

**EAST AYRSHIRE COUNCIL**

**MINUTES OF MEETING HELD ON THURSDAY 8 OCTOBER 2009  
AT 1000 HRS IN NEW FARM LOCH COMMUNITY CENTRE,  
FRASER WALK, 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, Kathy Morrice, Eric Ross, Elaine Dinwoodie, Drew Filson and Moira Pirie.

**ATTENDING:** Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; 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; Lynne Buchanan, Communication and Customer First Manager; Karl Doroszenko, Development, Planning and Regeneration Manager; John Lilley, Principal Planning Officer; Emma Fyvie, Senior Planning Officer; and Julie McGarry, Administration Manager.

**APOLOGY:** Councillor Barney Menzies.

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

**ADDITIONAL ITEM/PRESENTATION BY AREA PROCURATOR FISCAL**

1. The Provost advised of an additional matter which would be raised under Agenda Item 6.1, which would be a request from the Labour Group to replace Councillor Kelly with Councillor Shaw on the Catrine Environmental Heritage Project.

The Provost also advised that due to the volume of business for this morning's Council meeting, the proposed presentation by the Area Procurator Fiscal would be postponed to a future meeting.

**DEATH OF COUNCILLOR JIM SUTHERLAND**

2. The Provost requested that colleagues join her, reflecting on the sadness of Councillor Sutherland's death on 15 July. The Provost commented that in the short time he had been a colleague, his humour and integrity had made an impact on Councillors and staff alike.

The Provost advised that an indication of this was shown by the number of people who had attended his funeral on 20 July. The Provost remarked that although expected, his death was nonetheless a very sad occasion for all concerned but most especially for his wife, Irene, and family.

The Council then stood to observe one minute's silence.

### PROVOST'S REMARKS

3. The Provost advised that since the last Council meeting in June she had attended numerous events but that the highlight of the summer had been the Taste of the Tattoo held at Dumfries House. The Provost advised that the crowds of people who had attended had been phenomenal and everyone thoroughly enjoyed the performances.

The Provost then advised that on Saturday 26 September, she had attended the Cumnock 500 launch at the Baird Institute and had been impressed with the refurbishment of the facility. The Provost remarked that the exhibition and show had been spectacular and urged anyone who had not yet visited, to do so, even if only to see the wonderful Peden mask.

The Provost then advised that Auchinleck Talbot had won the Scottish Junior Cup in this, their Centenary Year and, carrying on past tradition, she would be co-hosting a Civic dinner with the club on Friday 9 October.

The Provost expressed her delight to have heard that two East Ayrshire pupils, Cameron Paterson of Cumnock Academy and Robert Young of Loudoun Academy, had been selected for the Scottish Space School Learning Journey and that they would be going to Houston, Texas from 6 to 15 November.

The Provost referred to the main concern over the last few months, which had been the decision by Diageo to close their Johnnie Walker plant in Kilmarnock. The Provost commented that whilst the campaign had not had the desired outcome, in terms of media interest, the coverage East Ayrshire Council achieved for the cause from newspapers, radio and TV had been immeasurable. The Provost, in looking forward, advised that all of the strength, energy and enthusiasm - indeed passion - which had gone into the campaign, would now be devoted to developing a recovery plan and that this would be discussed later on the Agenda.

Finally, the Provost advised that her chosen charity for the year was Combat Stress and that there would be a concert on Friday 6 November at the Grand Hall; 2009 marked the charity's 90<sup>th</sup> Anniversary and the Provost commented that she would be delighted if all Members and Officers would attend and bring partners, family and friends.

### EAST AYRSHIRE COUNCIL - WARD 9, DOON VALLEY BY-ELECTION - 1 OCTOBER 2009

4. There was submitted and noted a report dated 2 October 2009 (circulated) by the Chief Executive which provided the results of the recent Council By-Election for Ward 9, Doon Valley held on 1 October 2009 as shown in the appendix to the report.

The Provost and the respective Leaders from East Ayrshire Council's political groups welcomed Councillor Moira Pirie to the Council.

