

EAST AYRSHIRE COUNCIL**MINUTES OF MEETING HELD ON THURSDAY 16 DECEMBER 2010
AT 1000 HRS 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 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, 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; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Lynne Buchanan, Communication and Customer First Manager; Hugh Melvin, Principal Planning Officer; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors Gordon Cree and Elaine Dinwoodie.

CHAIR: Provost Stephanie Young, Chair.

ADDITIONAL ITEM

1. The Provost advised that there was an additional item in the form of a motion from Councillor Maureen McKay regarding the closure of the Practical Driving Test Centre in Cumnock and the reinstatement of the Large Goods Vehicle Test within the Kilmarnock Test Centre which would be taken at the end of the Agenda.

**PRESENTATION TO PETER KIRKBRIDE, SILVER MEDALLIST AT
THE COMMONWEALTH GAMES AND CHARLIE HAMILTON, COACH**

2. The Provost welcomed to the Council meeting Peter Kirkbride, Silver medallist in weightlifting at the recent Commonwealth Games and his coach Charlie Hamilton. The Provost advised that not only did Peter win the Silver medal in his Class but he broke two British and two Scottish records at the same time, which was an amazing feat.

The Provost presented Peter with a token of appreciation from the Council and Peter's coach Charlie Hamilton then addressed the Council in suitable terms, before the Council Members congratulated Peter on his achievement.

PROVOST'S REMARKS

3. The Provost advised that she would be attending the launch of the Alzheimer's Scotland Friendship Club in Galston later that afternoon and advised that this was the second club Alzheimer's Scotland had launched which she was sure would provide much needed support in the Valley area.

The Provost then advised that the Older People's Conference had been held on Friday 26 October within the Council Headquarters and had been a great success. The Provost expressed her pleasure to be able to speak to those attending about the Provost's Charity, Alzheimer's Scotland, and to introduce Eddie Binnie, who was a founder of Musical Minds. The Provost further advised that everyone joined in the performance and that the feedback had been magnificent.

The Provost expressed her delight to learn that Morag Ferguson, who taught at Annanhill Primary School, had won the Science/Engineering Teacher of the Year award from the Scottish Qualifications Authority. The Provost explained that the SQA Star Awards recognised commitment, achievement and innovation across Scottish education and training. The Provost advised that Morag had been nominated by parents, pupils and colleagues for all her hard work on the school's Eco-science project for which she had previously won an award of £55,570.

The Provost expressed her pleasure that Brooke Welsh, aged 10, from Patna Primary School had scooped first prize in a competition run by Ayr Faculty of Solicitors to design a crest to celebrate the Faculty's 300th Anniversary. The Provost explained that not only did her eye-catching design net her a £100 gift voucher but she had also won a prize of £1,000 for the school to be spent on an event or equipment. The Provost also advised that over 400 children from East, North and South Ayrshire had entered and another East Ayrshire pupil, Charlie Harness from Drongan, had come 3rd equal. The Provost congratulated both pupils.

The Provost advised that she would be holding a small reception on Monday 20 December for the winners and nominees of the West Sound Community Awards. The Provost was extremely proud to see so many people from East Ayrshire being nominated for awards at the ceremony which was held in October. The Provost was delighted that the Unsung Hero Award had been won by Amanda Gilmour from Galston and the Good Neighbour Award by Jean Govans of Hurlford and that she looked forward to meeting up with them again at the Awards Ceremony.

The Provost advised that she had attended the completion ceremony at the Craigengillan Fort Project on Saturday 11 December 2010. The Provost explained that this wonderful project offered exciting opportunities, free of charge, for outdoor activities for the Armed Forces and their associated Cadets as well as Scouts and other youth organisations. The Provost further explained that activities included fieldcraft, canoeing, archery, biking, orienteering and gorge walking as well as providing ideal practice sites for rock climbing and abseiling. The Provost further advised that the next stage for the project would be the completion of the observatory.

The Provost then wished the project every success and looked forward to visiting it again at the formal opening in the summer of 2011.

Councillor McIntyre joined the meeting at this point.

PRESENTATION BY HENRY SIMMONS, CHIEF EXECUTIVE FROM ALZHEIMER'S SCOTLAND

4. The Provost reported that Henry Simmons was currently on paternity leave and wished him and his wife all the best with the new addition to his family. The Provost advised that arrangements would be made for Henry to attend the last Council meeting in June to receive the cheque on behalf of the charity.

