

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 26 JANUARY 2011 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, 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 Representatives Maria Dorrian and Ian Rennie; Parent Representative David Fraser and Teacher Representative Bryce Wilson.

**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; Craig McArthur, Head of Finance; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure; John Bryson, Head of Roads and Transportation; Susan Taylor, Head of Service: Children and Families and Criminal Justice; Eddie Fraser, Head of Service: Community Care; Andrew Sutherland, Head of Service: Schools; Andrew Kennedy, Acting Head of Service: Facilities Management; Kerr Chalmers, Traffic and Road Safety Manager; and Christine Baillie, Senior Administrative Officer.

**APOLOGY:** Councillor Jim Buchanan.

**CHAIR:** Councillor Douglas Reid, Leader of the Council.

**PROMOTING LIFELONG LEARNING****PRIORITIES FOR RAISING ATTAINMENT IN EAST AYRSHIRE SCHOOLS AND EARLY YEARS ESTABLISHMENTS - PROGRESS REPORT ON FIRST YEAR OF IMPLEMENTATION**

- 1E.** There was submitted a report dated November 2010 (circulated) by the Executive Director of Educational and Social Services which updated and sought approval for the actions taken in year one of the report: Priorities for Raising Attainment in East Ayrshire Schools and Early Years Establishments (2009-2012).

Cabinet agreed:-

- (i) to approve the actions taken by educational establishments and the Department of Educational and Social Services in session 2009-2010 to continually improve attainment and achievement across all of its educational establishments;
- (ii) to note the progress made with regard to attainment, achievement, attendance, exclusions and leaver destinations during 2009-2010;
- (iii) that the Executive Director of Educational and Social Services continues to report annually on progress made against the benchmarked performance set out in the original report;

- (iv) to refer the report to the Governance and Scrutiny Committee for its interest; and
- (v) otherwise, to note the contents of the report.

Councillor Maureen McKay joined the meeting during discussion of the above item.

**SCHOOL MEALS ETHICAL INCENTIVE SCHEME  
(Item 7E, Page 402, 07/12)**

- 2E.** There was submitted a report dated 12 January 2011 (circulated) by the Executive Director of Educational and Social Services which provided an update on the school meals ethical incentive scheme "Get Stuck In" and which recommended an adaption of the Scheme to develop a partnership with the Charity Mary's Meals.

Cabinet agreed:-

- (i) to note the success of the Get Stuck In incentive scheme;
- (ii) to approve the implementation of a new incentive scheme in partnership with the Mary's Meals Charity; and
- (iii) otherwise, to note the contents of the report.

**STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

**SITE OF THE FORMER CROSSROADS PRIMARY SCHOOL SITE:  
DECLARATION OF SURPLUS GROUND  
(Item 2E, Pages 1233 & Pages 1234, 07/12)**

- 3E.** There was submitted a report dated 6 January 2011 (circulated) by the Executive Director of Educational and Social Services which sought approval for the declaration of the Crossroads Primary School site surplus to Educational requirements.

Cabinet agreed:-

- (i) to approve the declaration of the former Crossroads Primary School site as surplus to Educational requirements;
- (ii) to instruct the Executive Director of Finance and Corporate Support to proceed with the disposal in accordance with established procedures;
- (iii) to note the expression of interest regarding the possibility of a community group acquiring the site as outlined in Paragraph 3.2 of the report and that the commencement of the disposal procedures agreed under (ii), above, would not, in principle, prevent the party in question from submitting a formal offer at the appropriate stage of the procedures; and
- (iv) otherwise, to note the contents of the report.

**2010/11 REVIEW OF DEPARTMENTAL BALANCES  
(Item 1E, Pages 1439 & 1440, 07/12)**

- 4E.** There was submitted a report dated 19 January 2011 (circulated) by the Executive Director of Finance and Corporate Support which allowed Members to review departmental balances following the completion of the audit of the 2009/2010 Statement of Accounts.

Cabinet agreed:-

- (i) to approve the transfers detailed at paragraph 4.3 of the report totalling £1.384m;
- (ii) to approve the reallocation of balances as detailed at paragraphs 4.4 and 4.5 of the report; and
- (iii) otherwise, to note the contents of the report.

**FINANCE AND SERVICE STRATEGY REPORT BASED ON PERIOD 9  
(12 DECEMBER 2010)**

- 5E.** There was submitted a report dated 19 January 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of the projected financial position for the year based on expenditure to 12 December 2010 (Period 9) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the budget virement in respect of additional Capital Funded from Current Revenue/Planned Maintenance works within the Housing Revenue Account as at Paragraph 3.1 of the report; and
- (ii) otherwise, to note the contents of the report.

Councillor Hugh Ross joined the meeting during discussion of the above item.