### PREVIOUS MINUTES

5. There were submitted and approved as a correct record, the Minutes of the Council meeting held on 25 June 2009 (pages 783-791).

Councillor Eric Ross joined the meeting at this point.

It was noted that consideration would be given to appropriate recording of questions and answers arising during consideration of future reports by the Leader of the Council within the Minutes of Council meetings.

### **CABINET/COMMITTEE MINUTES**

6. There were 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) Minutes of the undernoted meetings, viz:-

**6.1 CABINET OF 17 JUNE 2009 (pages 760-770).**

**6.2 NORTHERN LOCAL PLANNING COMMITTEE OF 18 JUNE 2009 (pages 771-775).**

**6.3 GOVERNANCE AND SCRUTINY COMMITTEE OF 19 JUNE 2009 (pages 776-779) (FOR NOTING ONLY).**

**6.4 SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 24 JUNE 2009 (pages 780-782).**

**6.5 APPEALS PANEL OF 29 JUNE 2009 (page 792).**

**6.6 SPECIAL CABINET OF 8 JULY 2009 (pages 793-802).**

**6.7 SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE OF 10 JULY 2009 (pages 803-804).**

**6.8 APPEALS PANEL OF 14 AND 16 JULY 2009 (pages 805-806).**

**6.9 SPECIAL CABINET OF 29 JULY 2009 (pages 807-808).**

Councillor Cree left the meeting at this point.

**6.10 CENTRAL NORTH LOCAL GRANTS COMMITTEE OF 18 AUGUST 2009 (pages 809-811).**

**6.11 CENTRAL SOUTH LOCAL GRANTS COMMITTEE OF 18 AUGUST 2009 (pages 812-814).**

**6.12 CABINET OF 19 AUGUST 2009 (pages 815-821).**

Councillor Cree rejoined the meeting at this point.

**6.13 NORTHERN LOCAL GRANTS COMMITTEE OF 19 AUGUST 2009 (pages 822-823).**

**6.14 SOUTHERN LOCAL GRANTS COMMITTEE OF 20 AUGUST 2009 (pages 824-825).**

**6.15 APPEALS PANEL OF 26 AUGUST 2009 (pages 826).**

**6.16 LOCAL GOVERNMENT LICENSING PANEL OF 27 AUGUST 2009 (pages 827-832).**

**6.17 GOVERNANCE AND SCRUTINY COMMITTEE OF 28 AUGUST 2009 (pages 833-837) (FOR NOTING ONLY).**

**6.18 CABINET OF 2 SEPTEMBER 2009 (pages 838-842).**

- 6.19 SOUTHERN LOCAL PLANNING COMMITTEE OF 4 SEPTEMBER 2009 (pages 843-844).
- 6.20 CABINET OF 16 SEPTEMBER 2009 (pages 845-850).
- 6.21 NORTHERN LOCAL PLANNING COMMITTEE OF 17 SEPTEMBER 2009 (pages 851-853).
- 6.22 SPECIAL LOCAL GOVERNMENT LICENSING PANEL OF 24 SEPTEMBER 2009 (pages 854-855).
- 6.23 GOVERNANCE AND SCRUTINY COMMITTEE OF 25 SEPTEMBER 2009 (pages 854-855) (FOR NOTING ONLY).

#### **ADJOURNMENT/RECONVENTION**

- 7. The Council adjourned at 1148 hrs and reconvened at 1205 hrs with the same Members and Officers present and in attendance.

#### **REVIEW OF THE DECISION MAKING STRUCTURE**

- 8. There was submitted a report dated 30 September 2009 (circulated) by the Chief Executive which presented the findings of the review of the present decision making structure.

