

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 1 APRIL 2009 AT 1000 HOURS  
IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Iain Linton, John MacKay, Jim Buchanan, John Knapp, Hugh Ross, Jim Todd, Robert McDill and Kathy Morrice.

**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; John Griffiths, Head of Leisure; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Andrew Sutherland, Head of Service: Schools; Gwen Barker, Community Planning and Partnership Manager; Anneke Freel, Countryside Development Manager; and Christine Baillie, Administrative Officer.

**APOLOGIES:** Councillors Douglas Reid and Jim Roberts.

**CHAIR:** Councillor Iain Linton, Depute Leader.

**COMMUNITY PLANNING AND EQUALITIES****MID-TERM REVIEW OF COMMUNITY PLANNING (Item 6, Page 2729, 03/07)**

1. There was submitted a report dated 25 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented to Cabinet for consideration and endorsement a high level summary of the actions contained within the revised Community Planning Thematic Action Plans 2009-11 and the Mid-Term Review of the Improving Community Safety Action Plan.

Cabinet agreed:-

- (i) to endorse the new Community Plan Action Plans in relation to Improving Lifelong Learning, Delivering Community Regeneration and Improving Health and Wellbeing;
- (ii) to endorse the Mid-Term Review of Improving Community Safety Action Plan; and
- (iii) otherwise, to note the contents of the report.

**COMMUNITY WELLBEING****LEISURE AND CULTURAL STRATEGY (Item 5, Page 480, 07/12)**

2. There was submitted a report dated 25 March 2009 (circulated) by the Executive Director of Neighbourhood Services which reported on the consultation process associated with the Council's draft Leisure and Cultural Strategy and which sought

approval to adopt the finalised strategy and associated Strategic Environmental Assessment.

Cabinet agreed:-

- (i) to approve the final version of the draft Leisure and Cultural Strategy for adoption;
- (ii) to approve the Strategic Environmental Assessment Post Adoption Statement; and
- (iii) otherwise, to note the contents of the report.

## **ENVIRONMENT AND REGENERATION**

### **UPDATE ON MODERNISING THE PLANNING SYSTEM (Item 8, Page 626, 07/12)**

3. There was submitted a report dated 23 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which updated Cabinet on the current position with regards to the Scottish Government's programme of modernisation for the planning system and which advised of the implications for the Council and associated timescales for implementation.

Cabinet agreed:-

- (i) to note the contents of the report, with specific regard to the timescale for implementation of the new regulations and agreed that a subsequent report on the Scheme of Delegation be submitted to Council; and
- (ii) that the Member/Officer Working Group continue to deal with current Scottish Government consultations as detailed in paragraph 6.2 of the report.

### **WHITELEE ACCESS ACTION PLAN (Item 14, Page 91, 07/12)**

4. There was submitted a joint report dated 25 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which updated Cabinet on progress made with the Whitelee Access Action Plan, sought agreement for East Ayrshire Council's future arrangements and requirements for management of the network; and which sought approval of (a) Whitelee Access Action Plan; and (b) continued involvement of Council Officers on the Whitelee Access Planning Group.

Cabinet agreed:-

- (i) to note the progress made in respect of Whitelee Windfarm and Whitelee Access Action Plan;
- (ii) to approve the additional allocation of the community benefit contributions of £52,471 for the implementation of the Access Action Plan;
- (iii) to approve the recommendation for future management and maintenance of the network within East Ayrshire to be funded from community benefit contributions of £118,267;
- (iv) to the continued involvement of the Outdoor Access Officer with support from the Countryside Development Manager on the Whitelee Access Planning Group; and

- (v) to approve the Finalised Access Action Plan.

### **OPEN SPACE STRATEGY**

5. There was submitted a report dated 25 March 2009 (circulated) by the Executive Director of Neighbourhood Services which updated Cabinet on work carried out so far in the development of the East Ayrshire Open Space Strategy and Environmental Report and which sought approval to implement the amendments to the Strategy, to adopt the Strategic Environmental Assessment (SEA) Statement and to adopt the Open Space Strategy and Environmental Report.

