

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 12 JANUARY 2011 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Robert Keohone (as substitute for Maureen McKay), Jim Buchanan, Jim Todd, Robert McDill, Neil McGhee (as substitute for Barney Menzies); Jim Roberts and Kathy Morrice.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; 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; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Maureen McKay, Hugh Ross and Barney Menzies.

CHAIR: Councillor Douglas Reid, Leader of the Council.

IMPROVING COMMUNITY SAFETY**REMOVAL OF ROADS FROM LIST OF PUBLIC ROADS**

1. There was submitted a report dated 18 November 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought Cabinet's approval to remove Farden Avenue, New Cumnock; Greenhill Avenue, New Cumnock; and a length of Mossdale Terrace, Bellsbank from the List of Public Roads.

Cabinet agreed:-

- (i) to approve the removal of Farden Avenue, New Cumnock; Greenhill Avenue, New Cumnock; and a length of Mossdale Terrace, Bellsbank, as detailed within the report, from the List of Public Roads; and
- (ii) otherwise, to note the contents of the report.

DELIVERING COMMUNITY REGENERATION**RESPONSES TO THE CONSULTATION ON THE POTENTIAL NEW COAL EXTRACTION RATE FOR THE MINERALS TRUST FUND
(Item 3, Pages 1082, 1083, 07/12)****2.1 Declarations of Interest**

Having heard from the Head of Legal, Procurement and Regulatory Services, those members of Cabinet present, who were also Trustees of the Minerals Trust, namely Councillors Jim Roberts and Kathy Morrice, declared a non-financial interest in the

undernoted item in accordance with Paragraph 5.18 of the Councillors' Code of Conduct and left the meeting.

2.2 Consideration of Item

There was submitted a report dated 5 January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which informed Cabinet of the outcome of a consultation exercise on 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 which presented for approval a set of suggested Council responses to representations received during the consultation process.

Cabinet agreed:-

- (i) that no change be made to the current voluntary contribution rate of 27.5p per tonne of coal extracted;
- (ii) to approve the suggested Council response to representations set out in Appendices 1(a) and 1(b) of the report;
- (iii) to note that a comprehensive review of the Opencast Coal Subject Plan, including the rate, method and types of projects funded, would be undertaken as part of the preparation of the East Ayrshire Local Development Plan and that, following approval of the outcome of the review of the Renewable Energy Fund, the approved principles of the Renewable Energy Fund be included and considered within the context of the review of the Opencast Coal Subject Plan;
- (iv) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to report to a future meeting of Cabinet on the Council's restoration procedures and practices in respect of opencast coal operations and their effect in respect of each ongoing project; and
- (v) otherwise, to note the contents of the report.

Councillors Jim Roberts and Kathy Morrice rejoined the meeting at this point.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

CHIEF OFFICERS, LOCAL GOVERNMENT EMPLOYEES AND CRAFT OPERATIVES LOCAL GOVERNMENT PENSION SCHEME (LGPS) - INTERNAL DISPUTES RESOLUTION PROCEDURE

3. There was submitted a report dated 13 December 2010 (circulated) by the Executive Director of Finance and Corporate Support which recommended to Cabinet the appointment of the Head of Legal, Procurement and Regulatory Services as the "Appointed Person" under the Local Government Pension Scheme Internal Disputes Resolution Procedure.

Cabinet agreed:-

- (i) to appoint the Head of Legal, Procurement and Regulatory Services as the "Appointed Person" under the Local Government Pension Scheme Internal Disputes Resolution Procedure; and
- (ii) otherwise, to note the contents of the report.

MINUTES OF MEETINGS OF CENTRAL JOINT CONSULTATIVE COMMITTEE

- 4.1 There were submitted and noted the Minutes of meetings of the Central Joint Consultative Committee held on 25 November 2010 (Special Meeting) and 2 December 2010 (circulated).

EXCLUSION OF PRESS AND PUBLIC

5. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act".

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

VOLUNTARY SEVERANCES AND UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENT SCHEME

6. There was submitted a report dated 22 December 2010 (circulated) by the Executive Director of Finance and Corporate Support (i) which sought Cabinet's approval of requests for voluntary severance from two employees within the Department of Neighbourhood Services; and (ii) which advised Cabinet of an employee who had left the Council's service under the Council's Redundancy Payment Scheme via the Head of Human Resources' delegated authority.

Cabinet agreed:-

- (i) to approve the Voluntary Severance Arrangements as detailed in Appendix A to the report; and
- (ii) to note that an employee had left the Council's Service on the grounds of redundancy in terms of the Head of Human Resources' delegated authority as detailed in Appendix A to the report.

The meeting terminated at 1023 hours.