

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING HELD ON THURSDAY 26 FEBRUARY 2009 AT 1000 HRS IN THE MEETING ROOM, 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, Iain Linton, Douglas Reid, Depute Provost John Campbell, Councillors Gordon Cree, Drew McIntyre, 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 James Sutherland.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Kay Gilmour, Head of Service: Community Support; Eddie Fraser, Head of Service: Social Work; Iain Tough, Corporate Business Manager; Karl Doroszenko, Development Planning and Regeneration Manager; John Lilley, Principal Planning Officer; Emma Fyvie, Senior Planning Officer; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors Robert Keohone, Jim Buchanan and John Knapp.

CHAIR: Provost Stephanie Young, Chair.

PROVOST'S REMARKS

1. The Provost began the Council meeting by expressing her delight to have visited the Galleon Centre on Saturday 17 January to welcome a group of Canadian Curlers who had visited to compete in the Strathcona Cup. The Provost confirmed that the Council had provided civic hospitality for the group as it was their centenary year. The Provost stated that such events demonstrated that the Galleon Centre was truly a world class facility which was a credit to the area.

The Provost then advised that East Ayrshire Council had again been awarded the prestigious Diploma of Merit Award at the annual National Music Council of Great Britain Local Education Authority Music Awards Ceremony in December last year. The Provost stated that this had been the fourth consecutive year that the Council had been recognised at this national event and that the Awards Panel had praised the Council on their strength, imagination and creativity.

The Provost went on to congratulate East Ayrshire District's Football Team on winning the Scottish Schools Football Association Inter Association 7's at Dunbar on Saturday 6 December. The Provost advised that this had been the third consecutive year that East Ayrshire had lifted the trophy which was a magnificent achievement.

The Provost then advised that she had been delighted to be at the opening of the Confucius Hub at the Grange Campus and to welcome Madam Tan, Consul General of Japan to East Ayrshire. The Provost stated that it had been wonderful to see so

many pupils involved in the project and that their enthusiasm would motivate many more to take part in this exciting scheme and praised the dedication of the teachers involved with drama, art and dancing.

The Provost referred to Homecoming Year and remarked that celebrations had begun in Ayrshire with the First Minister's Burns Supper held in Alloway. The Provost stated that it had been a fantastic evening, with a spectacular firework display and that this event had marked the beginning of a Homecoming Year which would be a tribute to Burns and would be remembered for years to come.

The Provost then stated that it had been an honour and privilege to present the Cumnock Young Citizen of the Year Trophy to Ross McBride. The Provost referred to Ross as an exceptional young man and that it had been evident on the night how well regarded he was within the community.

The Provost stated she was delighted to attend the official opening of the Grange Campus and that the new schools would be a benefit to both staff and pupils. The Provost expressed how thrilled she had been to witness the three schools working together within the same campus which was a great achievement for the Council.

The Provost then expressed her delight to see such a large turnout, not only of Elected Members, but also members of the public, at the Chinese New Year Celebrations on Sunday 8 February which had been a wonderful occasion.

Finally, the Provost advised that, regrettably, she had been unable to attend the opening of the Creative Burns Exhibition at the Dick Institute on Valentine's Day but confirmed that she had received very positive feedback from Members who had attended. The Provost intimated her intention to visit the exhibition and encouraged all Members, family and friends to visit with a view of beating the Wallace and Gromit exhibition record of 45,000 visitors.

EAST AYRSHIRE COUNCIL - WARD 7, BALLOCHMYLE BY-ELECTION - 11 DECEMBER 2008

2. There was submitted and noted a report dated 12 December 2008 (circulated) by the Chief Executive which provided the results of the recent By-Election for Ward 7, Ballochmyle, held on Thursday 11 December 2008.

PREVIOUS MINUTES

3. There were submitted and approved as a correct record, the Minutes of Council Meeting of 4 December 2008 (pages 558-561) and of Special Council Meeting of 12 February 2009 (pages 603-605).

CABINET/COMMITTEE MINUTES

4. There was submitted, for approval as correct records and approval 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 **SOUTHERN LOCAL PLANNING COMMITTEE OF 28 NOVEMBER 2008 (pages 552-553).**
 - 4.2 **CABINET OF 3 DECEMBER 2008 (pages 554-557)**