Cabinet agreed:-

- (i) to approve the amendments to the Draft Open Space Strategy and Environmental Report;
- (ii) to approve the responses to the comments received to the Consultative Draft Environmental Report;
- (iii) to adopt the Open Space Strategy and Environmental Report;
- (iv) to approve the SEA Statement and to authorise the Head of Leisure Services to undertake the necessary advertisement requirements as specified in the Environmental Assessment (Scotland) Act 2005; and
- (v) otherwise, to note the contents of the report.

### **2009/10 CAPITAL PROGRAMME FOR CARRIAGEWAY AND FOOTWAY STRUCTURAL MAINTENANCE AND STREET LIGHTING (Item 7, Page 636, 07/12)**

6. There was submitted a report dated 26 March 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the 2009/10 Capital Programme for carriageway and footway structural maintenance and street lighting and which noted the schemes being considered for future years' programmes.

Cabinet agreed:-

- (i) to approve the 2009/2010 programme of schemes for carriageway and footway structural maintenance and street lighting as detailed in Appendix 1 to the report; and
- (ii) to note schemes being considered for future years' programmes.

### **MAIN STREET, NEWMILNS "OUTSTANDING" CONSERVATION AREA TOWNSHEME: 47-51 MAIN STREET, NEWMILNS, OFFER OF GRANT - ADDITIONAL FUNDING REQUEST (Item 9, Page 435, 07/12)**

7. There was submitted a report dated 11 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the Council to offer an additional building repair grant of £10,000 under the Newmilns Townscheme to help bridge a funding gap that had occurred during the implementation of external works to the facades of 47-51 Main Street, Newmilns within the "Outstanding" Conservation Area.

Cabinet agreed:-

- (i) to approve an additional Newmilns Townscheme grant of £10,000 towards the application of a lime render to 47-51 Main Street, Newmilns on the basis of £10,000 match funding from Historic Scotland and an additional £5,000 from the owners; and
- (ii) otherwise, to note the contents of the report.

**THE SCOTTISH GOVERNMENT'S RESPONSE TO THE FIRST ANNUAL  
REPORT OF THE COUNCIL OF ECONOMIC ADVISORS**

8. There was submitted a report dated 12 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet of the recent publication by the Scottish Government of its response to the First Annual Report of the Council of Economic Advisors and which indicated how the work of the Council and East Ayrshire Community Planning Partnership supported the achievement of the aims of the Government's Economic Strategy.

Cabinet agreed:-

- (i) to note the broad findings of the First Annual Report of the Council of Economic Advisors on the Government's Economic Strategy;
- (ii) to note the responses of the Scottish Government to each of the recommendations; and
- (iii) to confirm the continuing commitment of East Ayrshire Council to work in partnership with its Community Planning Partners, the Scottish Government, other agencies, businesses and communities to regenerate the area, through sustainable growth.

**MATCH FUND BUDGET 2008/09 (Item 5.2, Page 307, 07/12)**

9. There was submitted a report dated 4 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended that Cabinet approve a grant of £2,000 payable from the 2008/09 Match Fund budget to the Ayrshire Rivers Trust, as a contribution to the delivery of the "Salmon in the Classroom" project, including towards the purchase of new digital coolers.

Cabinet agreed to approve an award of £2,000 to the Ayrshire Rivers Trust.

**MANAGEMENT AND RESOURCES**

**FREEDOM OF INFORMATION PUBLICATION SCHEME  
(Item 18, Page 1977, 03/07)**

10. There was submitted a report dated 18 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for a revised Freedom of Information Publication Scheme.

