

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 9 MARCH 2011 AT 1000 HOURS IN 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 and Barney Menzies; and Church Representative Iain 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; Alex McPhee, Executive Director of Finance and Corporate Support; Craig McArthur, Head of Finance; Martin Rose, Head of Human Resources; Malcolm Roulston, Head of Information Technology and Asset Management; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Andrew Kennedy, Acting Head of Facilities Management; Kevan Aitken, Network & Performance Manager; Simon Bell, Project Delivery Manager; and Jennifer Morrison, Administrative Officer.

APOLOGIES: Councillors Jim Buchanan and Kathy Morrice; and Church Representative Maria Dorrian.

CHAIR: Councillor Douglas Reid, Leader of the Council.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**FINANCE AND SERVICE STRATEGY REPORT BASED ON PERIOD 11
(6 FEBRUARY 2011)**

- 1E.** There was submitted a report dated 21 February 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on the projected financial position for the year based on expenditure to 6 February 2011 (Period 11) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to note that there were no Education recommendations arising from the report;
- (ii) to approve the Neighbourhood Services earmarked balances as noted at Paragraph 2.5 of the report;
- (iii) that the refurbished office complex in Strand Street be named the "Johnnie Walker Bond";
- (iv) to receive a report at a future Cabinet meeting providing details of companies which had benefitted from the Council's Capital Investment Programme; and
- (v) otherwise, to note the contents of the report.

PROMOTING LIFELONG LEARNING

SORN PRIMARY SCHOOL CAPITAL PROGRAMME UPDATE AND DECANT ARRANGEMENTS

- 2E.** There was submitted a joint report dated 24 February 2011 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Finance and Corporate Support which advised on the current project to upgrade Sorn Primary School and outlined the decant arrangements for pupils during the construction phase of the project.

Cabinet agreed:-

- (i) to note the progress to date of the project as detailed in the report;
- (ii) to endorse the decant proposals for the continued education of the Sorn Primary School pupils; and
- (iii) otherwise, to note the contents of the report.

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

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

NEIGHBOURHOOD SERVICES: GRANT FUNDING TO EXTERNAL BODIES 2011/12

3.1 Declarations of Interest

Councillors Maureen McKay, Hugh Ross and Barney Menzies declared non financial interests in respect of this item (Councillor Maureen McKay in relation to Dunlop and District Community Company (Dunlop Community Hall); Councillor Hugh Ross in relation to the Kilmarnock Leisure Trust (Galleon Centre); and Councillor Barney Menzies in relation to Cumnock Leisure Trust (Visions Leisure Trust)); each Councillor further intimated that the nature of their non financial interest was significant having considered the terms of the objective test, as outlined in Paragraph 5.3 of the Councillors' Code of Conduct and accordingly each withdrew from the meeting.

3.2 Consideration of Item

There was submitted a report dated 20 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised on the outcome of the 2011/12 revenue budget setting process which related to grants to external bodies by the Neighbourhood Services Department and sought approval for the level of funding agreed at Council on 10 February 2011.

Cabinet agreed:-

- (i) to the level of funding for each group as detailed in Paragraph 2.4 of the report; and
- (ii) otherwise, to note the contents of the report.

Councillors Maureen McKay, Hugh Ross and Barney Menzies re-joined the meeting following consideration of the above item.

DEVELOPER CONTRIBUTIONS FUND

4.1 Declaration of Interest

Councillor Robert McDill declared a non financial interest in respect of this item in relation to the application which had been dealt with under delegated authority in relation to the Irvine Valley Regeneration Partnership and intimated that the nature of the non financial interest was not significant having considered the terms of the objective test, as outlined in Paragraph 5.3 of the Councillors' Code of Conduct and accordingly did not withdraw from the meeting.

4.2 Consideration of Item

- . There was submitted a report dated 2 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which (i) presented for determination, a summary of grant applications which sought funding support over £15,000 from the Developer Contributions Fund as follows:- (a) Kilmarnock Tennis Club - Ref: DCG/09/012; (b) Craufurdland Community Activities Ltd - Ref: DCG/10/004; and (c) Townholm Bowling Club - Ref: DCG/10/002; and (ii) submitted for information, a list of those applications which had been determined under delegated authority since 23 June 2010.