- 4.3 **NORTHERN LOCAL PLANNING COMMITTEE OF 5 DECEMBER 2008 (pages 562-564)**
- 4.4 **CABINET OF 17 DECEMBER 2008 (pages 565-569)**
Decision for Approval of Council
- (i) **Supplier Development Programme (Item 6, Page 567, 07/12)** - It was agreed to the recommendation from the Cabinet meeting that Councillor Hugh Ross be appointed as a member of the Board of Directors of the Supplier Development Programme.
- 4.5 **LOCAL GOVERNMENT LICENSING PANEL OF 18 DECEMBER 2008 (pages 570-575)**
- 4.6 **GOVERNANCE AND SCRUTINY COMMITTEE OF 19 DECEMBER 2008 (pages 576-577) (FOR NOTING ONLY)**
- 4.7 **SPECIAL SOUTHERN LOCAL GRANTS COMMITTEE OF 19 DECEMBER 2008 (pages 578-579)**
- 4.8 **CABINET OF 14 JANUARY 2009 (pages 580-584)**
- 4.9 **LOCAL GOVERNMENT LICENSING PANEL OF 15 JANUARY 2009 (pages 585-586)**
- 4.10 **GOVERNANCE AND SCRUTINY COMMITTEE OF 16 JANUARY 2009 (pages 587-589) (FOR NOTING ONLY)**
- 4.11 **CABINET OF 21 JANUARY 2009 (pages 590-594)**
- 4.12 **CABINET OF 4 FEBRUARY 2009 (pages 595-599)**
- 4.13 **SPECIAL CABINET OF 11 FEBRUARY 2009 (pages 600-602).**
- 4.14 **GOVERNANCE AND SCRUTINY COMMITTEE OF 13 FEBRUARY 2009 (pages 606-610) (FOR NOTING ONLY)**

APPOINTMENT TO THE MAIR BEQUEST

5. It was agreed to approve the request from the SNP Group that Councillor John Campbell replace Councillor Jim Buchanan on the Mair Bequest.

EXCLUSION OF PRESS AND PUBLIC

6. 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in the Paragraph of Schedule 7A of the Act as shown against each item.

CHILDREN'S PANEL ADVISORY COMMITTEE MEMBERSHIP (PARA 5)

7. There was submitted a report dated 7 January 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) advised the Council of a Council-appointed vacancy on East Ayrshire Children's Panel Advisory Committee arising from a member of the Committee's second term of appointment concluding on 31 December 2008 and of nominations for appointment arising from the vacancies; and (ii) which sought Council's decision in respect of appointments.

It was agreed:

- (i) to note the vacancy on CPAC arising from Elizabeth Gilmour's current term of appointment terminating on 31 December 2008;
- (ii) to note the nominations process undertaken by the Depute Chief Executive/ Executive Director of Corporate Support; and
- (iii) to appoint Melanie Barbour as the Council-appointed until 31 December 2010.

ALTERATIONS TO THE EAST AYRSHIRE LOCAL PLAN (PARA 13)

8.1 Declarations of Interests

Councillor David Shaw declared a financial interest in respect of certain land within his ownership which was the subject of an unresolved objection which he anticipated could arise in the course of consideration of this item and withdrew from the meeting

Councillor Rose-Ann Cuninghame declared a family non-financial interest in site ref 3.20H and, as a result of unresolved objections which were a significant issue in terms of consideration of this item, withdrew from the meeting.

8.2 Presentation by Members

The Provost then referred to a Powerpoint presentation which was to be made by a Member using a projector for which no provision existed under the Council's Standing Orders. The Provost advised that Standing Order 17(vi) therefore applied. The Provost further advised that this was a reasonable request which she considered would assist the Member with his presentation and avoid multiple paper copies being circulated at the meeting and therefore his request had been acceded to.

8.3 Consideration of Items

The Council then agreed to consider Items 7.1, 7.2 and 7.3 together.

7.1 Objection and Representation Document and Schedule of Proposed Modifications:- There was submitted a report dated 17 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of the formal objections and other associated representations received in respect of the Finalised Draft Version of the Alteration of the East Ayrshire Local Plan; which informed Council of the Department's suggested response to each of the objections and representations received; which presented to Council a Schedule of Modifications it was proposed should be made to the Finalised Draft Local Plan Alteration, including those modifications proposed to meet some of the objections received; and which sought approval of the Objections and Recommendations Document and Schedule of Modifications in order to allow formal negotiations with objectors to be carried out.

7.2 Sustainability Appraisal Representations Document:- There was submitted a report dated 17 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Council of the representations received in respect of the Finalised Draft version of the Sustainability Appraisal produced in association with the Finalised Draft version of the Alteration to the East Ayrshire Local Plan; which informed Council of the Department's suggested response to each of the representations received; which sought Council approval for the Strategic, Environmental and Socio-Economic assessments of the new policies, proposals and sites suggested through the objection process; which sought

authorisation for the Head of Planning and Economic Development to inform individual respondents to the Sustainability Appraisal and how their representations had been viewed by the Council; and which sought Council authorisation for a series of modifications which was suggested to be made to the Environmental Report.

7.3 Draft Supplementary Planning Guidance: There was submitted a report dated 17 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented for information, consideration and approval, three draft Supplementary Planning Guidance documents prepared by the Head of Planning and Economic Development relating to the subjects of developer contributions, affordable housing and master planning. The three draft Supplementary Planning Guidance documents had previously been circulated to Members with the Cabinet Agenda and papers for the 4 February 2009 Cabinet meeting under Agenda Item 9.3, pages 57-106.