PREVIOUS MINUTES

5. There were submitted and approved as a correct record, Minutes of the Council meeting held on 4 November 2010 (pages 1400-1407) and the Special Council of 4 November 2010 (pages 1408-1409) (circulated).

REPORT BY LEADER OF THE COUNCIL

6. There was submitted and noted a report (circulated) by Councillor Douglas Reid, Leader of the Council.

Members were given the opportunity to put questions to the Leader (a synopsis of the questions and answers by way of information only is shown in the Appendix to these Minutes).

CABINET/COMMITTEE MINUTES

7. There were submitted (circulated) and approved, as correct records with the exception of those Minutes as recorded hereafter, and with the exception of the Minutes of the Governance and Scrutiny Committee which were for noting only, the Minutes of the undernoted meetings, viz:-

- 7.1 **SPECIAL CABINET OF 5 OCTOBER AND 3 NOVEMBER 2010 (pages 1385-1386).**

- 7.2 **NORTHERN LOCAL PLANNING COMMITTEE OF 8 AND 28 OCTOBER 2010 (pages 1387-1393).**

Matter Arising - Correction to the Minute (Item 4, Page 1389)

It was agreed to amend the Minute to reflect that Councillor Stuart Finlayson did not leave the meeting.

- 7.3 **SOUTHERN LOCAL PLANNING COMMITTEE OF 29 OCTOBER 2010 (pages 1394-1396).**

- 7.4 **CABINET OF 3 NOVEMBER 2010 (pages 1397-1399).**

- 7.5 **CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 9 NOVEMBER 2010 (pages 1410-1411).**

- 7.6 **CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 9 NOVEMBER 2010 (page 1412).**

- 7.7 **NORTHERN LOCAL GRANTS COMMITTEE OF 10 NOVEMBER 2010 (pages 1413-1415).**

Matter Arising - Correction to the Minute (Page 1413)

It was agreed to amend the Minute to reflect that Councillor Rose-Ann Cuninghame had submitted her apologies.

- 7.8 **SOUTHERN LOCAL GRANTS COMMITTEE OF 11 NOVEMBER 2010 (page 1416).**

- 7.9 **NORTHERN LOCAL PLANNING COMMITTEE OF 12 NOVEMBER 2010 (pages 1417-1418).**

- 7.10 **LOCAL REVIEW BODY OF 12 NOVEMBER 2010 (pages 1419-1420).**

- 7.11 **CABINET OF 17 NOVEMBER 2010 (pages 1421-1428).**

7.12 GOVERNANCE AND SCRUTINY COMMITTEE OF 19 NOVEMBER 2010 (FOR INFORMATION ONLY) (pages 1429-1434).

7.13 SOUTHERN LOCAL PLANNING COMMITTEE OF 26 NOVEMBER 2010 (pages 1435-1436).

7.14 SOUTHERN LOCAL GRANTS COMMITTEE OF 26 NOVEMBER 2010 (pages 1437-1438).

7.15 CABINET OF 1 DECEMBER 2010 (pages 1439-1440).

Matter Arising - Budget Consultation 2011/12 (Item 1E, Page 1439, 07/12)

Councillor Maureen McKay, seconded by Councillor Cook, moved that the Leader of the Council, when writing to the Finance Secretary regarding the acceptance of the conditions set out by the Scottish Government in order to access the maximum amount of grant funding, also advise the Finance Secretary that the Council (i) condemn the late financial sanction imposed on failure to accept the conditions; (ii) criticise the failure to provide a three year settlement to Councils; and (iii) criticise the re-introduction of a form of financial ringfencing which it considered to be a retrograde step.

Councillor Douglas Reid, seconded by Councillor Linton, moved as an amendment approval of the Minutes as a correct record and approval of the recommendations contained therein and that the Finance Secretary be congratulated on the proposals and the negotiations which had taken place with CoSLA on these proposals.

On a division by a show of hands the motion was carried by 16 votes to 14.

7.16 NORTHERN LOCAL PLANNING COMMITTEE OF 3 DECEMBER 2010 (pages 1441-1443).

LOCAL GOVERNMENT LICENSING PANEL - MEMBERSHIP

8. Following a request from the SNP Group, it was agreed that Councillor Kathy Morrice replace Councillor Jim Buchanan on the Local Government Licensing Panel.