**IMPROVING COMMUNITY HEALTH AND WELLBEING**

**EAST AYRSHIRE CHILD PROTECTION COMMITTEE ANNUAL REPORT  
(2009/2010) AND BUSINESS PLAN (2008/2011) (Item 7E, Page 1423, 07/12)**

- 6E.** There was submitted a report dated 12 January 2011 (circulated) by the Executive Director of Educational and Social Services which advised of the development of the East Ayrshire Child Protection Committee Annual Report (2009/2010) and the Business Plan (2008/2011) which incorporated the Annual Plan for 2010/2011.

Cabinet agreed to endorse the work which had taken place, as summarised within the report, within the East Ayrshire Child Protection Committee in the development and implementation of the Annual Report (2009/10) and the Business Plan (2008/11) which incorporated the 2010/11 Action Plan.

**OPTION APPRAISAL - RELOCATION OF FLOWERBANK NURSERY AND  
PROVISION OF NEW ADULT DAY SERVICE FACILITIES IN KILMARNOCK  
TOWN CENTRE (Item 2, Page 1440, 07/12)**

- 7E.** There was submitted a joint report dated 10 January 2011 (circulated) by the Executive Director of Finance and Corporate Support and the Executive Director of Educational and Social Services which advised of an appraisal of options in respect of the relocation of the Flowerbank Nursery and Family Centre and the provision of a new Adult Day Service Facility within Kilmarnock Town Centre and which recommended an option based on this appraisal.

Cabinet agreed:-

- (i) to note the option appraisal work carried out, as detailed at paragraphs 4-6 of the report;
- (ii) to approve the proposal to construct a new Adult Day Service Facility on the site of the Woodstock Centre and to refurbish and extend the Woodstock School to provide replacement facilities for Flowerbank Nursery and Family Centre and for the developments to commence on a phased basis;
- (iii) to remit to the respective Project Management Teams to commence the necessary consultations for each individual scheme; and
- (iv) otherwise, to note the contents of the report.

## **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

### **REVIEW OF MANAGEMENT STRUCTURES**

**(Item 1E, Pages 1439 & 1440, 07/12)**

- 8E.** There was submitted a report dated 13 January 2011 (circulated) by the Chief Executive which advised of the detailed arrangements for the review of the Council's management structures in all services; which sought approval of the Guiding Principles that would be used to inform the review and agreement of a programme to facilitate its implementation.

Cabinet agreed:-

- (i) to recommend that Council agrees the proposed arrangements for the review of the Council's management structures as outlined within the report;
- (ii) to recommend that Council agrees the Guiding Principles as detailed in Appendix 2 of the report and that these be used to inform an intensive change process, which over the next year would challenge existing management arrangements;
- (iii) to recommend that Council agrees the review programme and timetable as detailed in Appendix 3 of the report;
- (iv) that the outcome of all 18 reviews of service management arrangements be reported to Cabinet as soon as they are concluded;
- (v) where the recommendations arising from individual service reviews included proposals which also impacted on another service, that in accordance with the requirements of the current Scheme of Delegation, Cabinet would make recommendations to Council in respect of these cross cutting issues; and
- (vi) otherwise, to note the contents of the report.

Church Representatives Maria Dorrian and Ian Rennie, Parent Representative David Fraser and Teacher Representative Bryce Wilson left the meeting at this point.

### **ADJOURNMENT/RECONVENTION OF MEETING**

- 9.** Cabinet adjourned at 1212 hours and reconvened at 1224 hours with the same Members and Officers present and in attendance, under exception of Craig McArthur, Head of Finance; Andrew Kennedy, Acting Head of Facilities

Management; Eddie Fraser, Head of Service: Community Care; and Andrew Sutherland, Head of Service: Schools.

## **IMPROVING COMMUNITY HEALTH AND WELLBEING**

### **MULTI AGENCY PUBLIC PROTECTION ARRANGEMENTS ANNUAL REPORT 2009/2010**

10. There was submitted a report dated 12 January 2011 (circulated) by the Executive Director of Educational and Social Services which advised of the publication of the Annual Report 2009/2010 in respect of the Multi Agency Public Protection Arrangements.

Cabinet agreed to endorse the Executive Director's report and the attached Annual Report 2009/2010.

Councillor Maureen McKay re-joined the meeting during discussion of the above item.

### **KILMARNOCK ATHLETICS FACILITY (Item 11, Pages 891 & 892, 07/12)**

11. There was submitted a joint report dated January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services and the Executive Director of Finance and Corporate Support which updated Cabinet on the project to construct new high quality athletics facilities at Queen's Drive, Kilmarnock, and which sought approval for the re-allocation of balances to facilitate the award of the contract for construction of the new complex.