It was noted that each Member of Council had received in advance, a copy of all supplementary background papers.

Appropriate Officers provided clarification on issues raised by Members. Members were, thereafter, asked to submit any further issues for consideration.

Having heard submissions from Elected Members and following confirmation, in each case, from the Head of Planning and Economic Development that there were no strategic issues and no Officer concerns, the following further issues were then agreed:

- (i) to extend the settlement boundary at Coal Road, Auchinleck to include an additional area of land as "white" land;
- (ii) to replace site 362H at Crosshouse Road, Kilmaurs with a site at Irvine Road, Kilmaurs, previously designated as site 331H in the Finalised Draft Version of the Local Plan Alteration of 2007;
- (iii) that appropriate Section 75 Agreements be put in place
 - for all new housing development opportunity sites in Stewarton to enable improvements to be made to traffic movements at Stewarton Cross; and
 - for the provision of upgraded footpath links along Kilwinning Road, in particular in the vicinity of the War Memorial, in relation to the development of site 354H;
- (iv) to include an area of land located to the south of the A71 Road at Moorfield as an extension to business and industrial site 159B.

Councillor E Ross, seconded by Councillor Kelly, moved the status quo for site 351H at Patna as proposed within the Finalised Draft version of the Alteration of the East Ayrshire Local Plan.

Councillor Filson, seconded by Councillor Sutherland, moved as an amendment to reduce the size and capacity of site 351H at the former Carskeogh Caravan site at Patna to 80 units and to designate an additional housing development opportunity site at Downieston Farm, Patna, also for 80 units, in order to provide equal housing opportunities in both the north and south of the settlement;

On a request by Councillor Kelly that a roll call vote be taken and there being at least one-third of the Members present in agreement, following a show of hands (11), in

accordance with Standing Order 36.2, the vote was taken by calling the roll as follows:-

For the motion - Councillors John McGhee, Maureen McKay, Gordon Cree, Drew McIntyre, Stuart Finlayson, Jimmy Kelly, William Crawford, Barney Menzies, Eric Ross and Elaine Dinwoodie.

For the amendment - Provost Stephanie Young and Councillors John Mackay, Helen Coffey, Willie Coffey, Tom Cook, Iain Linton, Douglas Reid, Depute Provost John Campbell, Councillors Hugh Ross, Jim Todd, Alan Brown, Robert McDill, Jim Roberts, Kathy Morrice, Drew Filson and James Sutherland.

Councillor Neil McGhee abstained.

The amendment was therefore carried by 16 votes to 10.

It was also agreed in terms of Item 7.1, the Objection and Representation Document and Schedule of Proposed Modifications:

- (i) to approve the Objection and Representation Document and the Schedule of Proposed Modifications;
- (ii) to adopt the Finalised Draft Version of the Local Plan Alteration, as amended, to incorporate the modifications detailed in the Schedule of Modifications, as a material consideration in the assessment of future planning applications lodged with the Council for determination;
- (iii) to authorise the Head of Planning and Economic Development to advertise the modifications detailed in the Schedule of Modifications for Objections, as required by statute;
- (iv) to authorise the Head of Planning and Economic Development to make minor technical changes to the Finalised Draft Version of the Local Plan Alteration as modified.
- (v) to authorise the Head of Planning and Economic Development to inform all objectors as to how their representations had been viewed by the Council;
- (vi) to authorise the Head of Planning and Economic Development to enter into negotiation and discussion with individual objectors with regard to objections already made or with regard to any future objections received in respect of the modifications advertised under recommendation (iii) above; and
- (vii) to authorise the Head of Planning and Economic Development to produce an updated version of the Finalised Draft Local Plan Alteration, incorporating all of the agreed modifications for in-house Council use and distribution to members of the general public on request.

It was further agreed in terms of Item 7.2, Sustainability Appraisal Representations Document:

- (i) to approve the Representations Document and the Schedule of Modifications accompanying the report;
- (ii) to approve the Strategic, Environmental and Socio-Economic Assessments of the new policies, proposals and sites;
- (iii) to authorise the Head of Planning and Economic Development to inform all those bodies and organisations that made representations on the finalised

version of the Sustainability Appraisal as to how their representations had been viewed by the Council;

- (iv) to authorise the Head of Planning and Economic Development to produce an updated version of the Environmental Report incorporating all the agreed modifications for in-house Council use and distribution to members of the general public on request; and
- (v) otherwise to note the report.

It was further agreed in terms of Item 7.3, Draft Supplementary Planning Guidance:

- (i) to approve the three Supplementary Planning Guidance documents submitted; and
- (ii) to authorise the Head of Planning and Economic Development to carry out a selective consultation process with the development industry and other stakeholders to make any minor non-substantive changes to the documents concerned to reflect the representations received and to report back to Cabinet on any substantive changes required.

The Head of Democratic Services then explained that as Council had now considered and determined the reports, the reports would be made available for the public through the Council's web site.

The meeting terminated 1155 hrs.