

EAST AYRSHIRE COUNCIL

CABINET

MINUTES OF MEETING HELD ON WEDNESDAY 20 APRIL 2011 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, Jim Buchanan, Gordon Cree, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts, Gordon Cree and Kathy Morrice.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Alex McPhee, Executive Director of Finance and Corporate Support; Graham Short, Executive Director of Educational and Social Services; Chris McAleavey, Head of Housing; John Bryson, Head of Roads and Transportation; David Mitchell, Head of Legal, Procurement and Regulatory Services; Martin Rose, Head of Human Resources; Karl Doroszenko, Development Planning and Regeneration Manager; Sarah Parker, Assistant Skills Development and Employability Manager; Bryan Campbell, Team Leader, Food Safety/Health and Safety; Stuart McCall, Legal and Procurement Manager; and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillor Barney Menzies.

CHAIR: Councillor Douglas Reid, Leader of the Council.

DELIVERING COMMUNITY REGENERATION

UPDATE: ZERO WASTE PLAN

1. There was submitted a report dated 5 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided details of the Zero Waste Plan published by the Scottish Government; sought endorsement of the response to the Scottish Government consultation on the Zero Waste (Scotland) Regulations 2011; reported progress on the Joint Ayrshire Residual Waste Treatment Project; and provided an update on the Kerbside Food Waste and Plastics Collection trial, running December 2010 to December 2011.

Cabinet agreed:-

- (i) to endorse the response to the Scottish Government consultation on the Zero Waste (Scotland) Regulations 2011;
- (ii) to support the Council's continued joint working with its partner authorities and note progress to date;
- (iii) to note the Council's approach towards the development of kerbside recycling and initial progress on the delivery of kerbside collections of kitchen food waste and plastics; and
- (iv) otherwise, to note the contents of the report.

CUMNOCK AND DOON VALLEY GIFT FURNITURE SCHEME

2. There was submitted a report dated 11 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised on the outcome of the annual evaluation of the grant funded project - Cumnock & Doon Valley Gift Furniture Scheme; and sought approval for future funding arrangements for the period 2011/2012.

Cabinet agreed:-

- (i) to approve funding of £9,396 for the Cumnock and Doon Valley Gift Furniture Scheme for the period 2011/2012; and
- (ii) otherwise, to note the contents of the report.

PROPOSED DISABLED PERSONS' DESIGNATED PARKING PLACES ORDER AND ASSOCIATED REVISED DISABLED PERSONS PARKING PLACE APPLICATION FORM AND QUALIFYING CRITERIA

3. There was submitted a report dated 31 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to (a) make a new Traffic Regulation Order to regulate the use of existing on-street advisory disabled parking places to make them legally enforceable; and (b) introduce a revised disabled persons' parking place application form and qualifying criteria.

Cabinet agreed:-

- (i) to approve the making of the Order to regulate the use of on-street disabled parking bays to make them enforceable;
- (ii) to approve the revised application form and qualifying criteria for disabled persons' parking place; and
- (iii) otherwise, to note the contents of the report.

KILMARNOCK, KILMAURS AND DUNLOP RAIL PARK AND RIDE STUDY

4. There was submitted a report dated 31 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which informed on the feasibility study carried out to consider the demand for Park & Ride car parks at Kilmarnock, Kilmaurs and Dunlop rail stations, and options for meeting the future demand.

Cabinet agreed:-

- (i) to approve the proposed Rail Park and Ride Car Park Strategy for Kilmarnock and Kilmaurs Stations;
- (ii) that subject to the availability of funding from SPT, the Head of Roads and Transportation initiate negotiations for the land acquisitions and planning agreements needed to deliver the short and medium term proposals detailed in Paragraph 6 of the report;
- (iii) that the Head of Roads and Transportation seek funding to facilitate the Implementation Strategy set out in Paragraph 7 of the report; and
- (iv) otherwise, to note the contents of the report.

**STRATEGIC REVIEW REVENUE BUDGET 2 (SRRB2)
TRANSPORT BUDGET REVIEW**

5.1 Declaration of Interest

Councillor Kathy Morrice declared a non-financial interest in respect of the above meeting which was significant having considered the terms of the objective test, as outlined in Paragraph 5.3 of the Councillors Code of Conduct and accordingly withdrew from the meeting.

5.2 Consideration of Item

There was submitted a report dated 14 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised on the findings of the Transport Budget Review and sought approval for cost savings identified across the current transport arrangements.

Councillor Jim Roberts left the meeting during consideration of this item.

