

EAST AYRSHIRE COUNCIL

MINUTES OF MEETING OF COUNCIL HELD ON THURSDAY 22 AUGUST 2019 AT 1000 HRS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Provost Jim Todd and Councillors Ellen Freel, Gordon Jenkins, John McGhee, Helen Coffey, Ian Grant, Tom Cook, Iain Linton, Douglas Reid, Fiona Campbell, John Campbell, Jon Herd, John Knapp, Clare Maitland, Sally Cogley, George Mair, Elena Whitham, Depute Provost Claire Leitch and Councillors Neil McGhee, Jim Roberts, Billy Crawford, Jim McMahan, Walter Young, John Bell, Elaine Dinwoodie and Drew Filson.

ATTENDING: Fiona Lees, Chief Executive; Eddie Fraser, Director of Health and Social Care Partnership; Marion MacAulay, Head of Children's Health, Care and Justice Service; David Mitchell, Chief Governance Officer; Joe McLachlan, Acting Head of Finance and ICT; Bob McCulloch, Acting Head of Housing and Communities; Lynne Buchanan, Communications Manager; Iain Tough, Policy and Planning Team Leader; Karen Purves, Principal Planning Officer; Alison O'Kane, Senior Planning Officer; and Julie McGarry, Administration Manager.

APOLOGIES: Councillors John McFadzean, Maureen McKay, Lillian Jones, Barry Douglas, Alyson Simmons and Jacqui Todd.

CHAIR: Provost Jim Todd, Chair.

PROVOST'S REMARKS

1. The Provost opened his remarks by stating what an honour it had been to welcome serving personnel, veterans and cadet forces to Council Headquarters on 27 June to mark Armed Forces Day and to be given the opportunity to show the Council's support and recognition by raising the Armed Forces Flag.

The Provost then expressed his delight to have been asked along to Kilmarnock Sheriff Court on Monday 22 July to be introduced to the new Sheriff, George Jamieson, who had taken over from Sheriff Iona McDonald. The Provost advised that during his visit he was also provided an opportunity to meet fellow Sheriffs, Prosecutors and solicitors.

The Provost went on to say that he had been honoured to have been invited by the Howff Burns Club and No 0 Burns Club to lay a wreath at the annual commemoration of the printing of the Kilmarnock Edition Robert Burns Poems at The Cross, Kilmarnock on Sunday 28 July.

The Provost then stated that he had been delighted to have been invited along to Play Day 2019 in the Kay Park, Kilmarnock for a photocall and walk around on Wednesday 7 August to celebrate National Play Day in East Ayrshire. The Provost congratulated Vibrant Communities Play and Early Intervention team for hosting a successful and fantastic free event once again for everyone to enjoy.

The Provost advised that it had been his pleasure to attend Cluarankwai Judo Club 70th Anniversary Open Day on Saturday 10 August. The Provost stated that this was the oldest judo club in Scotland and it had become a great feature in the town with many thousands of members through the years. The Provost further stated that some of those members had achieved success at the highest level and he wished them all the best for the next 70 years.

The Provost remarked that he, Depute Provost Leitch and colleagues had gone along to Auchinleck Talbot Football Club on Monday 12 August to present a cheque for £1,000 in recognition of their Scottish Junior Cup win earlier this year. The Provost advised that the money was being given to the Beechwood Regeneration Committee to help with costs for floodlights. The Provost stated that after the photocall and cheque presentation, they had stayed on to cheer on Auchinleck Talbot as they had been playing Kello Rovers in the Kirkconnel Cup.

The Provost then expressed his sincere thanks to the Council teams and their partners for the excellent response to a number of serious adverse weather events over the last three weeks, culminating in a large scale multi-agency response to flooding relating to the River Irvine and Kilmarnock Water. The Provost stated that the response on the ground and within the Risk Management Centre had been incredible, with the Council's teams doing everything possible to work with communities to protect the homes, properties and businesses of the people they serve. The Provost remarked that we had also seen some incredible kindness and community resilience during these difficult events and he was very proud of the local people, employees and partners. The Provost went on to state that over 10,000 sand bags had been issued over the last three weeks and gave huge thanks to North Ayrshire, South Ayrshire, East Renfrewshire and West Dunbartonshire Councils for their assistance with providing additional sand bags and gel bags. The Provost further stated that local flood response teams had been set up and the Council had shared resources with our Scottish Fire and Rescue partners, in terms of premises, equipment and resources.

The Provost advised that Kilmarnock Pipe Band had enjoyed success at the World Pipe Band Championships. The Provost stated that the group had been among 195 bands from across the globe at the contest on Saturday which had been held at Glasgow Green. The Provost further stated that Kilmarnock Pipe Band had placed fourth in grade 3B, bringing home £600 in prize money and they had proudly labelled the performance "an astounding achievement for a new band in a new grade". The Provost remarked that the band, currently East Ayrshire's only competing band, had come under new leadership last September and that on Saturday they had been up against 21 bands from Scotland, Northern Ireland, Ireland, Belgium, Spain and the United States.

Finally, the Provost was delighted to announce that the National Scottish Schools Competition would be held at the William McIlvanney Campus.

DECLARATIONS OF INTEREST

2. Councillor John Bell declared a non-financial interest in agenda Item 7 as he carried out work for Breeden UK Ltd on a sub-contractor basis and, given that the nature of the interest was not deemed to be significant, having considered the terms of the objective test as outlined in paragraph 5.3 of the Councillors' Code of Conduct, did not withdraw from the meeting.

PREVIOUS MINUTES

3. There were submitted and approved as a correct record, the Minutes of the Council Meeting of 27 June 2019 (pages 3-8) (circulated).

