

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 17 SEPTEMBER 2008 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Eric Jackson, Jim Roberts and Kathy Morrice; Church Representatives Bill McGregor and John McHugh; Teacher Representative Iain Harvey and Parent Representative David Fraser.

ATTENDING: Fiona Lees, Chief Executive; 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; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure Services; Alan Neish, Head of Planning and Economic Development; Andrew Sutherland, Head of Schools; Marlene Harkis, Acting Senior Manager, Community Care; and Christine Baillie, Administrative Officer.

APOLOGIES: Councillor John MacKay and Church Representative Dr Ivy Barclay.

CHAIR: Councillor Douglas Reid, Chair.

CHAIR'S REMARKS

1. The Chair took the opportunity to report the sad death of Donny Stewart, a Social Worker with East Ayrshire Council who had died suddenly whilst on holiday with his family. The Chair expressed the Council's gratitude to the service given by Donny as an East Ayrshire Council Social Worker and intimated that the Cabinet's sympathy and thoughts were with Donny's family at this sad time. Councillor John MacKay and Kay Gilmour, Acting Executive Head of Social Work had attended the funeral on behalf of the Council.

LIFELONG LEARNING**EAST AYRSHIRE COUNCIL'S RESPONSE TO THE CONSULTATION ON SAFEGUARDING OUR RURAL SCHOOLS AND IMPROVING SCHOOL CONSULTATION PROCEDURES**

- 2E. There was submitted a report dated 10 September 2008 (circulated) by the Executive Director of Educational and Social Services which sought agreement from Cabinet for East Ayrshire Council's response to the Scottish Government's consultation on "Safeguarding our Rural Schools and Improving School Consultation Procedures".

Cabinet agreed:-

- (i) that the Council's response to question 4 of the consultation document "Do you agree with the proposed definition of `rural schools?`" should (i) have deleted the sentence which makes reference to "a drive time of over 30 minutes to an urban settlement"; (ii) make reference to the fact that there were

8 classifications of rural/urban settlements within the consultation document which in the view of the Council required to be reconsidered; and (iii) in accordance with CoSLA's position on this issue, to suggest that this requires urgent consideration by the Scottish Government; and

- (ii) otherwise, to approve the content of the responses made to the consultation questions for submission.

Church Representatives Bill McGregor and John McHugh, Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

COMMUNITY WELLBEING

SOCIAL WORK SERVICES COMMISSIONING STRATEGY 2008-2011

3. There was submitted a report dated 11 September 2008 (circulated) by the Executive Director of Educational and Social Services which sought approval for the Social Work Services Commissioning Strategy.

Having noted that (i) page 33 of the Cabinet report, bullet point 5, should read "an open caseload for the East Ayrshire area of 825" and not 528 as stated in the report; and (ii) that on page 36 of the Cabinet report, the contract for Addictions - Turning Point should not have included "(in draft)", Cabinet agreed:-

- (i) to approve the Social Work Services Commissioning Strategy for 2008-2011 subject to an Integrated Impact Assessment; and
- (ii) otherwise, to note the contents of the report.

ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

4. There was submitted a report dated 3 September 2008 (circulated) by the Executive Director of Educational and Social Services which advised of the progress being made with the implementation of the Adult Support and Protection (Scotland) Act 2007, and in particular to approve the arrangements in respect of Adult Protection Committees.

Cabinet agreed:-

- (i) to approve the recruitment of an independent Chair for the Adult Protection Committee;
- (ii) to approve the establishment of an East Ayrshire Adult Protection Committee in line with the Adult Support and Protection (Scotland) Act 2007;
- (iii) that the Executive Director of Educational and Social Services establish the Adult Protection Committee;
- (iv) that the Executive Director of Educational and Social Services return to Cabinet with proposals for the Adult Protection Unit, as appropriate;
- (v) that the terms of reference for the existing Child Protection Chief Officer's Group, which was chaired by the Chief Executive and included as its members the Chief Executive of the Health Service and the Divisional Commander, Strathclyde Police, be extended to include an overview of the Adult Protection Committee activities; and
- (vi) otherwise, to note the contents of the report.