Cabinet agreed:-

- (i) to approve the budget savings identified in Paragraph 12.1 of the report (as opposed to Paragraph 13.1 as indicated in the report);
- (ii) to approve the Fleet Asset Management Strategy appended to the report;
- (iii) to note that the maintenance of 22 vehicles previously included in the external South Area Maintenance Contracts had been brought in-house;
- (iv) that the Head of Roads and Transportation provide Members with a breakdown of the costs associated with hire and lease of vehicles as specified in Paragraph 2.4 of the report; and
- (v) otherwise, to note the contents of the report.

DEVELOPMENT PLAN SCHEME 2011

Councillor Kathy Morrice rejoined the meeting at this point.

- 6.** There was submitted a report dated 16 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which presented for information and approval a suggested Development Plan Scheme and Participation Statement which detailed the anticipated timetable and participation procedures that it is proposed should be put into place for the preparation of a new Local Development Plan for East Ayrshire under the provisions of the Town and Country Planning (Scotland) Act 1997 (As Amended).

Cabinet agreed:-

- (i) to approve the Development Plan Scheme appended to the report for publication;
- (ii) to authorise the Head of Planning and Economic Development to publicise the Development Plan Scheme; and
- (iii) otherwise, to note the contents of the report.

DEVELOPMENT OF THE SOCIAL ECONOMY

7. There was submitted a report dated 23 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which informed on work undertaken to develop the social economy in East Ayrshire.

Cabinet agreed:-

- (i) to endorse the proposed actions as detailed in Paragraph 7 of the report, to take forward the development of the social economy in East Ayrshire;
- (ii) that the Depute Chief Executive/Executive Director of Neighbourhood Services bring forward update reports to Cabinet on an annual basis; and
- (iii) otherwise, to note the contents of the report.

DEVELOPER CONTRIBUTIONS FUND

8. There was submitted a report dated 8 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which presented for determination a grant application from Townholm Bowling Club for funding support over £15,000 from the Developer Contributions Fund.

Cabinet agreed:-

- (i) to approve funding of £25,100 from Free Monies in the Northern Area Fund to Townholm Bowling Club for refurbishment of the Bowls House changing area located at Townhead Bowling Club, Townholm, Kilmarnock; and
- (ii) otherwise, to note the contents of the report.

MOORFIELD BUSINESS PARK: PROPOSED INFRASTRUCTURE DEVELOPMENT

9. There was submitted a report dated 13 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for funding of up to £3.202m to “match” an offer of £2.044m grant from the European Regional Development Fund (ERDF) for the completion of land works and site servicing at the Moorfield Industrial Park on the south west edge of Kilmarnock, and construction of 2,100 square metres of mixed sized small industrial units.

Cabinet agreed:-

- (i) to approve capital funding up to £3.4m towards the cost of land acquisition, completion of land works and site servicing at the Moorfield Industrial Park on the south west edge of Kilmarnock, and construction of 2,100 square metres of mixed size small industrial units; and
- (ii) otherwise, to note the contents of the report.

WORKERS EDUCATIONAL ASSOCIATION: JOB ROTATION REQUEST FOR MATCH FUNDING

10. There was submitted a report dated 8 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised on the review of the Workers Educational Association (WEA) Job Rotation’s request for match funding for their European Social Fund Projects in 2011/2012 and 2012/2013.

Cabinet agreed:-

- (i) to note the request for funding from the WEA;
- (ii) to approve funding at the requested level for 2011/2012 as specified in Paragraph 4.1 of the report;
- (iii) that the Depute Chief Executive/Executive Director of Neighbourhood Services advise the WEA accordingly; and
- (iv) otherwise, to note the contents of the report.

SUSTAINABLE DEVELOPMENT AND SCOTTISH CLIMATE CHANGE DECLARATION

11. There was submitted a report dated 1 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which presented a progress report as required by the Sustainable Development Strategy: Action Plan Theme 4: Performance Management and Evaluation; and advised on the progress being made by the Council in achieving its obligations in terms of the Scottish Climate Change Declaration.

Cabinet agreed:-

- (i) to note the progress being made in terms of sustainable development;
- (ii) to approve for continued implementation the Sustainability Roadmap set out in Appendix 1 to the report;
- (iii) to approve the terms of the draft year 3 report on the Council's response to Climate Change as set out in Appendix 2 to the report; and
- (iv) otherwise, to note the contents of the report.

IMPROVING COMMUNITY HEALTH AND WELLBEING

FOOD HYGIENE INFORMATION SCHEME

12. There was submitted a report dated 1 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on the implementation of the Food Hygiene Information Scheme (FHIS).

Cabinet agreed:-

- (i) to approve the Food Hygiene Information Scheme detailed in the report;
- (ii) to approve the proposed implementation of the Scheme as detailed in the Appendix to the report; and
- (iii) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

EQUALITY ACT 2011 - PUBLIC SECTOR EQUALITY DUTY REGULATIONS AND ORDER

13. There was submitted a report dated 6 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which provided information on the Equality Act 2010, in particular regarding recent decisions taken by the Scottish

Government in respect of the Public Sector Equality Duty Draft Regulations and Order.