CABINET/COMMITTEE MINUTES

4. There were submitted (circulated) and approved as correct records (with the exception of the Minutes of the Ayrshire Shared Services Joint Committee which were for noting

only) the Minutes of the undernoted Meetings, viz:-

4.1 AYRSHIRE SHARED SERVICES JOINT COMMITTEE OF 7 DECEMBER 2018 (pages 9-15).

4.2 AYRSHIRE SHARED SERVICES JOINT COMMITTEE OF 25 APRIL 2019 (pages 16-20).

Matter Arising - Measures to Reduce Speeding - On a point raised, it was requested that if the Head of Roads had any update on the suggestion raised at the Joint Committee that the installation of a pedestrian crossing instead of speed bumps could be an option, that any outcome could be shared with Members outwith the formal meeting process.

4.3 POLICE, FIRE AND RESCUE COMMITTEE OF 18 JUNE 2019 (pages 21-24).

4.4 PLANNING COMMITTEE OF 21 JUNE 2019 (pages 25-26).

Matter Arising - Glenbuck Heritage Park (Item 3, Page 26) - The Chief Executive gave an update on the Glenbuck Heritage Park where Scottish Mines Restoration Trust had agreed to the disposal of the area to the Council, to be held in public guardianship. The Chief Executive advised that this would form the subject matter of a future Cabinet report in terms of the negotiation regarding the size of the area etc to be disposed of to the Council.

4.5 CABINET OF 26 JUNE 2019 (pages 27-32).

4.6 LOCAL REVIEW BODY OF 1 JULY 2019 (pages 33-36).

4.7 LOCAL REVIEW BODY OF 7 AUGUST 2019 (pages 37-41).

4.8 LOCAL GOVERNMENT LICENSING PANEL OF 9 AUGUST 2019 (pages 42-44).

REMIT FROM CABINET - 21 AUGUST 2019

5. The remit (circulated) from the Cabinet meeting of 21 August 2019 on Non-Elected Member Representation - Teacher Representation to serve on Cabinet was approved.

In terms of appointments to the Regeneration Capital Grant Fund projects, it was noted that Cabinet, at its meeting, had remitted to the Head of Planning and Economic Development to submit a report to the Council meeting in October on whether it would be appropriate to appoint an Elected Member or Members to the Project Management Group of the West of Scotland Climbing Centre: and to review the position regarding Elected Members' representation in each of the current Regeneration Capital Grant Fund projects as detailed within the report.

CHANGES TO APPOINTMENTS - VARIOUS COMMITTEES/OUTSIDE BODIES

6. The undernoted changes were approved:-

- (i) Integration Joint Board - Councillor McMahon to replace Councillor Reid as substitute member;
- (ii) East Ayrshire Woodlands - Councillor Filson to replace Councillor Maitland; and
- (iii) Ayrshire Valuation Joint Board - Councillor Jacqui Todd to replace Councillor Whitham.

SAFER COMMUNITIES DELIVERY PLAN: ALIGNMENT WITH LOCAL POLICE AND LOCAL FIRE AND RESCUE PLANS

7. There was submitted a report dated June 2019 (circulated) by the Depute Chief Executive: Safer Communities which set out proposals intended to further strengthen the alignment of the Safer Communities Delivery Plan and the Local Police and Local Fire and Rescue Plans.

It was agreed:

- (i) to approve the revised Safer Communities Delivery Plan, incorporating the Local Police and Fire and Rescue Plans;
- (ii) to refer the revised Delivery Plan to the Community Planning Partnership Board for final endorsement;
- (iii) to approve the minor changes to the Scheme of Delegation as it related to the Terms of Reference of the Police and Fire and Rescue Committee; and
- (iv) otherwise, to note the content of the report.

OUTCOME OF THE EXAMINATION INTO THE MINERALS LOCAL DEVELOPMENT PLAN: PROPOSED PLAN

8. There was submitted a report dated 6 August 2019 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which updated Members on the outcome of the Examination into the East Ayrshire Minerals Local Development Plan: Proposed Plan and which advised Members of the modification recommended by the Reporter. The report sought authority to proceed to adopt the Plan as modified. Discussion then took place in connection with the modification relating to Policy MINPPL1, specifically the modification which required the deletion of the sentence "The buffer zone should be a minimum of 500m". The Council heard the advice given by both the Head of Planning and Economic Development and the Chief Governance Officer in this respect.

Adjournment/Reconvention

The Council adjourned at 1107 hrs and reconvened at 1120 hrs with the same Members (with the exception of Councillor Iain Linton) and officers present and in attendance.

It was agreed:

- (i) to accept all of the reporter's modifications as set out in Appendix 1 of the report but to express the Council's concerns on the position reached by the Reporter in terms of the deletion of "The buffer zone should be a minimum of 500m" notwithstanding that, having taken officers' advice, the Council accepted the deletion of this point, noting that all applications will fall to be determined by the Council and that MINPPL1 will still state that proposals within 500m of a settlement or any residential dwelling are unlikely to be supported and will only be so where local circumstances, including the removal of dereliction, small scale prior extraction or stabilisation of mining legacy, justify a limited separation distance; and that non-engineering works or mitigation measures within 500m may be acceptable;

- (ii) to the list of non-notifiable changes set out in Appendix 3 of the report and give authority for officers to add any further minor changes to this list as may arise through final editing of the document;
- (iii) to remit to the Head of Planning and Economic Development to proceed to adopt the Plan, as modified, following the procedures set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 including the placing of an 'intention to adopt' advert in the local press and the submission of the Plan and accompanying documentation to Scottish Ministers; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1126 hrs.