

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF CABINET HELD ON WEDNESDAY 24 OCTOBER 2007 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

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

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support; Graham Short, Executive Director of Educational and Social Services; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; John Clayton, Head of Corporate Development and Communication; Bill Walkinshaw, Head of Democratic Services; David Mitchell, Head of Legal, Procurement and Regulatory Services; and Christine Baillie, Administrative Officer.

ALSO ATTENDING: Professor Arthur Midwinter.

APOLOGY: Councillor Iain Linton

CHAIR: Councillor Douglas Reid, Chair.

CHAIR'S REMARKS

1. The Chair welcomed Amber Dawson who was undertaking a work placement experience within Legal Services and Professor Arthur Midwinter, the Council's Consultant and Independent Advisor to the Strategic Review of the Revenue Budget (SRRB), to the meeting.

ADDITIONAL ITEM**CAPITAL EXPENDITURE - SOCIAL WORK FACILITIES
(Item 3, Pages 119/120, 07/11)**

2. Cabinet agreed, in terms of Standing Order 18, to consider an additional item of business which required an early decision in connection with Capital Expenditure for Social Work Facilities in relation to the proposed site for the Children's Home in Kilmarnock.

2.1 Reconsideration of Decision

Cabinet unanimously agreed, in terms of Standing Order 40, to reconsider the previous decision taken by Cabinet on 19 September 2007 in respect of the proposed site for the Children's Home in Kilmarnock.

2.2 Consideration of Item

Cabinet then agreed that the decision taken by Cabinet at its meeting of 19 September 2007 regarding the proposed site for the Children's Home in Kilmarnock be deferred and that a report in respect of feasible alternatives be submitted to the earliest possible Cabinet meeting.

ORDER OF BUSINESS

3. The Chair at his discretion, and in terms of Standing Order 19, agreed to alter the order of business and take Item 10 shown on the Agenda "Strategic Review of Revenue Budget (SRRB) - Progress Update Report" following Item 6.

ENVIRONMENT AND REGENERATION

PLANNING AND ECONOMIC DEVELOPMENT DIVISION'S QUALITY OF LIFE BUDGET 2007/08

4. There was submitted a joint report dated 28 August 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought agreement to reallocate the balance of the Quality of Life funding allocated to the widening of the Dunaskin Bridge on the A713 to accelerate the Bridges' Assessment Programme for this financial year and to the proposal that the cost of the bridge widening works at Dunaskin be sourced from an anticipated future Roads Capital Budget, subject to the resolution of the necessary land acquisition.

Cabinet agreed to reallocate the balance of the £20,000 Quality of Life funding allocated to the widening of the Dunaskin Bridge on the A713 to accelerate the Bridges' Assessment Programme for this financial year, subject to both the outcome of the external audit of the 2006/07 budgets and agreement that the cost of the bridge widening works at Dunaskin be funded from an anticipated future Roads Capital Budget, following the resolution of the necessary land acquisition.

DEVELOPER CONTRIBUTIONS

5. There was submitted a report dated 8 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval (a) for the approach which had been adopted for developer contributions to be included within the Finalised Alteration to the East Ayrshire Local Plan; (b) to authorise the Head of Planning and Economic Development to prepare supplementary planning guidance for developer contributions; and (c) to recommend that consideration be given to funding the post of the Developer Contribution Officer and any additional staff as may be required to administer the contributions fund to be established, from contributions obtained.

Cabinet agreed:-

- (i) to approve the approach taken in respect of developer contributions in the emerging Finalised Alteration to the East Ayrshire Local Plan;
- (ii) to implement this approach in relation to planning applications submitted after approval of the Finalised Alteration to the East Ayrshire Local Plan;
- (iii) that detailed supplementary planning guidance in respect of developer contributions be prepared and reported to a future meeting of Cabinet for consideration; and
- (iv) that the post of Developer Contribution Officer and any other staff resources as deemed appropriate, be funded from developer contributions obtained.

WINDFARM POLICY

6. There was submitted a report dated 8 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for a Council wide Windfarm Policy to be included within the Finalised Alteration to the East Ayrshire Local Plan and for the establishment of a Renewable Energy Fund.

Cabinet agreed:-

- (i) that the revised policy relating to windfarm contributions as detailed at paragraph 3.6 of the report, be incorporated in the Finalised Draft of the Alteration to the East Ayrshire Local Plan for consideration by an appropriate future Cabinet, along with all other provisions of the Finalised Plan;
- (ii) to approve the establishment of the Renewable Energy Fund to be dispersed by Cabinet in accordance with the criteria as set out in paragraph 4.2 of the report; and
- (iii) to approve the dispersal of Whitelee Windfarm contributions beyond the initial 31 month period.

