANNING COMMITTEE OF 7 JANUARY 2011 (pages 1477-1479).**
  - 4.8 **CABINET OF 12 JANUARY 2011 (pages 1480-1482).**
  - 4.9 **LOCAL GOVERNMENT LICENSING PANEL OF 13 JANUARY 2011 (pages 1483-1486).**
  - 4.10 **GOVERNANCE & SCRUTINY COMMITTEE OF 14 JANUARY 2011 (FOR INFORMATION ONLY) (pages 1487-1490).**
  - 4.11 **APPEALS PANEL OF 18 JANUARY 2011 (page 1491).**
  - 4.12 **SOUTHERN LOCAL PLANNING COMMITTEE OF 21 JANUARY 2011 (pages 1492-1497).**
  - 4.13 **CABINET OF 26 JANUARY 2011 (pages 1498-1507).**
  - 4.14 **LOCAL REVIEW BODY OF 31 JANUARY 2011 (page 1508).**

- 4.15 NORTHERN LOCAL PLANNING COMMITTEE OF 4 FEBRUARY 2011 (pages 1509-1510).
- 4.16 CABINET OF 9 FEBRUARY 2011 (pages 1511-1513).
- 4.17 GOVERNANCE & SCRUTINY COMMITTEE OF 11 FEBRUARY 2011 (FOR INFORMATION ONLY) (pages 1518-1520).
- 4.18 LOCAL REVIEW BODY OF 21 FEBRUARY 2011 (pages 1521-1522).
- 4.19 APPEALS PANEL OF 22 FEBRUARY 2011 (pages 1523-1524).
- 4.20 CABINET OF 23 FEBRUARY 2011 (pages 1525-1531).
- 4.21 SOUTHERN LOCAL PLANNING COMMITTEE OF 25 FEBRUARY 2011 (pages 1535-1537).
- 4.22 CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 1 MARCH 2011 (pages 1538-1540).
- 4.23 CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 1 MARCH 2011 (pages 1541-1543).
- 4.24 NORTHERN LOCAL GRANTS COMMITTEE OF 2 MARCH 2011 (pages 1544-1545).
- 4.25 SOUTHERN LOCAL GRANTS COMMITTEE OF 3 MARCH 2011 (pages 1546-1547).
- 4.26 NORTHERN LOCAL PLANNING COMMITTEE OF 4 MARCH 2011 (pages 1548-1550).
- 4.27 CABINET OF 9 MARCH 2011 (pages 1551-1557).
- 4.28 LOCAL GOVERNMENT LICENSING PANEL OF 10 MARCH 2011 (pages 1558-1563).
- 4.29 GOVERNANCE & SCRUTINY COMMITTEE OF 11 MARCH 2011 (FOR INFORMATION ONLY) (pages 1564-1571).

#### **APPOINTMENTS TO OUTSIDE ORGANISATIONS**

5. There was submitted a report dated 14 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which invited Council to consider Elected Member appointments to the Robert Crawford Bequest and the Robert Cummings Bequest for the purpose of progressing reorganisation proposals.

It was agreed:-

- (i) to appoint Provost Young and Councillors Helen Coffey and John Campbell to the Robert Crawford Bequest and to note that the two names from the Labour Group would be provided to the Head of Democratic Services in due course;
- (ii) to appoint the Provost as a Trustee of the Robert Cummings Bequest; and
- (iii) otherwise, to note the contents of the report.

Councillor Eric Ross joined the meeting at this point.

### **MEMBERSHIP OF EAST AYRSHIRE LOCAL LICENSING FORUM**

6. There was submitted a report dated 9 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which informed Council of membership issues, resignations and new proposed appointments for the East Ayrshire Local Licensing Forum.

Having noted that the Alcohol Focus Group was not a full member of the Forum and therefore the termination of this membership was not applicable, it was agreed:-

- (i) to note the termination of membership of James Kelly, Resident, Brian Kelly, Holder of a premises/personal licence; S Holland (Substitute W McTurk), Young People and K Stuart (Substitute M Reid), Young People;
- (ii) to note that the Community Learning and Development Section would be working with Officers from the Forum to determine appropriate means by which young people could be appropriately represented on the Forum;
- (iii) to appoint Stuart J Wilson, Resident, and Marco Sinforiani, Holder of a Premises/Personal Licence to serve on East Ayrshire Local Licensing Forum; and
- (iv) otherwise to note the contents of the report.

### **STANDING ORDERS RELATING TO CONTRACTS**

7. There was submitted a report dated 9 March 2011 (circulated) by the Executive Director of Finance and Corporate Support to apprise Council of the proposed changes to Standing Orders Relating to Contracts for consideration and implementation.