LEISURE AND CULTURAL STRATEGY CONSULTATION

5. There was submitted a report dated 10 September 2008 (circulated) by the Executive Director of Neighbourhood Services which sought approval to implement a consultation process associated with East Ayrshire's draft Leisure and Cultural Strategy.

Cabinet agreed:-

- (i) to approve the consultation process associated with the draft Cultural and Leisure Strategy as outlined in Paragraph 3.3 of the report;
- (ii) to remit to the Executive Director of Neighbourhood Services to submit the Leisure and Cultural Strategy to Cabinet for approval following the public consultation period; and
- (iii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

TOWARDS A SHARED PLANNING SERVICE FOR AYRSHIRE

6. There was submitted a report dated 7 August 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet regarding proposals, recommended by the Pan-Ayrshire Group on Shared Services, to continue with an Ayrshire wide planning service suitably modified to meet the requirements of the Planning etc (Scotland) Act 2006 and to obtain approval for the Solicitor to the Council to sign a new Minute of Agreement setting out revised governance arrangements to replace the current agreement.

Cabinet agreed:-

- (i) to the formation of the Ayrshire Joint Planning and Steering Group with supporting officer team as outlined in the report;
- (ii) to authorise the Solicitor to the Council to sign the Minute of Agreement in the form set out in Appendix I to the report, subject to any minor revisions considered appropriate;
- (iii) to recommend to Council the appointment of Councillors Robert McDill and Jim Buchanan, Spokespersons for Environment and Regeneration, as East Ayrshire Council's representatives on the Ayrshire Joint Planning Steering Group;
- (iv) to note that the new group in terms of the prevailing legislation, would be subject to external audit, as part of the relevant lead authority's audit arrangements and that such arrangements replicated previous arrangements under the Joint Ayrshire Structure Plan and Transportation Committee which the new Steering Group replaced; and
- (v) otherwise, to note the contents of the report.

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UK BIOSPHERE RESERVE - CAIRNSMORE OF FLEET, MERRICK KELLS AND SILVER FLOWE - PROPOSED REVIEW

7. There was submitted a report dated 3 September 2008 (circulated) (i) which informed Cabinet of the actions that had been undertaken to date regarding establishing community and Agency support for the redesignation and extension of the existing Cairnsmore of Fleet, Merrick Kells and Silver Flowe Biosphere Reserve; and (ii) which sought approval for the Council's participation, with South Ayrshire Council, Dumfries and Galloway Council, the Forestry Commission and Scottish Natural Heritage, with the support of the Scottish Government, for the preparation of a formal submission to UNESCO for the redesignation of the Biosphere Reserve.

Cabinet agreed:-

- (i) to note and endorse the actions that had been undertaken to date regarding establishing community and Agency support for the redesignation and extension of the Cairnsmore of Fleet, Merrick Kells and Silver Flowe Biosphere Reserve; and
- (ii) to approve the Council's participation with South Ayrshire Council, Dumfries and Galloway Council, the Forestry Commission and Scottish Natural Heritage, with the support of the Scottish Government, in the preparation of a formal submission to UNESCO for the redesignation and extension of the Biosphere Reserve.

LEADER PROGRAMME

8. There was submitted a report dated 10 September 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support (i) which updated Cabinet on the LEADER Programme; (ii) which sought Cabinet approval for the actions undertaken to secure East Ayrshire's inclusion in a Pan-Ayrshire LEADER Programme; and (iii) which noted the proposals for the match funding programme and associated projects through delegated authority.

