

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF SPECIAL MEETING HELD ON WEDNESDAY 6 AUGUST 2008 AT 0900 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, Jim Buchanan, Hugh Ross, Robert McDill, Eric Jackson, Jim Roberts and Kathy Morrice.

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Robin Baker, Financial Controller and Christine Baillie, Administrative Officer.

APOLOGY: Councillor Jim Todd.

CHAIR: Councillor Douglas Reid, Chair.

EXCLUSION OF PRESS AND PUBLIC

1. 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 9 of Schedule 7A of the Act".

ENVIRONMENT AND REGENERATION**UPDATE REPORT IN RESPECT OF PROPOSED TOP OF THE TOWN OFFICE DEVELOPMENT, KILMARNOCK (Item 13, Page 223, 07/11)**

2. There was submitted a joint report dated 31 July 2008 (circulated) by the Executive Head of Finance and Asset Management and the Solicitor to the Council which advised Cabinet of recent developments in respect of the proposed "Top of the Town" office development in Kilmarnock and which invited consideration by Cabinet of a request received by Ediston Developments (Kilmarnock) Ltd, the Council's development partner for the proposed development, for a further extension of time to the commencement date for the project, effectively to January 2009.

Councillor Jackson joined the meeting during presentation of the report.

Following discussion, during which the Solicitor to the Council outlined the evolution of the project arrangements since its first approval by the Council in 2006 and having taken full account of the matters set out within the report, Cabinet agreed:-

- (i) that a further extension of time not be granted;
- (ii) to remit to the Solicitor to the Council to formally intimate to Ediston Properties (Kilmarnock) Ltd on behalf of the Council the decision not to agree to the requested further extension of time and thereafter to rescind the missives;
- (iii) to remit to the Executive Head of Finance and Asset Management to undertake an early review of the Corporate Office Accommodation Strategy and bring forward revised proposals, which may include an alternative Council

office development within the town centre and present for consideration by Cabinet on 3 September 2008 outline proposals, with final recommendations being submitted to Cabinet on 17 September 2008, having included within this process, cross-party consideration on the revised proposals;

- (iv) to remit to the Head of Planning and Economic Development to review the scope of the proposed works contract considered in paragraph 4.2 of the report and to bring forward a revised proposal within the context of the current approved capital programme;
- (v) to remit to the Head of Planning and Economic Development to bring forward revised proposals for the Top of the Town site and any other related site within the context of the Kilmarnock Town Centre Regeneration Strategy; and
- (vi) in recognition of the contractual situation and the need to ensure that the Council can 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, both in terms of responding to the request made by Ediston Properties (Kilmarnock) Ltd and in terms of implementing an appropriate review of the Corporate Office Accommodation and all related actions in the interests of progressing the Kilmarnock Town Centre Regeneration Strategy, that the above decisions be implemented ahead of any consideration by the Governance and Scrutiny Committee in terms of the Council's call-in procedure.

Councillor Eric Jackson, having moved as an amendment that the matter be continued for a short period to allow further consideration, including cross-party involvement and also a meeting with Ediston Properties (Kilmarnock) Ltd which would involve appropriate Elected Members and having failed to receive a seconder, asked that his dissent to these decisions be recorded.

The meeting terminated at 1000 hours.