It was agreed:-

- (i) to approve the proposed revisions to the Council's Standing Orders Relating to Contracts;
- (ii) to approve and adopt the revised Standing Orders Relating to Contracts; and
- (iii) otherwise, to note the contents of the report.

### **COMMUNITY PLAN 4 YEARLY REVIEW**

8. There was submitted a report dated 14 March 2011 (circulated) by the Chief Executive which presented to Council for consideration and endorsement from a Council perspective the Community Plan Review Supplement and the actions contained within the four thematic Action Plans covering the period 2011-2015.

It was agreed:-

- (i) to endorse the Community Plan Review Supplement, subject to minor textual changes;
- (ii) to endorse the revised thematic Action Plans subject to minor textual changes;
- (iii) to note that the updated Single Outcome Agreement would be presented as a separate report;
- (iv) to note the potential financial implications arising from the report; and
- (v) otherwise, to note the contents of the report.

### **COMMUNITY PLANNING PARTNERSHIP SINGLE OUTCOME AGREEMENT**

9. There was submitted a report dated 14 March 2011 (circulated) by the Chief Executive which presented to Council for consideration and endorsement East Ayrshire Community Planning Partnership Single Outcome Agreement 2011-2014.

It was agreed:-

- (i) to note progress in respect of the development of the updated East Ayrshire Community Planning Partnership Single Outcome Agreement 2011-14;
- (ii) to endorse the updated Community Planning Partnership Single Outcome Agreement, subject to minor textual changes and taking full account of Paragraphs 4.11 and 4.12 for submission to the Scottish Government;
- (iii) to remit to Officers to continue to work with the Community Planning Partnership and Scottish Government and to make any final residual contextual changes to the updated SOA to ensure timeous sign-off;
- (v) to remit to the Community Planning and Partnership Manager to enter into negotiations with the Scottish Government to investigate the possibility of the Single Outcome Agreement aligning with the Community Plan time frame;
- (vi) to remit to the Community Planning and Partnership Manager to discuss further with NHS colleagues the possibility of introducing a local target for the reduction in deaths in drug related conditions and to come back to Members with the outcome of these discussions before the Special Community Planning Partnership Board meeting to be held on 29 March 2011; and
- (vii) to receive further updated reports as required.

### **THE COMMISSION ON THE FUTURE DELIVERY OF PUBLIC SERVICES**

10. There was submitted a report dated 14 March 2011 (circulated) by the Chief Executive which sought approval of a Council response to the Commission on the Future of Public Services.

It was agreed:-

- (i) to the submission of Appendix 1 as a joint response with North and South Ayrshire Councils to the Commission on the Future Delivery of Public Services;
- (ii) to the submission of Appendix 2 as a supplementary paper which focused on issues particularly to East Ayrshire subject to (i) minor textual changes; and (ii) a change to Paragraph 33 to strengthen the first sentence; Paragraph 35 to clarify consultations with the community in terms of them taking on more responsibility and Paragraph 37 to clarify the final point in the Paragraph regarding taxes; these changes to be made in consultation with the three Group Leaders; and
- (iii) otherwise, to note the contents of the report.

### **ADJOURNMENT/RECONVENTION**

11. The Council meeting adjourned at 1246 hours and reconvened at 1300 hours with the same Members and Officers present and in attendance with the exception of

Councillors John MacKay, Willie Coffey, Jim Buchanan, Depute Provost John Campbell, Councillors Gordon Cree, Jim Todd, William Crawford and Drew Filson.

**RECOMMENDATION OF SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 25 FEBRUARY 2011 RELATING TO PLANNING APPLICATION NO 10/0548/PPP: APPLICATION TO CONSTRUCT ONE NURSING HOME (60 BEDS) AND ONE RETIREMENT FLAT COMPLEX (50 BEDS) WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT PROPOSED RESIDENTIAL DEVELOPMENTS, CAPONACRE ROAD, CAPONACRE, CUMNOCK BY NEW CITY HOMES, C/O JAMES BARR LIMITED (Item 1, Page 1536, 07/12)**

12. There was submitted a report dated 10 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which informed the Council meeting of the recommendations of the Southern Local Planning Committee held on 25 February 2011 regarding the above planning application and which invited Council to determine the application for planning permission in terms of the Scheme of Delegation on the grounds that the application under consideration proposed a major development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 that was considered significantly contrary to the Development Plan.

Councillor Menzies, seconded by Councillor Neil McGhee, moved to endorse the view of the Head of Planning and Economic Development and the recommendation of the Southern Local Planning Committee held on 25 February 2011 that the application be refused for the reasons detailed in the report.

Councillor Roberts, seconded by Councillor McDill, moved as an amendment that the application be approved due to the potential benefits presented by the proposed development and as outlined in Section 8.2 of the report.

On a division by a show of hands, the motion was carried by 19 votes to 5.

The meeting terminated at 1335 hours.