

EAST AYRSHIRE COUNCIL

CABINET

MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 31 MARCH 2010 AT 1000 HOURS IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE, KAY PARK, KILMARNOCK

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, 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; Chris McAleavey, Head of Housing; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure; Andrew Sutherland, Head of Service: Schools; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillor Jim Buchanan and Church Representative Maria Dorrian.

CHAIR: Councillor Douglas Reid, Leader of the Council.

PROMOTING LIFELONG LEARNING

INSTRUMENTAL MUSIC PROVISION IN EAST AYRSHIRE

- 1E.** There was submitted a report dated 8 March 2010 (circulated) by the Executive Director of Educational and Social Services which updated Cabinet on the role of the Instrumental Music Service in improving educational attainment and achievement in East Ayrshire and to introduce the mechanism for a policy on charging for Instrumental Music Tuition.

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

- (i) to note the wide ranging quality activities in which the Instrumental Music Service were employed;
- (ii) to note the cost of delivery of the music instrumental service in East Ayrshire;
- (iii) to approve the recommended charging structure; and
- (iv) otherwise, to note the contents of the report.

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

- (i) to support the current status quo of provision of free music instrumental service provision in East Ayrshire;
- (ii) to note the risk factors described at paragraph 11.2 which were considered acceptable to the Council's Administration;

- (iii) note that the cost of delivery of music tuition in East Ayrshire Council is offset by an annual grant of £189,888 and that the project income for this proposal was £31,800 for the period August to March 2011 and £45,200 over a full academic session;
- (iv) to note the considerable achievement delivered by the free instrumental music service provision outstripping all achievements in this area of listed comparator authorities where charges exist; and
- (v) to note that no cost associated with the collection of these charges had been finalised at the time of completing the report.

On a division by a show of hands the motion was carried by 10 votes to 3.

**FINANCE AND SERVICE STRATEGY REPORT BASED ON PERIOD 11
(7 FEBRUARY 2010)**

- 2E.** There was submitted a report dated 17 March 2010 (circulated) by the Executive Head of Finance and Asset Management which advised Members of the projected financial position for the year based on expenditure to 7 February 2010 (Period 11) and information provided by Executive Directors.

Cabinet agreed:-

- (i) having noted that the prize money of £2,500 referred to at Paragraph 2.9 of the report related to an award for the Dalmellington Area Centre and that the principle was to expend that money within the local area, namely to fund the Art trail being developed by Doon Academy, to proceed with this proposal, ensuring that local Elected Members were aware of the proposal but recognising if required, that the Executive Head of Finance and Asset Management would report back to Cabinet in the event that an alternative proposal required approval;
- (ii) to note that the contract figure exceeded the accepted tender value by more than 10% in respect of the Crosshouse Nursery window replacement as noted at paragraph 5.2 of the report;
- (iii) to approve the set aside of the balance of uncommitted funding on the sports pavilions capital allocation of £0.200M in respect of the Kilmarnock Athletics Facility project to be drawn down if required, as noted at paragraph 5.3 of the report; and
- (iv) otherwise, to note the contents of the report.

Councillor Iain Linton left the meeting during discussion of the above item.

Church Representative Bill McGregor, Parent Representative David Fraser and Teacher Representative Bryce Wilson left the meeting at this point.

IMPROVING COMMUNITY SAFETY

**GENERAL SERVICES REVENUE BUDGET 2010/11: FUNDING FOR TACKLING
ANTI-SOCIAL BEHAVIOUR IN EAST AYRSHIRE
(Item 2, Pages 1017 & 1018, 07/12)**

- 3.** There was submitted a report dated 23 March 2010 (circulated) by the Executive Director of Neighbourhood Services which advised Cabinet of the outcome of

discussions with Strathclyde Police on the use of funding to tackle anti-social behaviour and put forward options to better manage resources as part of the Council's agreed budget strategy.

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

- (i) having considered the options set out in Section 4 for funding activities to tackle anti-social behaviour in East Ayrshire, to proceed with the reconfiguration of the existing Community Warden Service as set out in Option 1; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment that the funding level for Community Wardens continue at the 2009/10 levels.

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

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

CHARGES FOR LEISURE SERVICES 2010/11 (Item 9E, Pages 890 & 891, 07/12)

4. There was submitted a report dated 15 March 2010 (circulated) by the Executive Director of Neighbourhood Services which sought approval for revised charges for a range of Leisure Services provided by the Council for implementation from 1 April 2010.

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

- (i) to approve the proposed charges outlined in Appendices 1 to 6 to be implemented from 1 April 2010;
- (ii) to approve the continuation of the Serving Soldiers Pilot Scheme into 2010/11; and
- (iii) otherwise, to note the contents of the report.

Councillor Maureen McKay seconded by Councillor Barney Menzies, moved as an amendment approval of the recommendations as detailed in the report together with an additional recommendation as detailed at (iii) below, namely:-

- (i) to approve the proposed charges outlined in Appendices 1 to 6 to be implemented from 1 April 2010;
- (ii) to approve the continuation of the Serving Soldiers Pilot Scheme into 2010/11;
- (iii) to request that in respect of all Services covered for 2010/11, all managers were able to ensure, in terms of the Leisure Manager's Challenge of Charging Checklist, that they did know the cost of delivering their services; and
- (iv) 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.