Cabinet agreed:-

- (i) to approve the specific recommendations as outlined in Section 3 of the report, namely:-
 - Kilmarnock Tennis Club - to approve funding of £18,900;
 - Craufurdland Community Activities Ltd - not to approve the application for funding. It was further agreed that the group be advised that Cabinet would welcome a future application from them, and to note that Officers would support the group in the preparation of such application;
- (ii) to continue consideration of the application from Townholm Bowling Club to the next appropriate Cabinet meeting in order that the Depute Chief Executive/Executive Director of Neighbourhood Services could further assess and reconsult on the application due to further information which had only come to light that day;
- (iii) to note the position summarised in Section 4 of the report regarding the applications approved under delegated authority; and
- (iv) otherwise, to note the contents of the report.

EAST AYRSHIRE CITIZENS ADVICE BUREAU (CAB) - FUNDING ARRANGEMENTS AND SERVICE LEVEL AGREEMENT (SLA)

- 5. There was submitted a report dated 1 March 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on the outcome of discussions with the East Ayrshire CAB in respect of, and which sought approval for, the proposed service provision arrangements from the CAB for 2011/12 to be included within a Service Level Agreement between the parties.

Cabinet agreed:-

- (i) to approve the terms of Appendix A to the report as the basis for a formal Service Level Agreement with the CAB for 2011/12;

- (ii) to note that a report on the review of income maximisation and financial inclusion services within the Council would be brought to a future meeting of Cabinet in due course;
- (iii) to note that further decisions would require to be made in respect of future years' funding of the CAB as part of the budget setting process for 2012/13;
- (iv) to note that the proposed SLA for 2011/12 would require to be adapted for future years' to take account of the future funding decisions referred to above; and
- (v) otherwise, to note the contents of the report.

Councillor Jim Roberts left the meeting during consideration of the above item.

IMPROVING COMMUNITY SAFETY

PROPOSED 20MPH SPEED LIMIT ORDER, VARIOUS ROADS, ONTHANK AREA, KILMARNOCK

6. There was submitted a report dated 24 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to make a new mandatory 20mph speed limit on various roads in the Onthank Area, Kilmarnock.

Cabinet agreed:-

- (i) to support a publicity campaign to encourage drivers to slow down in 20mph areas to improve safety;
- (ii) to approve the making of the Order for a 20mph speed limit at the locations indicated in paragraph 3.1 of the report; and
- (iii) otherwise, to note the contents of the report.

PROPOSED PROHIBITION OF WAITING AND LOADING RESTRICTIONS B743 LOAN AND SORN ROAD, MAUCLINE

7. There was submitted a report dated 24 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to introduce new waiting and loading restrictions on B743 Loan and Sorn Road, Mauchline.

Cabinet agreed:-

- (i) to approve the proposals shown in Appendix 1 to the report which comprised no waiting and no loading restrictions on B743 Loan and Sorn Road, Mauchline; and
- (ii) otherwise, to note the contents of the report.

PROPOSED INSTALLATION OF SPEED TABLES - VARIOUS ROADS B705, CATRINE

8. There was submitted a report dated 24 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services (i) which advised on objections received to the Road Humps Notice published in respect of proposed speed tables in Mauchline Road, Ballochmyle Street, Mill Street and St Germain

Street B705, Catrine; and (ii) which sought approval for the installation of speed tables as described in the report.

Councillor Jim Todd, seconded by Councillor Robert McDill, moved to continue consideration of this item to a future meeting to allow the Depute Chief Executive/Executive Director of Neighbourhood Services to co-ordinate a site visit for local Elected Members, objectors, interested parties, and appropriate officers with a view to trying to further allay community concerns, and to include details of the outcome of this process in a further report to Cabinet.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment to hold a local inquiry in respect of the objections received for proposals described in Paragraph 3.1 of the report.

On a division by a show of hands, the motion was carried by 6 votes to 2.

DELIVERING COMMUNITY REGENERATION

CONDITION OF THE ROAD NETWORK

9. There was submitted a report dated 24 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised on the report "State of the Scottish Road Network" published by the Society of Chief Officers of Transportation in Scotland (SCOTS) and in particular the results for East Ayrshire Council and the Audit Scotland report Maintaining Scotland's Roads: A Follow-Up Report.

Cabinet agreed:-

- (i) to note the actions of the Head of Roads and Transportation to maximise the use of the carriageway structural maintenance budget to improve the condition of the road network;
- (ii) to approve the reallocation of £1m within the Roads and Transportation ten year capital investment programme to carriageway structural maintenance as detailed in Paragraph 8.2 of the report;
- (iii) to remit to the Head of Roads and Transportation to continue to monitor road condition through the Road Condition Index, inspections and other performance information and provide update reports as required;
- (iv) to approve the Maintaining Scotland's Roads Action Plan detailed at Appendix 3 to the report; and
- (v) otherwise, to note the contents of the report.