PROPOSED DEMOLITION OF LOCK-UPS AT 15-24 GRANT PLACE, NEW FARM LOCH, KILMARNOCK

7. There was submitted a report dated 8 October 2007 (circulated) by the Executive Director of Neighbourhood Services which sought authority to demolish 10 lock-ups at 15-24 Grant Place, Kilmarnock.

Cabinet agreed:-

- (i) to authorise the demolition of the lock-ups at 15-24 Grant Place, Kilmarnock; and
- (ii) otherwise, to note the contents of the report.

FOOD SERVICE PLAN

8. There was submitted a report dated 17 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of amendments to the Food Service Plan to reflect the new Departmental structures together with legislative arrangements and which requested that Cabinet formally approve the Plan which reflected the Food Law and Enforcement policies and procedures as recommended by the Food Standards Agency.

Cabinet having noted that paragraph 4.1 of the Food Service Plan would be amended to reflect the up-to-date budget figure, agreed:-

- (i) to approve the amended Food Service Plan; and
- (ii) otherwise, to note the contents of the report.

KILMARNOCK CONSERVATION AREA REGENERATION SCHEME - GRANT APPROVAL PROCESS/DELEGATED POWERS

9. There was submitted a report dated 11 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought agreement to the process for approval/disbursement of grant applications under the Conservation Area Regeneration Scheme (CARS) and for decisions on grant applications/grant

disbursement to be delegated to the Head of Planning and Economic Development. The report also sought approval to procure external professional assistance to help in the assessment of grant applications.

Cabinet agreed:-

- (i) to approve the CARS grant approval process as detailed in Section 3 and Appendices 2 and 3 of the report;
- (ii) to delegate authority to the Head of Planning and Economic Development to approve grant applications for priority buildings that were within 10% of the Indicative Total Grant Allocation contained in the CARS Approved Schedule, Appendix 1 of the report, to approve CARS small grant applications up to £25,000 and to disburse all grant payments under this scheme;
- (iii) to approve the procurement of external professional assistance to help in the assessment of grant applications when necessary; and
- (iv) that a progress report be submitted to Cabinet on an annual basis.

MANAGEMENT AND RESOURCES

STRATEGIC REVIEW OF REVENUE BUDGET (SRRB) - PROGRESS UPDATE REPORT

10. There was submitted a report dated 17 October 2007 (circulated) by the Chief Executive which provided a progress update on the Council's Best Value Improvement Agenda action item No 1 - "Effective Use of Resources".

Having heard a presentation by Professor Midwinter, Cabinet agreed:-

- (i) to endorse and approve (a) the progress made in taking forward the Strategic Review of the Revenue Budget, all in accordance with the Council's Best Value Improvement Agenda and as set out in the report and accompanying attachments; and (b) the action taken by Officers in accordance with the remit and scope of work agreed by the Policy and Resources Committee at its meetings on 8 February 2006 and 23 January 2007;
- (ii) that in consultation with the Corporate Management Team, the Chief Executive and Professor Arthur Midwinter (Independent Advisor on the SRRB review), report back to Cabinet at its meeting scheduled for 5 December 2007 on the expenditure reduction proposals accruing from Stages 1 and 2 Grant Aided Expenditure (GAE) reviews, together with redistribution proposals to be considered in line with the Council's Budget Strategy for 2008/09 to 2010/11;
- (iii) to request a further report in due course on the outcomes from the Council's case for improved Education Deprivation Funding; and
- (iv) to request a further report in due course on the outcomes from the Council's case for more meaningful secondary measures when considering rural/urban issues for GAE programmes.

CENTRAL JOINT CONSULTATIVE COMMITTEE OF 4 SEPTEMBER 2007

11. Having heard that Item 9 "Processing and Payment of Weekly Wages over Christmas and New Year Period 2007/08" had been resolved, there were submitted and noted

the Minutes of the Central Joint Consultative Committee of 4 September 2007 (circulated).

ANTI FRAUD AND ANTI CORRUPTION STRATEGY

12. There was submitted a report dated 11 October 2007 (circulated) by the Executive Head of Finance and Asset Management which sought approval of a proposed Anti Fraud and Anti Corruption Strategy (also circulated).

Cabinet agreed:-

- (i) to approve the Anti Fraud and Anti Corruption Strategy;
- (ii) that Executive Directors and Heads of Service make arrangements for the promotion of the Strategy within each of their Services; and
- (iii) otherwise, to note the contents of the report.

ALTERNATIVE ARRANGEMENTS FOR SUPPLY OF UPVC DOORS FOR CAPITAL PROGRAMME

13. There was submitted a report dated 10 October 2007 (circulated) by the Head of Building and Works which appraised Cabinet of the interim arrangements put in place for the provision of UPVC Doors due to the liquidation of J P McFadyen (Commercial Contracts) Ltd who were the Council's contracted supplier for UPVC Doors for the Capital Programme and which sought Cabinet approval to continue with these arrangements until such times as new contractual arrangements could be finalised.