09/0130/FL: PROPOSED INSTALLATION OF 33KV UNDERGROUND CONNECTION FROM PROPOSED 132KV SUBSTATION AT BLACK HILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE); SOUTH OF NEW CUMNOCK (PART D4);

09/0131/EB: PROPOSED PLACING OF A 400KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE EXISTING COYLTON SUBSTATION AND THE PROPOSED MEIKLEHILL SUBSTATION ON B741 NEW CUMNOCK TO DALMELLINGTON ROAD WITHIN EAST AYRSHIRE (PART A);

09/0132/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED BLACK HILL SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART B);

09/0133/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED BLACK HILL SUBSTATION AND THE PROPOSED GLENGLASS

SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART C);

09/0134/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED KYLE NORTH WIND FARM SUBSTATION IN THE KYLE FOREST WITHIN EAST AYRSHIRE (PART D1); AND

09/0135/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED DERSALLOCH WINDFARM SUBSTATION TO THE NORTH OF DALMELLINGTON WITHIN EAST AYRSHIRE AND SOUTH AYRSHIRE (PART D2) (Item 11.2, Page 1406, 07/12)

9. There was submitted a report dated 9 December 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which (i) updated Council in respect of five notifications 09/0131/EB, 09/0132/EB, 09/0133/EB, 09/0134/EB and 09/0135/EB received in terms of Section 37 of the Electricity Act 1989; and (ii) presented for further consideration and determination, planning application 09/0130/FL.

In accordance with Standing Order 40, Council then agreed to reconsider the decision taken by the Southern Local Planning Committee on 15 October 2010.

Councillor McIntyre left the meeting at this point.

David Mitchell, Head of Legal, Procurement and Regulatory Services then spoke to the report and outlined the present position as detailed in paragraph 3 of the report and the options available to the Council detailed in the recommendations of the report.

There was then circulated (tabled) a suggested Traffic Management Condition which had been provisionally agreed with the applicants and which it was recommended be substituted for the existing Condition 23 on Applications 09/0130/FL, 09/132/EB, 09/133/EB and Condition 24 on Applications 09/131/EB, 09/0134/EB and 09/0135/EB which it was considered would satisfactorily and adequately cover the concerns which the Council had at the last meeting in respect of the potential traffic impact of the development. The suggested Traffic Management Condition was as follows:-

“Prior to any commencement of construction works and allied activities within the area of East Ayrshire Council, a Traffic Management Plan/Transportation Protocol shall be submitted to and approved by the Council and shall, unless otherwise agreed in writing, include the following:-

- *the public roads which are to be used for felling and construction traffic and identifying those roads which are not to be used;*
- *the local towns and villages to be avoided;*
- *speed restrictions through sensitive areas if necessary;*
- *details of temporary signage to be installed at notified locations;*
- *specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to work sites;*
- *procedures to advise the public of felling and construction traffic movement information particularly in advance of the busiest phases of activity;*

- *the timing and frequency of these vehicles movements and to ensure that this is managed wherever possible to ensure disruption is minimized;*
- *a code of conduct for HGV drivers;*
- *the timing arrangements for the cleaning of wheels and chassis of vehicles associated with the development to prevent material being carried onto the public road.*

The development shall thereafter be carried out in accordance with the Traffic Management Plan/Transportation Protocol as approved. Reason: in the interest of public safety.”

The Head of Legal, Procurement and Regulatory Services further advised that the applicants had confirmed their willingness to engage in constructive dialogue with the Council to finalise the detail of each of the issues summarised in the proposed amended condition and that on this basis it was the collective recommendation of himself, the Head of Planning and Economic Development and the Head of Roads and Transportation that Council should (a) affirm the decision of the Southern Local Planning Committee on 15 October 2010 not to formally object to the five Electricity Act applications with the substitution of the above condition as attached; and (b) approve planning application 09/0130/FL subject to (i) the conditions and for the reasons detailed in the report by the Head of Planning and Economic Development shown appended to the report; (ii) the substitution of the above condition as outlined above; and (iii) that the final sign-off of the Traffic Management Plan/Transportation Protocol could be remitted to the Southern Local Planning Committee rather than by officers under the Scheme of Delegation if Council considered such a step to be appropriate, in order to address the local Members' concerns.

Councillor McDill left the meeting at this point.