Cabinet agreed:-

- (i) to approve the proposals set out in Paragraphs 7 and 8 of the report pertaining to the Equality Act 2010; and
- (ii) otherwise, to note the contents of the report.

CORPORATE PROCUREMENT STRATEGY 2011-2013

- 14.** There was submitted a report (circulated) by the Executive Director of Finance and Corporate Support which sought approval to implement the revised Corporate Procurement Strategy 2011/2013 together with the appended Procurement Capability Assessment Improvement Plan.

Cabinet agreed:-

- (i) to approve the implementation of the revised Corporate Procurement Strategy 2011/2013 and the appended Procurement Capability Assessment Improvement Plan and Work Plan;
- (ii) to submit the Strategy and all supporting documentation to the Governance and Scrutiny Committee in the next cycle; and
- (iii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

- 15.** Cabinet 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 Paragraphs of Schedule 7A of the Act as shown against each item".

DELIVERING COMMUNITY REGENERATION

PROPOSED HOUSING INITIATIVE AREA: MOSSDALE TERRACE, BELLSBANK (PARA 9)

Councillor Iain Linton joined and Councillor Buchanan left the meeting at this point.

- 16.** There was submitted a report dated 11 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which informed on the outcome of the two stage Competitive Dialogue tendering exercise undertaken in respect of the site at Mossdale Terrace, Bellsbank, Dalmellington, extending to 1.705 hectares (4.212 acres) as outlined in the plan attached as Appendix 1 to the report; and sought authority to demolish the 44 remaining properties on the site, as identified in Appendix 2 to the report.

Cabinet agreed:-

- (i) to authorise the demolition of the properties at 6 to 52 (as opposed to 53 as indicated in the report) Mossdale Terrace, Bellsbank, as set out in Appendix 2 to the report;

- (ii) to note an omission to Paragraph 8.5 of the report which should read as follows, viz:- "It is proposed to undertake the demolition and reinstatement works as soon as possible once the contract can be let"; and
- (iii) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

SKILLS DEVELOPMENT AND EMPLOYABILITY SERVICE RESTRUCTURE AND DELIVERY CHANGES (PARA 1)

17. There was submitted a report dated 1 April 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which proposed a restructuring of the Skills Development and Employability Service, to ensure continued activity within a reduced funding allocation for the East Ayrshire Community Planning Partnership (CPP) from the European Social Fund (ESF) Priority 5 (P5) Programme.

Cabinet agreed:-

- (i) to note the award of ESF Funding and approve the restructuring proposals contained within the report;
- (ii) to approve the proposed reduction in rented premises for programme delivery and the creation of one Employability Centre in Cumnock; and
- (iii) otherwise, to note the contents of the report.

SEVERANCES AND UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENTS SCHEME (PARA 1)

Councillors Maureen McKay, Gordon Cree and Kathy Morrice left the meeting at this point.

18. There was submitted and noted a report dated 13 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on the number of employees who have left the Council's service (i) under the Chief Executive's delegated authority to approve all non-teaching severances where employees leave the Council's service on redundancy, efficiency of the service or rule of 85 and are being awarded compensatory added years or there are strain on the fund costs associated with the severance during the period 24 March 2011 to 31 March 2011 inclusive; (ii) under the Council's Redundancy Payments Scheme via the Head of Human Resources' delegated authority; (iii) who have decided to change their preferred severance option; and (iv) on the grounds of redundancy, efficiency of the service or rule of 85 during financial year 2010/2011.

TEACHER REFRESH SCHEME - REQUESTS FOR EARLY RETIREMENT WITH 2 YEARS ENHANCEMENT (PARA 1)

19. There was submitted a joint report dated 11 April 2011 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Finance and Corporate Support which sought approval for Teachers in the Department of Educational and Social Services to retire from the Council's service under the terms of the Teachers (Compensation for Premature Retirement) (Scotland) Regulations 1997.

Cabinet agreed:-

- (i) to approve the early retirement arrangements detailed in the Appendix to the report; and
- (ii) otherwise, to note the contents of the report.

**LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS
EMPLOYERS DISCRETION (PARA 1)**

Councillor Kathy Morrice rejoined the meeting at this point.

- 20.** There was submitted a report dated 5 April 2011 (circulated) by the Executive Director of Finance and Corporate Support which sought consideration of a request from a former employee for the Council to use its discretion under the Pension Regulations to authorise early payment of deferred pension benefits on compassionate grounds.

Cabinet agreed:-

- (i) in this case, not to use its discretion under the Pension Regulations to authorise early payment of the former employee's deferred pension benefits due to the "strain on the fund costs" associated with the request; and
- (ii) otherwise, to note the contents of the report.

The meeting terminated at 1216 hours.