Councillor Reid, seconded by Councillor Linton, moved:

- (i) the continuation of the existing decision making structure;
- (ii) that the frequency of Council meetings be amended from every eight weeks to every six weeks to provide greater opportunity for individual Councillors to debate and question Cabinet activity and that it be remitted to the Head of Democratic Services to fix appropriate meetings dates within the Council's Meetings Calendar;
- (iii) to align Cabinet Portfolio arrangements and associated external partnerships with the Council's strategic planning arrangements and the new Community Planning themes, all as outlined in paragraph 8.3 of the report and to remit to the Chief Executive to report to Council at its next meeting;
- (iv) that Council make provision for an additional Member from the main Opposition Group to become a member of Cabinet, in the meantime, increasing the membership of Cabinet to 11, pending the outcome of the review of Cabinet Portfolios and associated external partnerships;
- (v) that each of the main Opposition Cabinet members be able to appoint substitutes to take their place at Cabinet meetings in their absence (such substitutes may not be those Members who are members of the Governance and Scrutiny Committee);
- (vi) to remit to the Head of Democratic Services to give consideration to the provision for greater Elected Member involvement in the development of major Council policies and strategies and report back to Council at its next meeting;
- (vii) that the Head of Democratic Services carry out a review into the feasibility of further developing Cabinet support arrangements for Cabinet Portfolio holders and Chief Officers;

- (viii) that the Head of Democratic Services review the model report format, with a view to making key information more readily accessible to Members to assist in their consideration of business;
- (ix) to note that the Head of Democratic Services would address various operational/administrative arrangements raised under the review and take appropriate action where feasible to further develop support to the decision making structure and its users and that the users would be kept informed; and
- (x) otherwise to note the report.

Councillor Maureen McKay, seconded by Councillor Elaine Dinwoodie, moved as an amendment that the Labour main Opposition Group be provided with four Cabinet places.

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 (14), in accordance with Standing Order 36.2, the vote was taken by calling the roll as follows, viz:-

For the motion - Provost Stephanie Young and Councillors Roseanne Cuninghame, John MacKay, Helen Coffey, Willie Coffey, Tom Cook. Iain Linton, Douglas Reid, Jim Buchanan, Depute Provost Campbell, Councillors Hugh Ross, Jim Todd, Alan Brown, Robert McDill, Jim Roberts, Kathy Morrice and Drew Filson.

For the amendment - Councillors John McGhee, Maureen McKay, Robert Keohone, Gordon Cree, Drew McIntyre, John Knapp, Stuart Finlayson, David Shaw, Jimmy Kelly, Neil McGhee, William Crawford, Eric Ross, Elaine Dinwoodie and Moira Pirie.

The motion was therefore carried by 17 votes to 14.

#### **DRAFT EAST AYRSHIRE COUNCIL MEETINGS CALENDAR FOR JANUARY TO DECEMBER 2010**

9. There was submitted a report dated 14 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which submitted, for consideration of Council, a draft East Ayrshire Council Meetings Calendar for January to December 2010.

It was agreed:

- (i) to approve the Meetings Calendar subject to (a) in recognition of the decision under item 8, amending the frequency of Council meetings from every eight weeks to every six weeks; and (b) the inclusion of the meeting dates of the outside agencies identified in paragraph 2.3 of the report;
- (ii) to remit to the Head of Democratic Services, in consultation with the three Group Leaders, to make appropriate amendments to the Calendar to accommodate changes under (i) above;
- (iii) to note that dates for Local Community Planning Forum meetings would be inserted within the Meetings Calendar following the event in February 2010; and
- (iv) otherwise, to note the contents of the report.

## **APPOINTMENTS**

### **10.1 APPOINTMENT TO THE BOARD OF DIRECTORS OF CATRINE COMMUNITY TRUST**

There was submitted a report dated 20 August 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which considered the appointment of an Elected Member to the Board of Directors of Catrine Community Trust.

Having noted that this appointment could not be taken up by any of the Members already appointed to the Catrine Environmental Heritage Project Executive Committee, agreed that Councillor David Shaw be appointed to sit on the Board of Directors of Catrine Community Trust.

It was thereafter noted that there was no requirement to replace Councillor Kelly on the Catrine Environmental Heritage Project Executive Committee.

### **10.2 EAST AYRSHIRE LOCAL LICENSING FORUM - APPOINTMENT OF ADDITIONAL MEMBERS**

There was a submitted report dated 22 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which appraised Members of three applications received in respect of membership of East Ayrshire Local Licensing Forum and which recommended the appointment of the applicants.

