

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 24 MARCH 2010 AT 1000 HOURS IN THE LORENY COFFEE BAR, SHORTLEES COMMUNITY EDUCATION CENTRE, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Maureen McKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts, Barney Menzies and Kathy Morrice; Church Representative Bill McGregor, Parent Representative David Fraser and Teacher Representative Bryce Wilson.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Euan Couperwhite, Head of Service: Resources; Gwen Barker, Community Planning and Partnership Manager; Janie Allen, Principal Officer (Early Education and Childcare); and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Iain Linton, John MacKay and Church Representative Maria Dorrian.

CHAIR: Councillor Douglas Reid, Leader of the Council.

LIFELONG LEARNING**2010/11 BUDGET PROPOSALS: EARLY EDUCATION AND CHILDCARE**

1E. There was submitted a report dated 22 February 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval from Members of Cabinet for the reduction in budgets in relation to early education for financial year 2010/11 onwards.

1E.1 Declaration of Interest

Councillor Kathy Morrice declared a non-financial interest in respect of this item, in accordance with Paragraphs 5.17 and 5.18 of the Councillors Code of Conduct and left the meeting.

1E.2 Consideration of Item

Having heard from Councillor Jim Roberts that he had attended a meeting with the parents and staff from Burns Bairns, Mauchline, and that there had been numerous pieces of correspondence sent to the Executive Director of Educational and Social Services within the last 24 hours by parents putting forward their views on the matter, it was agreed to continue consideration of the item to allow consideration of those matters raised.

Councillor Morrice re-joined the meeting and Church Representative Bill McGregor, Parent Representative David Fraser and Teacher Representative Bryce Wilson left the meeting at this point.

COMMUNITY PLANNING AND EQUALITIES

COMMUNITY PLANNING PARTNERSHIP SINGLE OUTCOME AGREEMENT (SOA) ANNUAL REPORT 2008/09 - IMPROVEMENT PLAN (Item 1, Page 860, 07/12)

2. There was submitted a report dated 9 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to Cabinet for consideration the SOA Improvement Action Plan, which had been developed to address areas identified for improvement in the Single Outcome Agreement (SOA) Annual Performance Report.

Cabinet agreed:-

- (i) to approve the actions identified within the consolidated SOA Improvement Plan and to receive reports on progress thereafter;
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to ensure effective progress across all identified improvement areas, as appropriate;
- (iii) to note that work was being taken forward to review the revised Menu of Local Outcome Indicators issued by the SOLACE led Improving Local Outcome Indicators Project;
- (iv) to submit the SOA Improvement Plan to Governance and Scrutiny Committee for information and consideration; and
- (v) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

CONSULTATION ON POTENTIAL NEW COAL EXTRACTION RATE FOR THE MINERALS TRUST FUND (Item 11, Pages 657 & 658, 07/12)

3. There was submitted a report dated 22 February 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which notified Cabinet of the proposed consultation arrangements regarding the contribution rate and other matters which related to the Minerals Trust Fund under Policy MIN33 and 34 of the adopted Opencast Coal Subject Plan and to note the proposed review arrangement that would be undertaken as part of the proposed Local Development Plan process.

Cabinet agreed:-

- (i) that a consultation exercise take place with the coal operators, the Members of the Minerals Trust Fund, Local Elected Members and relevant Community Councils regarding the potential introduction of a new voluntary contribution rate;
- (ii) that in advance of the formal review of the Opencast Coal Subject Plan, which would be subject to a separate formal consultation process, in June, to take the opportunity to gauge the views of those consulted under (i), above, on the

type of funds and range of projects that should be funded, the composition of the receiving body for contributions and the decision taking process;

- (iii) that a report, detailing the outcome of the consultation exercises under (i) and covering the points raised under (ii) be submitted to Cabinet for consideration;
- (iv) to note that a separate report on the formal review of the Opencast Coal Subject Plan and associated formal consultation arrangements would be submitted to Cabinet for consideration, and at that time the information obtained under (ii) above would provide the Cabinet with an informed starting point in its deliberations in respect of consultation on the formal review of the Opencast Coal Subject Plan; and
- (v) otherwise, to note the contents of the report.

**EAST AYRSHIRE LOCAL DEVELOPMENT PLAN -
DEVELOPMENT PLAN SCHEME 2010 (Item 11, Pages 657 & 658, 07/12)**

4. There was submitted a report dated 2 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to Cabinet for information and approval, a suggested Development Plan Scheme and Participation Statement which detailed the anticipated timetable and participation procedures that it was proposed should be put into place regarding 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). The Development Plan Scheme and Participation Statement were contained within Annexe 1 of the report.

Cabinet agreed:-

- (i) to approve the Development Plan Scheme for publication; and
- (ii) to authorise the Head of Planning and Economic Development to publicise the Development Plan Scheme.