The Head of Planning and Economic Development provided information on the discussions held so far with the private operators of the existing rail haulage infrastructure regarding the possibility for them to assist with transportation of materials via the rail network.

Thereafter, officers provided clarification (i) that the recommended substitute condition provided Heads of Terms only and that more detail would obviously be required on the final conditions; (ii) that negotiations with the applicants could be entered into regarding funding for the post of an Enforcement Officer to monitor and ensure that the conditions were being adhered to (iii) that a liaison group could be set up to address wider concerns of the community; and (iv) measures to ensure the applicant did not stock pile larger numbers of felled trees.

Councillor Buchanan, seconded by Councillor Brown moved (i) to approve planning application 09/0130/FL subject to the suggested Traffic Management Condition (in substitution of existing Condition 24) as tabled above, with the additional requirement that the Traffic Management Plan/Transportation protocol also consider alternative routes/methods of felling trees; (ii) to affirm the decision of the Southern Local Planning Committee on 15 October 2010 not to formally object to the five Electricity Act applications specified above subject to the suggested Traffic Management condition (in substitution of existing Condition 23 or 24 where applicable, as detailed above) with the additional requirements detailed in (i); and (iii) that it be remitted to the Southern Local Planning Committee to receive further reports from the Head of

Planning and Economic Development as appropriate including any further submissions or responses from the applicant regarding the Traffic Management Plan/Transportation Protocol and to delegate to the Southern Local Planning Committee the authority to approve the Traffic Management Plan/Transportation Protocol.

Councillor Filson, seconded by Councillor Pirie, moved as an amendment (i) to formally object to the five Electricity Act applications on the grounds that Members were not satisfied that there would be sufficient mitigation measures and/or alternative methods of transport available to the applicant to adequately address the significant adverse impact the high level of traffic movements arising from the proposed development, particularly during the 34 month construction phase, would have upon the existing roads infrastructure and the communities and settlements situated within the affected area; and (ii) to refuse planning application 09/0130/FL for the same reason as set out at (i) above.

On a division by a show of hands, the amendment was carried by 14 votes to 12.

MOTION

10. The Council unanimously agreed to suspend Standing Order 7.1 to allow this matter to be considered.

10.1 MOTION BY COUNCILLOR MAUREEN McKAY

Councillor Maureen McKay, seconded by Councillor Reid, moved -

“East Ayrshire Council opposes the closure of the Practical Driving Test Centre in Cumnock and its transfer to the multi-purpose test centre in Ayr. We also wish to see the reinstatement of the Large Goods (LGV) AD1 Part 2 Tests within the Kilmarnock Test Centre. This unilateral closure/reduction imposes a heavy financial burden on people in the south of our authority area and also on people from the Upper Nithsdale part of our neighbouring authority, Dumfries and Galloway. A burden that for many will be too great to bear and, therefore, deny them the ability to hold a driving licence”.

The Council unanimously agreed to adopt this motion, with the addition, following a proposal by Councillor Todd, of a further request for the reinstatement of motor cycle testing within the Kilmarnock Test Centre.

PROVOST'S CLOSING REMARKS

11. The Provost ended the Council meeting by wishing everyone a Merry Christmas and a Happy New Year.

The meeting terminated at 1255 hrs.

APPENDIX**SYNOPSIS OF QUESTIONS, POINTS AND ANSWERS ON THE
REPORT BY THE LEADER OF THE COUNCIL****LOCAL COMMUNITY PLANNING FORUMS (Para 3.1)**

Councillor M McKay enquired whether the Leader was satisfied with the operation of and level of engagement at the Local Community Planning Forums and asked what proposals and ideas there were to move the Forums forward.

Councillor Reid expressed his view that community engagement was good and acknowledged that there was potential for the Forums to improve and that any suggestions would be taken on board.

2010/ 2011 BRIDGE CULVERT STRENGTHENING PROGRAMME (Para 6.8)

Councillor M McKay requested information on the timescales anticipated for the Dean Road Bridge and plans to monitor the area, particularly during periods of severe weather.

Councillor Reid advised that Cabinet at its meeting on 15 December 2010 had received the Finance and Service Strategy report which provided an update on the Dean Road bridge project and all other bridges included in the capital programme.