Cabinet agreed:-

- (i) to approve the revised Publication Scheme;
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to present the revised Publication Scheme to the Scottish Information Commissioner for his approval;

- (iii) to agree that, due to the time constraints regarding the submission of the new Publication Scheme to the Information Commissioner for approval by 4 April 2009, this decision be implemented in advance of any consideration by the Governance and Scrutiny Committee under the call-in procedure, as to delay submission would prejudice the Council's position; and
- (iv) otherwise, to note the contents of the report.

### **CONTAMINATED LAND SUPPORT SERVICE CONTRACT**

11. There was submitted a report dated 19 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for entering into a negotiated Contaminated Land Support Service Contract with Enviros Consulting Ltd, 61 The Shore, Leith, Edinburgh EH6 6RA.

Cabinet agreed:-

- (i) to give approval for the Head of Legal, Procurement and Regulatory Services to negotiate a contract for the provision of Contaminated Land Support Services with Enviros Consulting Ltd in accordance with paragraph 20(1) of the Council's Standing Orders Relating to Contracts; and
- (ii) otherwise, to note the contents of the report.

### **LAND AT LITTLEMILL ROAD, DRONGAN (Item 28, Pages 2819, 2820, 03/07)**

12. There was submitted a report dated 11 February 2009 (circulated) by the Executive Head of Finance and Asset Management which requested that Cabinet agree to provide financial assistance to Irvine Housing Association Ltd to meet Extraordinary Development Costs identified by the Association relative to their proposed housing development at Littlemill Road, Drongan.

Cabinet agreed to approve payment to Irvine Housing Association Ltd to contribute to the extraordinary development costs associated with the development of their site at Littlemill Road, Drongan as detailed in paragraph 3.2 of the report.

### **EXCLUSION OF PRESS AND PUBLIC**

13. 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".

### **SEVERANCE ARRANGEMENTS (PARA 1)**

14. There was submitted a report dated 17 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of severance arrangements for two employees within the Department of Neighbourhood Services.

Cabinet agreed:-

- (i) to approve the severance arrangements for the employee detailed in both paragraph 2 of the report and as outlined in Appendix 1 of the report; and

- (ii) having heard an update from the Depute Chief Executive/Executive Director of Corporate Support in connection with the employee detailed in paragraph 3 of the report, to note that the employee had now commenced a work trial within the Department of Educational and Social Services through the Council's redeployment procedures and would, therefore, not leave the Council's service at this time and accordingly no decision in terms of severance arrangements was required at this time.

**TEACHER REFRESH SCHEME - REQUEST FOR EARLY  
RETIREMENT (PARA 1)**

15. There was submitted a report dated 9 March 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for 48 teachers and one Quality Improvement Officer in the Educational and Social Services Department 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 request from 48 teachers and one Quality Improvement Officer in the Department of Educational and Social Services to retire early from the Council's service effective from 13 August 2009 under the terms of the Teachers (Compensation for Premature Retirement) (Scotland) Regulations 1997; and
- (ii) otherwise, to note the contents of the report.

**ACQUISITION OF GROUND AT RICHMOND TERRACE, CUMNOCK (PARA 9)**

16. There was submitted a joint report dated 23 March 2009 (circulated) by the Executive Head of Finance and Asset Management and the Solicitor to the Council which authorised the acquisition of an area of ground extending to 5,208 square metres or thereby, at Richmond Terrace, Cumnock from the Marquis of Bute's 1929 Settlement Trust.

Cabinet agreed:-

- (i) to authorise the Solicitor to the Council to acquire the ground extending to 5,208 square metres or thereby at Richmond Terrace, Cumnock from the 1929 Settlement Trust on the terms and conditions detailed in the report;
- (ii) in recognition of the background and the need to ensure that the Council could expedite the acquisition to ensure that the Council's position is not prejudiced and to protect the Council's legal, financial, commercial and reputational interest, that the above decision be implemented ahead of any consideration by the Governance and Scrutiny Committee in terms of the Council's call-in procedure; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1141 hours.