It was agreed:

- (i) to appoint the following applicants to serve on the East Ayrshire Local Licensing Forum:- Christina Kinnear, resident of Fenwick (Young People); James Dunsmuir, Kilmarnock (resident); and Colin McGillivray, Catrine (resident); and
- (ii) otherwise to note the contents of the report.

### **COMPOSITION OF KILMARNOCK PRISON VISITING COMMITTEE**

11. There was submitted a report dated 29 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which appraised Council of a vacancy having arisen in the composition of Kilmarnock Prison Visiting Committee and which sought the appointment of a suitable person to fill the vacancy in terms of the Council's statutory obligations by virtue of the relevant provisions of the Prison and Young Offenders (Scotland) Rules 2006.

The Council:

- (i) agreed, in recognition of the work and dedication given by Mr George Herbert JP over the years, that he be presented with an appropriate Civic gift; and
- (ii) proceeded to appoint Mr William Garven JP to the Kilmarnock Prison Visiting Committee.

### **VACANCIES ARISING FROM THE DEATH OF COUNCILLOR JAMES SUTHERLAND**

12. The Council was asked to consider the filling of the following vacancies, viz:-

### **12.1 CUMNOCK AND DOON VALLEY MINERALS TRUST**

The Council noted that the Minerals Trust Deed required that all Council appointees must represent the communities mostly affected by minerals operations in the former Cumnock and Doon Valley area, namely Wards 7, 8 and 9.

Councillor Roberts, seconded by Councillor Morrice, moved that the Council representation of six members (3/3) at present was satisfactory and not to appoint a seventh member meantime.

Councillor Dinwoodie, seconded by Councillor Maureen McKay, moved as an amendment to retain the seventh member, to be filled by a member of the Labour main Opposition Group, the name of whom to be submitted to the Head of Democratic Services in due course.

On a division by a show of hands the motion was carried by 17 votes to 14.

### **12.2 LICENSING BOARD**

Councillor Robert McDill, seconded by Councillor Douglas Reid, moved to appoint Councillor John MacKay to the Licensing Board.

Councillor Dinwoodie, seconded by Councillor Kelly, moved as an amendment that the place be filled by a member of the Labour main Opposition Group, the name of whom to be submitted to the Head of Democratic Services in due course.

On a division by a show of hands, the motion was carried by 16 votes to 15.

### **10.3 SOUTHERN LOCAL GRANTS COMMITTEE - CHAIR**

Councillor McDill, seconded by Councillor Reid, moved that Councillor Morrice be appointed.

Councillor Kelly, seconded by Councillor Dinwoodie, moved that Councillor Menzies be appointed.

On a division by a show of hands, the motion was carried by 17 votes to 14.

As a consequence of this appointment, the Vice-Chair position was now vacant and Councillor Cook proposed that this appointment be taken up by a member of the Labour main Opposition Group.

This proposal was declined by the Labour main Opposition Group.

The Council thereafter agreed that Councillor Filson be appointed Vice-Chair to the Southern Local Grants Committee.

### **12.4 SOUTHERN LOCAL PLANNING COMMITTEE - VICE-CHAIR**

It was agreed that this vacancy be filled by a member of the main Labour Opposition Group, name to be submitted to the Head of Democratic Services in due course.

### **ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN: OUTSTANDING OBJECTIONS TO THE LOCAL PLAN AND OBJECTIONS RECEIVED IN RESPECT OF AGREED MODIFICATIONS (Item 8, Page 626, 07/12)**

13. There was submitted a report dated 29 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Council of those objections received in respect of the finalised version of the East Ayrshire

Local Plan which remained outstanding and unresolved; which informed Council of the formal objections and representations received in respect of the modifications made to the finalised version of the Local Plan; which informed Council of the Planning and Economic Development Services' assessment of each objection received in respect of the modifications and which sought authorisation from Council to forward a copy of the remaining outstanding and unresolved objections to the Local Plan and a copy of the objections received in respect of the modifications made to the Local Plan to the Scottish Government's Directorate for Planning and Environmental Appeals for consideration through the Planning examination process.