Councillor Reid then provided details on the anticipated timescales for the work and confirmed that the preferred bridging solution to replace the Dean Ford comprised seven precast concrete box culverts which would carry a 7.3m wide carriageway and 2.5m wide footways and that the structure would be built on the same alignment as the existing ford to minimise impact to the adjacent properties.

WINTER SERVICE PLAN AND IMPROVEMENT PLAN (Para 6.1)

Councillor M McKay requested information on the preparedness of the Council in terms of the winter service arrangements and for the provision and topping up of community salt bins.

Councillor Reid advised of a briefing provided by the Head of Roads and Transportation on progress made with the Plan and issues being encountered with the salt bins in terms of theft and distribution. He further advised that the Press and public had acknowledged the much improved Plan this year.

Councillor Buchanan then provided details on salt stock used so far, stock levels remaining, number of salt bins provided and number stolen.

Councillor M McKay then provided an example of problems she had recently experienced when obtaining salt from a community salt bin and the difficulty some members of the public might have in transporting salt from the bins to their homes.

The Chief Executive in answer to further questions raised then advised that the implementation of the Plan would be subject to review in light of operational experience and indeed reviews were being carried out daily and routes adjusted accordingly. She thanked staff for their diligence and hard work and confirmed that issues should be brought to officers attention as soon as possible to ensure they could be resolved. The Chief Executive also confirmed that early arrangements had

been put in place to conserve stocks, and that the daily bulletins to Members would continue along with participation in the National Salt Watch strategy.

Councillor Reid in addition also confirmed that the Plan would continue to be reviewed and all Members would be engaged in the process and thanked all staff for their dedication and commitment in dealing with the severe weather conditions. He also welcomed the daily update given to all Members and the introduction of DigiTV as a further tool for communication.

Councillor Kelly requested clarification that the contingency fund of £500,000 set aside would be sufficient to cover any issues arising from the extreme winter weather conditions.

The Depute Chief Executive/Executive Director of Neighbourhood Services advised that Cabinet at its meeting on 15 December 2010 had agreed to set aside £750,000 for winter maintenance and that £360,000 would be used this year for an additional salt storage facility and winter plant, all from the Neighbourhood Services Revenue budget 2010/11.

Councillor Menzies requested clarification on how many salt bins had still to be installed.

The Head of Roads and Transportation advised that there had been problems with the manufacturer and bins had to be retuned but there were 14 in place with another 20 to be installed before Christmas.

Councillor J McGhee requested information on the treatment of priority 3 routes.

The Head of Roads and Transportation responded to this issue in terms of the treatment of priority 1, 2 and 3 routes as set out in the Plan.

RENEWABLE ENERGY FUND (Para 6.7)

Councillor M McKay asked if any applications had been received to the Renewable Energy Fund.

The Depute Chief Executive/Executive Director of Neighbourhood Services confirmed that although no applications had been received so far, there was activity in the community in terms of interest in potential projects and support officers working within the area would continue to encourage applications.

Councillor Cook enquired whether Head Teachers had been engaged in the consultation and also whether planning regulations had been explained.

Councillor Brown advised that he attended the Eco-Committee at St Sophia's Primary School in Galston to explain what the Elected Members required to take into account when dealing with applications.

HOUSING ALLOCATIONS POLICY (Para 6.4)

Councillor Menzies enquired when the new policy would be introduced.

The Depute Chief Executive/Executive Director of Neighbourhood Services advised that discussions were ongoing with partners and she would report back to Members once a position had been reached but gave an indication that she hoped the policy would be introduced at the beginning of the new financial year.

Councillor Reid also informed that Cabinet had agreed on 15 December 2010 to changes in the housing application medical assessment process which should assist tenants in terms of housing allocations. He confirmed that details of this process would be presented to all Members. He further advised that on Friday 16 December 2010 the 10 new houses at McDonald Drive, New Farm Loch, Kilmarnock would be handed over to the new tenants.

**TRAFFIC, TRANSPORTATION AND ROAD SAFETY PROGRAMME 2010/ 2011
(Para 7)**

Councillor Cuninghame advised that she had received adverse comments to the parking charges at the existing Stewarton Station car parks and enquired whether an increase to these charges could be postponed until the 3rd large car park had been constructed.

Councillor Reid confirmed that he was aware of the comments received and that these matters would be taken into account during the current budget consultation.

Councillor McDill confirmed that the works for the new park and ride car park were programmed to commence in the New Year when Network Rail approves the design of the access road retaining wall.