Cabinet agreed:-

- (i) to approve the interim arrangements to maintain the supply of UPVC doors direct with Blair Neill Ltd in accordance with paragraph 9(2) of the Council's Standing Orders Relating to Contracts;
- (ii) to note the action taken by Procurement to progress an Office Journal European Union (OJEU) tendering exercise to ensure continuity of supply from early January 2008;
- (iii) to note the requirement to liaise with the Liquidator with respect to settlement of outstanding monies; and
- (iv) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

14. 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 the paragraph of Schedule 7A of the Act as shown against each item".

ENVIRONMENT AND REGENERATION

KILMARNOCK TOWN CENTRE REGENERATION (PARA 6)

15. There was submitted a report dated 11 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided an update on progress with the Kilmarnock Town Centre Regeneration Strategy and which

proposed additional financial contributions and sought authority to purchase the properties identified in Appendix 2(a) of the report, either by voluntary acquisition or by use of Compulsory Purchase Powers, if required, and which sought approval in principle to the Council entering into negotiations with the Company identified in the report to set up a Joint Venture Company both with a view to facilitating a larger scale hotel development which included the site of the former Opera House, John Finnie Street, Kilmarnock.

Cabinet agreed:-

- (i) to approve capital expenditure of £4M from the Regeneration, Efficiency and Asset Management budget for the works described in paragraph 2.1 and 3.1 of the report;
- (ii) to approve an additional contribution to the Conservation Area Regeneration Scheme (CARS) of £500,000 from the Council's General Fund Revenue Balance;
- (iii) to approve an additional contribution to the Townscape Heritage Initiative (THI) of £500,000 from the Council's General Fund Revenue Balance;
- (iv) to approve the use of CARS to expend the remaining £530,000 from the Scottish Executive's "Top of the Town" funding;
- (v) to authorise the purchase of the properties identified in Appendix 2(A) of the report either by voluntary acquisition or by use of Compulsory Purchase Powers if required and to approve, in principle, the Council entering into negotiations with the Company identified in the report to set up a Joint Venture Company to facilitate a larger scale hotel development at John Finnie Street, Kilmarnock; and
- (vi) otherwise, to note the contents of the report.

**CUMNOCK TOWN CENTRE REGENERATION PROJECT - PROPOSED
STRUCTURE AND TERMS OF JOINT VENTURE AGREEMENT AND
FUTURE MANAGEMENT OF GLAISNOCK SHOPPING CENTRE (PARA 6)**

16. There was submitted a report dated 11 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which appraised Members of the proposed legal structure and terms of the Joint Venture Company to be formed to advance the regeneration of Cumnock Town Centre, which sought formal approval from Cabinet for the Council's participation in the proposed Joint Venture Company and which sought approval in terms of paragraph 9.2 of the Standing Orders Relating to Contracts to negotiate contractual terms with a nominated party for the appointment of external surveying consultants to undertake the management role for the Glaisnock Shopping Centre.

Having noted the clarification that there were no Charity Shops operating in Glaisnock Shopping Centre as stated within paragraph 8.5 of the report, Cabinet agreed:-

- (i) to approve the Council's participation in the proposed Joint Venture with the Company identified in the report principally on the terms and conditions as detailed at Section 3 of the report and to authorise the Solicitor to the Council to proceed to finalise all necessary documentation;

- (ii) to approve the direct negotiation with the party identified in the report in terms of the Council's Standing Orders Relating to Contracts, to undertake the management of the Glaisnock Shopping Centre in Cumnock for a two year period, on the basis of an annual fee, as detailed in the report, being met by the Council initially;
- (iii) that update reports would be submitted to Cabinet on a regular basis;
- (iv) that authority be remitted to the Chief Executive to make the necessary arrangements for a cross party visit with appropriate Officers, to the Poundberry Ecovillage in Dorset; and
- (v) otherwise, to note the contents of the report.

**NEWMILNS DRY SKI SLOPE AND ADJOINING LAND AT HIGH STREET,
NEWMILNS - PROPOSED LEASE EXTENSION (PARA 9)**

17. There was submitted a report dated 9 October 2007 (circulated) by the Executive Head of Finance and Asset Management which sought approval to amend and thereafter extend the terms of the lease of Newmilns Dry Ski Slope and adjoining land at High Street, Newmilns to the Newmilns Snow and Sports Complex Ltd from 25 years to 80 years.

Cabinet agreed to amend and extend the terms of the existing lease in respect of the subjects comprising the Newmilns Ski Slope and adjoining land at High Street, Newmilns to Newmilns Snow and Sports Complex Ltd from a period of 25 years to 80 years with effect from a date to be mutually agreed and which authorised the Solicitor to the Council to formalise the lease agreement.

The meeting terminated at 1130 hours.