2011/12 PROGRAMME FOR CARRIAGEWAY AND FOOTWAY STRUCTURAL MAINTENANCE, STREET LIGHTING AND SEVERE WEATHER REMEDIAL WORKS

10. There was submitted a report dated 24 February 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for the 2011/12 Capital Programme for carriageway and footway structural maintenance and street lighting and which noted schemes being considered for future year's programmes.

Councillor Robert McDill, seconded by Councillor John MacKay, moved that Cabinet agree the recommendations as set out in the report, namely:-

- (i) to approve the 2011/12 programme of schemes for carriageway and footway structural maintenance, surface dressing and street lighting as listed in Appendix 1 to the report;
- (ii) to note schemes being considered for future year's programmes;
- (iii) to approve the trials of proprietary recycling processes to resurface appropriate roads;
- (iv) to note the programme of works for severe weather damage repairs;
- (v) to note that consideration will be given to establishing funding for the provision of off-street parking within housing estates with a view to improving access for emergency vehicles in future years; and
- (vi) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment approval of the above recommendations with an amendment to recommendation (v) as follows, viz:- to instruct the Chief Executive to raise in her capacity as Chair of the Community Planning Partnership, as a particular item for discussion, the issue of funding in relation to the provision of off-street parking within housing estates with a view to improving access for emergency vehicles in future years.

On a division by a show of hands, the motion was carried by 6 votes to 2.

CATRINE ENVIRONMENTAL HERITAGE PROJECT - COMMUNITY RIGHT TO BUY 14 BALLOCHMYLE STREET, CATRINE

11. There was submitted a report dated 4 March 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided an update on progress with the Catrine Environmental Heritage Project and which sought approval to offer a capital grant to Catrine Community Trust to enable them to move forward with the approved "Community Right to Buy" submission in relation to the former St Joseph's Chapel and Priest's House at 14 Ballochmyle Street, Catrine.

Councillor Douglas Reid, seconded by Councillor Robert McDill, moved approval of the recommendations as set out in the report, namely:-

- (i) to allocate up to £0.170m from the Capital Investment Programme General Regeneration budget to a capital grant to the Catrine Community Trust towards the purchase of the property at 14 Ballochmyle Street, Catrine;
- (ii) to authorise the Solicitor to the Council/Head of Legal, Procurement and Regulatory Services to agree the terms of and offer a grant to the Catrine Community Trust towards the purchase of the property at 14 Ballochmyle Street, Catrine, including the provision of a Standard Security and a claw back clause;
- (iii) due to the timescales involved, to authorise implementation of recommendations (i) and (ii) above, prior to any consideration by the Governance and Scrutiny Committee, as to delay implementation would prevent Catrine Community Trust from meeting the deadline set by the

Scottish Government. This would have a detrimental impact on the success of this project, which was being managed by the Catrine Environmental Heritage Project (CEHP), of which the Council was the lead partner; and

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

Councillor Barney Menzies, seconded by Councillor Maureen McKay, moved as an amendment that in addition to the above recommendations, Cabinet agree that following the implementation of the Catrine Project that priority then be given to the regeneration of New Cumnock.

On a division by a show of hands, the motion was carried by 6 votes to 2.

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 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

SEVERANCES AND UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENTS SCHEME

13. There was submitted a report dated 28 February 2011 (circulated) by the Executive Director of Finance and Corporate Support (i) which sought approval of severance arrangements relating to 3 employees in the Department of Finance and Corporate Support; 6 employees in the Department of Educational and Social Services; and 3 employees in the Department of Neighbourhood Services; and (ii) which advised on 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 note the following amendments to the report as outlined by the Head of Human Resources:- (a) Page 89, Paragraph 3.5, Line 3 - figure should be £317,822; (b) Page 93, Appendix A, Application Reference Number 172, 28.5 weeks, £15,237 and Application Reference Number 173, 27 weeks , £7,218; (c) Page 94, Appendix A, column total cost to Council figure £503,796 should be £526,251; and Page 94, Appendix A, last line B/F 175 should be £4,450,625;
- (ii) to approve the voluntary severance arrangements detailed in Appendices A and B to the report;
- (iii) to note the number of employees who would leave the Council's service on the grounds of redundancy in terms of the Head of Human Resources' delegated authority as detailed in Appendices C and D to the report; and
- (iv) otherwise, to note the contents of the report as amended.

The meeting terminated at 1245 hours.