Cabinet agreed:-

- (i) to note the changes made to the project design to accommodate requirements of relevant stakeholders;
- (ii) to approve the reallocation of £0.900m from uncommitted balances within the 10 Year Capital Programme to fund the shortfall on the project, which would be reviewed in light of any formal funding award from Sportscotland; and
- (iii) otherwise, to note the contents of the report.

## **DELIVERING COMMUNITY REGENERATION**

### **DECRIMINALISED PARKING - ENFORCEMENT IN EAST AYRSHIRE**

12. There was submitted a report dated 20 January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for (i) the Head of Roads and Transportation to prepare a scheme for the implementation of Decriminalised Parking Enforcement (DPE) across the whole of East Ayrshire; (ii) the Head of Roads and Transportation to seek external funding towards the set up costs of a DPE Scheme; (iii) further investigation into the appropriate number of parking attendants needed to operate DPE in East Ayrshire; (iv) consultations with neighbouring Local Authorities regarding the possibility of a shared service to process Penalty Charge Notices; and (v) discussions with Strathclyde Police regarding the introduction of DPE in East Ayrshire.

Cabinet agreed:-

- (i) to remit to the Head of Roads and Transportation to proceed with the activities identified in the draft programme set out in Appendix 4 of the report for the implementation of a Decriminalised Parking Scheme for East Ayrshire;
- (ii) to remit to the Head of Roads and Transportation to seek a capital grant from external agencies as a contribution towards the set-up costs of the DPE Scheme;
- (iii) to remit to the Head of Roads and Transportation to carry out further investigation into the number of Parking Attendants needed to efficiently operate DPE on the streets of East Ayrshire and thereafter the Depute Chief Executive/Executive Director of Neighbourhood Services report to Cabinet on further personnel implications and seeking approval of a future structure for this unit;
- (iv) to consult with neighbouring Local Authorities and other interested parties with a view to implementing a shared service for the process of Penalty Charge Notices; the outcome to be the subject of a future report to Cabinet;
- (v) to remit to the Head of Roads and Transportation to enter into discussions with Strathclyde Police at the outset of setting up the Project Steering Group and that the outcome of those discussions, insofar as they related to the existing Traffic Wardens, should inform any staffing proposals to be presented to a future Cabinet meeting under (iii), above, before the end of 2011 at the latest;
- (vi) that the Depute Chief Executive/Executive Director of Neighbourhood Services provide regular progress reports for Cabinet's consideration; and
- (vii) otherwise, to note the contents of the report.

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

## **IMPROVING COMMUNITY SAFETY**

### **2010 FIREWORKS DISPLAY (Item 21, Page 1242, 07/12)**

- 13.** There was submitted a report dated 17 January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which reported on the performance of the 2010 Firework Display held in Kay Park, Kilmarnock, on 5 November 2010.

Cabinet agreed:-

- (i) to note the successful delivery of the 2010 Firework Display;
- (ii) to approve the staging of the event in 2011 and future years, and to the areas for further action as highlighted in paragraph 8.2 of the report; and
- (iii) otherwise, to note the contents of the report.

### **EXTENSION OF THE EXISTING 30 MPH SPEED LIMIT ON ROUTE B778 STEWARTON ROAD, THE A77 AND M77 SLIP ROAD, FENWICK**

- 14.** There was submitted a report dated January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to

extend the existing 30 mph on route B778 Stewarton Road, the A77 and M77 Slip Road, Fenwick.

Cabinet agreed:-

- (i) to approve the proposal to extend the existing 30 mph speed limit on route B778 Stewarton Road, A77 and M77 Slip Roads, Fenwick;
- (ii) to remit to the Head of Roads and Transportation to pursue possible speed restrictions on the B778 from the roundabout westwards to just beyond the Glaister Cottage bend; and
- (iii) otherwise, to note the contents of the report.

#### **MANDATORY 20 MPH SPEED LIMIT ORDERS FOR VARIOUS RESIDENTIAL AREAS IN AUCHINLECK, MAUCHLINE AND NEW CUMNOCK**

15. There was submitted a report dated January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for the introduction of mandatory 20 mph speed limits in residential areas in East Ayrshire.

Cabinet agreed:-

- (i) to approve the making of the Order for 20 mph speed limits at the locations outlined in Paragraph 3.1 of the report; and
- (ii) otherwise, to note the contents of the report.

Cabinet noted that an objection had been received in respect of the Road Humps Notice, which was subject to further consideration by the Head of Roads and Transportation.

#### **PROPOSED 20 MPH SPEED LIMIT ORDER, VARIOUS ROADS, BONNYTON AREA, KILMARNOCK**

16. There was submitted a report dated January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to introduce a new mandatory 20 mph speed limit on various roads in the Bonnyton Area, Kilmarnock.

Cabinet agreed:-

- (i) to approve the making of the Order for a 20 mph speed limit at the locations indicated in Paragraph 3.1 of the report; and
- (ii) otherwise, to note the contents of the report.