Cabinet agreed:-

- (i) to note the position regarding the Ayrshire LEADER Programme;
- (ii) to approve the actions undertaken to secure East Ayrshire's inclusion in the Ayrshire LEADER Programme; and
- (iii) to note the proposals for match funding of the Programme and associated projects and to remit to the Head of Planning and Economic Development to report back to a future Cabinet meeting regarding operational Governance and Scrutiny arrangements.

MANAGEMENT AND RESOURCES

GRANT FUNDING APPLICATION - EAST AYRSHIRE (SOUTH) FORUM ON DISABILITY

9. There was submitted a report dated 10 September 2008 (circulated) by the Executive Director of Educational and Social Services which informed Cabinet of a grant funding request from the East Ayrshire (South) Forum on Disability and which made recommendations accordingly.

Cabinet agreed:-

- (i) to approve the funding request of £2,820.00 for the East Ayrshire (South) Forum on Disability; and
- (ii) otherwise, to note the contents of the report.

ADDITIONAL CAPITAL GRANT 2007/08

10. There was submitted and noted a report dated 5 September 2008 (circulated) by the Executive Head of Finance and Asset Management which provided Members with details of Capital expenditure projects undertaken using the Additional Capital Grant received in 2007/08, associated future savings arising from this expenditure and progress made on Asset Management planning.

EXCLUSION OF PRESS AND PUBLIC

11. 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 9 of Schedule 7A of the Act".

PROPOSED LEASE OF STRAND STREET OFFICE ACCOMMODATION (Item 15, Page 145 & 146, 07/11)

12. There was submitted a report dated 5 September 2008 (circulated) by the Executive Head of Finance and Asset Management which provided an update and asked Cabinet to specifically consider alternative lease terms proposed by Alchemist Properties Limited in relation to the former Johnnie Walker Building in Strand Street, Kilmarnock, and associated use of the site at 6 Croft Street, Kilmarnock.

Having noted that Paragraph 2.4 of the report should read 2 April 2007 and not 2008 as detailed in the report, Cabinet agreed:-

- (i) to the changes set out in Section 4 of the report with regard to revised lease terms with Alchemist Properties Limited and to authorise the Solicitor to the Council to conclude the lease on that basis;
- (ii) in recognition of the contractual situation and the need to expedite all relevant actions in order to ensure that the Council's position is not prejudiced and to protect the Council's legal, financial, commercial and reputational interests, 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.

KILMARNOCK TOP OF THE TOWN PROPOSED OFFICE DEVELOPMENT RELATED WORKS - FINANCIAL IMPLICATIONS AND OPTIONS (Item 9, Page 474, 07/11)

13. There was submitted a report dated 10 September 2008 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support (i) which reported on the expenditure to date on related professional services and associated works; (ii) which summarised the financial implications and options for terminating the existing

contracts for the provision of related professional services; and (iii) which presented options for the identification and implementation of any future related works.

Cabinet agreed:-

- (i) to approve the termination of the contracts with the companies providing professional services at the point of tender and the acquisition of the peripheral information as detailed in Option 1(a), Paragraph 4.4 of the report at an estimated cost of £172,437;
- (ii) to authorise the Roads Division to progress the implementation of the essential works identified in Option 3, Paragraph 4.6 and detailed in Paragraph 4.7 of the report estimated to be (£150,000) and the procurement as necessary of further specialist services support, the costs to be incurred from the Regeneration Budget as appropriate;
- (iii) to authorise the Roads Division to implement the localised amendments to the Variable Message Sign system as detailed in Paragraph 3.1 of the report, the costs to be incurred from the Regeneration Budget as appropriate (£23,000);
- (iv) not to progress at this point those elements of the overall package of works that had been identified comprising:
 - (a) Public Realm Improvements (that were outwith the office development site); and
 - (b) the provision of the High Street car park and improvements to the pedestrian link between the proposed car park and the office development site; and
- (v) that a further report be considered by Cabinet at a later date in relation to the implications for the Capital Plan and spending thereof; including consideration of any desirable works to the multi-storey.

The meeting terminated at 1130 hours.