**2010/11 PROGRAMME FOR CARRIAGEWAY AND FOOTWAY STRUCTURAL
MAINTENANCE, STREET LIGHTING AND SEVERE WEATHER REMEDIAL
WORKS (Item 2, Pages 1017 & 1018, 07/12)**

5. There was submitted a report dated 24 February 2010 (circulated) by the Executive Director of Neighbourhood Services which sought Cabinet's approval (i) for the 2010/11 Capital Programme for carriageway and footway structural maintenance and street lighting and to note schemes being considered for future years' programmes; and (ii) to develop a ranking system to prioritise future carriageway and footway structural maintenance programmes.

Cabinet agreed:-

- (i) to approve the 2010/2011 programme of schemes for carriageway and footway structural maintenance, surface dressing and street lighting as listed in Appendix 1 of the report;
- (ii) to note schemes which had been considered for future years' programmes;
- (iii) to note the programme of works for severe weather repairs;

- (iv) to approve the adoption of the proposed ranking system for prioritisation of Carriageway and footway structural maintenance schemes for future programmes; and
- (v) to remit to the Executive Director of Neighbourhood Services to submit a report to a future meeting of Cabinet on the feasibility of establishing funding for a programme for the provision of off-street parking within housing estates, with a view to improving access for emergency vehicles.

Councillor Jim Roberts left the meeting at this point.

MANAGEMENT AND RESOURCES

CHARGES FOR COMMUNITY USE OF COUNCIL PREMISES 2010/2011 (Item 4E, Pages 761 & 762, 07/12)

6. There was submitted a joint report dated 3 February 2010 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Neighbourhood Services which sought approval for the revision of charges for the use of Council accommodation by Community Groups for financial year 2010/2011.

Cabinet agreed:-

- (i) to approve the recommendations as detailed in Paragraph 3 of the report;
- (ii) that the Executive Directors of Educational and Social Services and of Neighbourhood Services bring forward a joint report to Cabinet on the levels of use of Council premises in local areas to ensure their effective use; and
- (iii) otherwise, to note the contents of the report.

Councillor Jim Roberts re-joined the meeting at this point.

CHARGES FOR ROAD SERVICES (Item 16, Page 335, 07/12)

7. There was submitted a report dated 15 March 2010 (circulated) by the Executive Director of Neighbourhood Services which sought Cabinet approval for revised charges which related to Roads permits, permissions and services provided by the Council for implementation on 1 April 2010 and to note that a review of Car Parking Enforcement Charges would be undertaken once the study for Decriminalised Parking was complete.

Cabinet agreed:-

- (i) to approve the revised charges for permits, permissions and services as detailed in Appendix 1 of the report; and
- (ii) to note that a review of Car Parking Enforcement Charges would be undertaken once the review of the study for Decriminalised Parking was complete.

EDUCATIONAL AND SOCIAL SERVICES APPROVED RATES AND CHARGES - 2010/11 (Item 2E, Pages 1014 & 1015, 07/12)

8. There was submitted a report dated 25 February 2010 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet approval for

annual alterations to approved rates and charges for Educational and Social Services for the financial year 2010/11.

Councillor Douglas Reid, seconded by Councillor Kathy Morrice, moved approval of the recommendations as detailed in the report, namely:-

- (i) to approve the revised charges as detailed in Paragraph 3 of the report; and
- (ii) otherwise to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment:-

- (i) not to support the charges detailed in Paragraph 3 of the report with particular reference to Community Alarms and Community Meals, in line with the alternative budget proposal outlined at the Council meeting held on 11 February 2010.

On a division by a show of hands, the motion was carried by 7 votes to 2.

2008/09 STATUTORY PERFORMANCE INDICATORS - COUNCIL COMPENDIUM

9. There was submitted a report dated 11 March 2010 (circulated) by the Executive Head of Finance and Asset Management which provided Cabinet with summary information which related to the Council's relative position in respect of the 2008/09 Statutory Performance Indicators as reported by Audit Scotland.

Cabinet agreed:-

- (i) to note East Ayrshire Council's performance in relation to the 2008/09 Statutory Performance Indicators as reported in Audit Scotland's SPI Council Compendium;
- (ii) to note the changes to Audit Scotland's reporting arrangements for 2008/09; and
- (iii) otherwise, to note the contents of the report.

EAST AYRSHIRE COUNCIL'S RESPONSE TO AUDIT SCOTLAND'S "STATUTORY PERFORMANCE INFORMATION - THE 2008 DIRECTION: A GUIDE FOR AUDITORS" (Item 6, Page 757, 07/12)

10. There was submitted a report dated 11 March 2010 (circulated) by the Executive Head of Finance and Asset Management which sought agreement from Cabinet on proposals that would further strengthen the Council's response to Audit Scotland's 2008 Direction - "A New Direction: SPI Guidance for Audited Bodies 2009/10" and that met with specific requirements of the recently published "Statutory Performance Information: The 2008 Direction - A Guide for Auditors" in relation to:- (i) volume and coverage of the Council's SPI's; (ii) procedures for ensuring the accuracy of indicators collected; and (iii) arrangements for publication of an Annual Performance Report.