#### **A70/A71 RURAL ROUTE IMPROVEMENT FEASIBILITY STUDY**

17. There was submitted a report dated 20 January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services on the A70 and A71 Rural Route Improvement Feasibility Study carried out by WSP Consultants and the recommendations contained in the final report.

Cabinet agreed:-

- (i) to note that a study of Rural Route Improvements had been carried out which recommended improvement projects for the A70 and A71;

- (ii) to authorise the Head of Roads and Transportation to seek funding from SPT on behalf of East Ayrshire Council, South Lanarkshire Council and South Ayrshire Council to extend the study to cover the entire length of the rural single carriageway sections of the A70 and A71 between the M74 Corridor and the main Ayrshire towns;
- (iii) that the projects in Appendix 3 would:-
  - (a) form the basis of future bids to Strathclyde Partnership for Transport for grant allocations;
  - (b) be considered for Developer Contributions, where appropriate; and
  - (c) be the subject of future reports to Cabinet with regard to programming implementation of the projects, when detailed designs and cost estimates had been prepared; and
- (iv) that the Head of Roads and Transportation initiate land negotiations for the future implementation of Phase 2 of the Glenbuck re-alignment, subject to consultations with South Lanarkshire Council.

### **PROPOSED RESIDENT PARKING SCHEME IN KILMARNOCK**

- 18.** There was submitted a report dated 20 January 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services (i) which informed Cabinet of options for a proposed Permit Parking Scheme for residential areas surrounding Kilmarnock Town Centre; and (ii) which sought agreement for the Head of Roads and Transportation to begin the public consultation procedure.

Cabinet agreed:-

- (i) to include within the questionnaire that the administration fee for the Resident Parking Permit, if approved, would be in the region of £25.00;
- (ii) that the Head of Roads and Transportation implement the consultations as outlined in Paragraph 5 of the report;
- (iii) subject to the outcome of the initial consultation being generally supportive of a Resident Parking Scheme for Kilmarnock, to remit to the Head of Roads and Transportation to develop a Resident Parking Scheme;
- (iv) that the Depute Chief Executive/Executive Director of Neighbourhood Services submit a report to Cabinet on the recommendations for the Finalised Scheme; and
- (v) otherwise, to note the contents of the report.

Cabinet noted that the maps circulated with the Agenda papers to Members should have included reference to Fultons Lane and Robertson Place.

### **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

#### **CHIEF OFFICERS, LOCAL GOVERNMENT EMPLOYEES, CRAFT OPERATIVES LOCAL GOVERNMENT PENSION SCHEME EMPLOYERS' DISCRETIONS**

**(Item 18, Page 894, 07/12)**

- 19.** There was submitted a report dated 22 December 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought approval of proposed

revisions to the Council's current Statement of Policy of Employers' Discretions which were required as a result of revisions to the Council's severance arrangements.

Cabinet agreed to approve the proposed revisions to the Council's current Statement of Policy of Employers' Discretions which were required as a result of revisions to the Council's severance arrangements.

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

20. 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 Paragraph 1 of Schedule 7A of the Act".

### **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

#### **CRAFT OPERATIVES - REVISED PAY AND GRADING (Item 10, Page, 07/12)**

21. There was submitted a report dated 12 January 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of the outcome of consultations with the Trade Unions on revised pay, grading and conditions of service proposals for Craft Operatives; and which submitted for approval proposals in respect of pay protection; and which set out for approval implementation arrangements.

Cabinet agreed:-

- (i) to note that it had not been possible to reach a collective agreement with the Trade Unions on the revised pay, grading and conditions of service for Craft Operatives and related cash conservation arrangements;
- (ii) to note that the Trade Unions had asked that these matters be considered by the Appeals Panel;
- (iii) that, in the event of the Appeals Panel rejecting the Trade Unions' submission, that the Head of Human Resources be authorised to issue letters to individual craft operatives as set out in Paragraph 5.1 of the report; and
- (iv) otherwise, to note the contents of the report.

### **SEVERANCES AND UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENTS SCHEME**

22. There was submitted a report dated 14 January 2011 (circulated) by the Executive Director of Finance and Corporate Support (i) which sought approval of severance arrangements which related to three employees in the Department of Neighbourhood Services; twelve employees in the Department of Educational and Social Services; and one employee in the Department of Finance and Corporate Support; and (ii) which advised of the number of employees who had left the Council's service under the Council's Redundancy Payments Scheme via the Head of Human Resources' delegated authority.

Cabinet agreed:-

- (i) to approve the voluntary severance arrangements as detailed in Appendices A and B to the report; and
- (ii) to note the number of employees who 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 C to the report.

The meeting terminated at 1436 hours.