LEISURE SERVICES GRANT FUNDING TO EXTERNAL ORGANISATIONS

5.1 Declarations of Interest

Councillors Hugh Ross, Barney Menzies and Kathy Morrice declared a non-financial interest in this item (Councillors Morrice and Menzies in respect of Cumnock and District Leisure Group and Councillor Ross in respect of Kilmarnock Leisure Centre Trust) in accordance with paragraphs 5.17 and 5.18 of the Councillors' Code of Conduct and left the meeting.

5.2 Consideration of Item

There was submitted a report dated 16 March 2010 (circulated) by the Executive Director of Neighbourhood Services which advised Members of the Cabinet (i) of the outcome of the evaluation of grant funding projects; and (ii) which sought approval for future funding arrangements for 2010/11 and revised reporting and monitoring arrangements.

Councillor Douglas Reid, seconded by Councillor John MacKay, moved that, as the Galleon Centre continued to perform exceptionally well but the building was ageing and required investment and upgrading to ensure that all its facilities continued to be available and meet customer expectations to:-

- (i) support the application from Kilmarnock Leisure Centre Trust and approve funding of £206,350;
- (ii) support the application from Cumnock and District Leisure Group and approve funding of £153,000;
- (iii) support the application from Dunlop and District Community Company but to only approve funding of £4,642 at this time with a further report being brought back to Cabinet;
- (iv) support the application from Dunlop and Lugton Park Association and approve funding of £950; and
- (v) otherwise, to note the contents of the report.

Councillor Maureen McKay moved an alternative proposal which failed to receive a seconder and it was agreed that her dissent to this decision be recorded.

Councillor Ross, Menzies and Morrice rejoined the meeting at this point.

ADJOURNMENT/RECONVENTION OF MEETING

6. The meeting adjourned at 1227 hours and reconvened at 1238 hours with the same Members and Officers present and in attendance under exception of John Griffiths, Head of Leisure Services.

COMMERCIAL WASTE AND SPECIAL UPLIFT CHARGES

7. There was submitted a report dated 24 March 2010 (circulated) by the Executive Director of Neighbourhood Services which sought Cabinet approval for the revised commercial waste and special household waste collection charges for implementation from 1 April 2010.

Cabinet agreed:-

- (i) to approve the proposed charging mechanism as highlighted in Appendices 1 and 2 of the report; and
- (ii) to remit to the Executive Director of Neighbourhood Services to submit a report to a future meeting of Cabinet in respect of average weight loads carried by Council skips in terms of ensuring that cognisance was taken in recovering associated landfill tax charges by skip users.

**TREASURY MANAGEMENT AND INVESTMENT STRATEGY STATEMENT
2010/11 TO 2012/13**

8. There was submitted a report dated 9 March 2010 (circulated) by the Executive Head of Finance and Asset Management which sought Cabinet approval of the proposed Treasury Management Strategy Statement for 2010/11 which incorporated an Annual Investment Strategy and set out for consideration and approval the required Prudential Indicators. The report also sought Members' approval for the adoption of the revised Chartered Institute of Public Finance and Accountancy (CIPFA) Treasury Management Code of Practice in the Public Services 2009.

Cabinet agreed:-

- (i) to approve the Treasury Management and Investment Strategy Statement 2010/11-2012/13;
- (ii) to approve the adoption of the CIPFA Treasury Management Code of Practice 2009;
- (iii) to approve the Prudential Indicators as set out in Appendix A of the report;
- (iv) to note the proposed changes to the counterparty list as set out in paragraphs 8.4 and 8.5 of the report;
- (v) to note that the proposed Elected Member training, referred to in Paragraph 12 of the report, would be designed to clarify exactly the specific roles and responsibilities of Elected Members within the treasury management function and that the Church, Teacher and Parent Representatives would be invited to attend; and
- (vi) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

9. 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".

**PROPOSED SALE OF GROUND AT SKERNIELAND ROAD, FENWICK (PARA 9)
(Item 21, Page 895, 07/12)**

10. There was submitted a joint report dated 22 March 2010 (circulated) by the Executive Head of Finance and Asset Management and the Solicitor to the Council (i) which provided an update on the proposed disposal of ground at Skernieland Road, Fenwick, to the company identified in the report, or their assignees, as

approved by Cabinet on 21 October 2009; and (ii) which sought authority to proceed with the disposal on the basis of that authority and the revised terms and conditions detailed within the report.

Cabinet agreed to approve the sale of 2.46 hectares (6.093 acres) or thereby, of ground at Skernieland Road, Fenwick to the company identified in the report on the revised terms and conditions as detailed at paragraph 8 of the report and on the remaining terms and conditions previously approved by Cabinet on 24 January 2008 and 21 October 2009, subject to the consent of the Scottish Government in terms of Section 12(7) of the Housing (Scotland) Act 1987, to the District Valuer reviewing the revised arrangements and to authorise the Solicitor to the Council to conclude matters on behalf of the Council.

TEACHER - REQUEST FOR EARLY RETIREMENT WITH TWO YEARS ENHANCEMENT (PARA 1)

11. There was submitted a report dated 22 March 2010 (circulated) by the Executive Director of Educational and Social Services and the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet approval for one Teacher 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 to approve the early retirement arrangements as detailed in Appendix A.

The meeting terminated at 1325 hours.