It was agreed:

- (i) to approve the suggested Council responses to the objections received to the modifications to the Local Plan as detailed in Annex 3 to the report;
- (ii) to authorise the Head of Planning and Economic Development to forward all the outstanding unresolved objections, together with the objections to the previously agreed modifications and the Council's response to those objections (as detailed in Annex 3 to the report), to the Scottish Government's Directorate for Planning and Environmental Appeals, for consideration;
- (iii) to authorise the Head of Planning and Economic Development to undertake the actions to progress the Local Plan Alteration to adoption as detailed in Section 6 of the report;
- (iv) to recommend to the Scottish Government's Directorate for Planning and Environmental Appeals that the Stewarton Academy extension project should be removed from the Developer Contributions project list and that any consequential changes should be made to the Local Plan as required;
- (v) to authorise the Head of Planning and Economic Development to make minor technical changes to the documents to be passed to the Directorate for Planning and Environmental Appeals;
- (vi) that the proposed administrative fee be reduced to £60 from the previously agreed £200 per house and that this provision be applied with immediate effect in the calculation of future developer contributions to be lodged with the Council in respect of new housing developments; and
- (vii) otherwise, to note the contents of the report.

**THE "KEEP JOHNNIE WALKER IN KILMARNOCK" CAMPAIGN**  
**(Item 5, Page 869, 07/12)**

14. There was submitted a report dated 30 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Council of expenditure made on the "Keep Johnnie Walker in Kilmarnock" Campaign, which confirmed the Council's final position in terms of the campaign; and which outlined the next steps in terms of regeneration initiatives for Kilmarnock in the light of the Diageo plc's proposed closure of their Johnnie Walker plant at Hill Street, Kilmarnock and of their decision to outsource their consolidation facility at Barleith, Hurlford.

It was agreed:

- (i) to approve the expenditure of £29,927.16 to be charged to the Kilmarnock Common Good Fund in respect of costs associated with the campaign march and rally held on 26 July 2009;
- (ii) to note that the Trade Unions were continuing with their own campaign initiative and assistance would be given as appropriate by Council officers in consultation with Kilmarnock Football Club in terms of progressing the campaign petition;
- (iii) to note that in terms of recording campaign activity over the 71 days, officers were considering an appropriate means to record and recognise the campaign as a social history event within Kilmarnock and East Ayrshire;
- (iv) to approve the proposed role of the Task Force as set out in paragraph 6 of the report including the facility for Depute Leaders to substitute for Leaders when required; to remit to the Depute Chief Executive/Executive Director of Corporate Support to report to Cabinet on its proposed remit on governance arrangements; and to note the cost implications given under paragraph 8 of the report;
- (v) to approve, in terms of paragraph 20(1) of the Council's Standing Orders relating to Contracts, that Stephen Chorley be engaged, for a maximum of a further six months, subject to review and on the basis of a maximum average of one day per week, all at the rate of £500 per day;
- (vi) to note that funding for Mr Chorley's extended appointment would be met from the financial support expected to be provided by Scottish Government; and
- (vii) to otherwise note the contents of the report.

Councillor Brown left the meeting at this point.

**STANDARD COMMISSION FOR SCOTLAND' DECISION  
IN RESPECT OF COMPLAINT LA/EA/833**

15. There was submitted a report dated 25 September 2009 (circulated) by the Council's Monitoring Officer which invited Council to consider the written decision of the Standards Commission in respect of a complaint made to them concerning Councillor Helen Coffey.

The Council, having considered the terms of the Standards Commission's written decision as contained within Appendix II of the report and having heard the Monitoring Officer, agreed:

- (i) that there was no further action or decision required to be taken by the Council in respect of this matter; and
- (ii) to remit to the Monitoring Officer to advise the Standards Commission of the outcome of Council's consideration of this matter.

The meeting terminated at 1435 hrs.