Cabinet agreed:-

- (i) to extend the suite of performance indicators, by the addition of a further 28 LPI's that would form the basis of the Council's response to Audit Scotland's 2008 Direction;

- (ii) to the production of an Annual Performance Report that would meet the requirements of the 2008 Direction and the “Statutory Performance Information: The 2008 Direction - A Guide for Auditors”;
- (iii) to the proposed arrangements for ensuring the appropriate verification of the accuracy of the statutory indicators;
- (iv) to note the review of scrutiny arrangements that would be the subject of a future report to Cabinet (not the Corporate Management Team as detailed in the report); and
- (v) otherwise, to note the contents of the report.

**SHARED SERVICES - CONTRACT FOR MEDIA ADVERTISING
(Item 9, Page 2883, 07/12)**

11. There was submitted a report dated 11 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which updated Cabinet on the current position which related to the Shared Services Contract for Media Advertising.

Cabinet agreed:-

- (i) to approve the proposal to re-tender the media advertising contract on a Pan-Ayrshire basis;
- (ii) to note that North Ayrshire Council would act as Lead Authority for this contract; and
- (iii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

12. 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 Paragraph of Schedule 7A of the Act as shown against each item”.

**CUMNOCK TOWN CENTRE REGENERATION PROJECT - PROPOSED
ACQUISITION OF GROUND AT GREENHOLM ROAD, CUMNOCK (PARA 9)
(Item 14, Page 1063, 07/12)**

13. There was submitted a report dated 16 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet approval to acquire an area of ground extending in total to 2,631 square metres or thereby, lying to the south of Greenholm Road, Cumnock, as shown outlined on the plan attached to the report on the principal terms and conditions as detailed within the report.

Cabinet agreed:-

- (i) to grant authority to the Solicitor to the Council to acquire the area of ground extending to 2,631 square metres or thereby, lying to the south of Greenholm Road, Cumnock, which area of ground was currently in the ownership of the party identified in the report for a consideration of the amount detailed in the report together with the sellers reasonably incurred expenses and on such other terms and conditions deemed necessary by the Solicitor to the Council to protect the interests of the Council; and

- (ii) otherwise, to note the contents of the report.

SEVERANCES (PARA 1)

14. There was submitted a report dated 18 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of severance arrangements for 20 employees in the Departments of Corporate Support, Neighbourhood Services and Educational and Social Services.

Cabinet agreed to approve the severance arrangements as detailed in Appendices A and B of the report.

TERMINATION OF INCENTIVE BONUS SCHEME FOR CRAFT OPERATIVES WITHIN BUILDING AND WORKS (PARA 11) (Item 23, Page 440, 07/12)

15. There was submitted a report dated 3 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval to notice being given to the Trade Unions of termination of the current Incentive Bonus Scheme for Craft Operatives within the Building and Works Services of the Department of Neighbourhood Services.

The Head of Human Resources confirmed that individual notices would also be issued to employees in terms of their contractual requirements.

Councillor Jim Todd, seconded by Councillor Robert McDill, moved approval of the recommendations as detailed in the report, namely:-

- (i) to approve the issue of notice of termination of the current Incentive Bonus Scheme in terms of Section 20 of Work Specification of Part 1;
- (ii) to note that a further report would be submitted to Cabinet in relation to a new Pay and Grading Scheme; and
- (iii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment:-

- (i) to note that a further report would be submitted to Cabinet in relation to a new Pay and Grading Scheme;
- (ii) that the issue of notice of termination of the current Incentive Bonus Scheme in terms of Section 20 of Work Inspection of Part 1 be withheld until consultation had taken place with the Trade Unions; and
- (iii) otherwise, to note the contents of the report.

On a division by a show of hands, the motion was carried by 7 votes to 2.

BUSINESS EXPANSION PROJECT (PARA 6) (Item 17, Page 1064, 07/12)

16. There was submitted a report 16 March 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet of continuing discussions with a local company regarding funding support.

Cabinet agreed:-

- (i) based on the considerations laid out in the report, not to proceed with the specific request to provide a loan of £600,000 secured only against the value of the factory (£180,000);
- (ii) to remit to officers the authority to negotiate with the company, the provision of an initial loan for which satisfactory security could be identified and to determine a plan of action whereby additional loan(s) might be made on a staged basis as and when further security might become available all in order to secure the company's business expansion proposals; and
- (iii) that in respect of the outcome of the negotiations a report be submitted to the next appropriate Cabinet for consideration.

The meeting terminated at 1332 hours.