

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 7 NOVEMBER 2007 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, John MacKay, Iain Linton Jim Buchanan, Hugh Ross, Robert McDill, Eric Jackson, Jim Roberts and Kathy Morrice; Church Representatives Bill McGregor and Dr Ivy Barclay; 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; Kay Gilmour, Head of Community Support; Bill Walkinshaw, Head of Democratic Services; Robin Gourlay, Head of Facilities Management (Onsite Services); David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Euan Couperwhite, Head of Resources; Karl Doroszenko, Development, Planning and Regeneration Manager; Joseph McLachlan, Corporate Accounting Manager; Julie Jamieson, Chief Accountant, Julie Haig, Public Relations Officer and Anne Marie Carr, Senior Administrative Officer.

APOLOGY: Councillor Jim Todd.

CHAIR: Councillor Douglas Reid, Chair.

CHAIR'S REMARKS

1. The Chair welcomed and introduced Iain Harvey, Teacher Representative and David Fraser, Parent Representative who had been successful in the recent elections for both positions and who would be serving on the Cabinet when it was determining Education business.

LIFELONG LEARNING**EAST AYRSHIRE CHILDREN AND YOUNG PEOPLE'S SERVICES
PLAN: ANNUAL REVIEW 2006/07**

- 2E. There was submitted a report dated 19 September 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval from Cabinet for the 2006/07 Annual Review of the East Ayrshire Children and Young People's Services Plan 2005-2008.

Cabinet agreed:-

- (i) to approve East Ayrshire's 2006/07 Annual Review of the 2005-2008 East Ayrshire Children and Young People's Services Plan; and
- (ii) otherwise, to note the contents of the report.

SCHOOLS (HEALTH PROMOTION AND NUTRITION) (SCOTLAND) ACT 2007

- 3E.** There was submitted a report dated 11 October 2007 (circulated) by the Executive Director of Educational and Social Services which sought agreement on an approach to meet the requirements of new legislation which placed a duty on the Council as an Education authority in relation to health promotion and the wellbeing of pupils in schools and the nutritional content of snacks and meals in schools and nurseries.

It was reported and noted that the Scottish Government had commissioned MORI to assess the pilot for free school meals for P1-P3 pupils.

Cabinet agreed:-

- (i) to approve the overall approach reflected in the report as a means of fulfilling the Council's statutory objectives under the new legislation; and
- (ii) otherwise, to note the contents of the report.

ACTIVE SCHOOLS

- 4E.** There was submitted a report dated 23 October 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval for the further development of the Active Schools programme in East Ayrshire.

Cabinet agreed:-

- (i) to approve the programme detailed in the report involving pupils from across East Ayrshire;
- (ii) that the Cabinet be kept informed of future developments on the Active Schools Programme; and
- (iii) otherwise, to note the contents of the report.

DETERMINED TO SUCCEED ENTERPRISE IN EDUCATION - PROGRESS REPORT

- 5E.** There was submitted a report dated 25 October 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval for the continued development of Enterprise in Education enhancing an ethos of creativity across schools in East Ayrshire supported by the Determined to Succeed Programme.

Cabinet agreed:-

- (i) to approve the range of activities and programmes supporting Enterprise in Education and an ethos of creativity as detailed in the report;
- (ii) that the Cabinet be kept informed of future progress and be provided with annual monitoring reports; and
- (iii) otherwise, to note the contents of the report.

YOUTH MUSIC INITIATIVE AND CULTURAL CO-ORDINATORS IN SCOTTISH SCHOOLS PROGRAMME

- 6E.** There was submitted a report dated 20 September 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval for further programmes of youth music and cultural activity based on recent funding awards from the Scottish Arts Council.

Cabinet agreed:-

- (i) to approve the programmes of musical and cultural development detailed in the report;
- (ii) to note the award of external funding from the Scottish Arts Council to support the projects detailed in the report;
- (iii) that the Cabinet be kept informed of future developments; and
- (iv) otherwise, to note the contents of the report.

ULSTER-SCOTS PARTNERSHIP PROJECT - "THE JOLLY BEGGARS"

- 7E.** There was submitted a report dated 20 September 2007 (circulated) by the Executive Director of Educational and Social Services which updated Members on the success of the recent Cultural Partnership Project with the Ulster-Scots Agency and supported by the Scottish Arts Council Youth Music Initiative and which sought approval for the plan to support and develop the link.

Cabinet agreed:-

- (i) to approve further similar initiatives and developments such as "The Jolly Beggars", based on the Cultural Partnership Project arrangements with the Ulster-Scots Agency; and
- (ii) otherwise, to note the contents of the report.

EXPANDING GLOBAL LINKS FOR SCHOOLS

- 8E.** There was submitted a report dated 19 September 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval for developments in international links for schools in the Stewarton Learning Partnership.

Cabinet agreed:-

- (i) to approve the development of the link between the Stewarton Learning Partnership and Catalonia; and
- (ii) otherwise, to note the contents of the report.

BETTER SCHOOLS: BETTER LEARNING: A STRATEGY FOR DEVELOPING THE SCHOOL ESTATE

- 9E.** There was submitted a report dated 19 October 2007 (circulated) by the Executive Director of Educational and Social Services which sought approval for formal public consultation on a range of proposals to strengthen the quality of learning and teaching in East Ayrshire. The proposals were based on an evaluation of the distribution of resources in relation to the present and likely future distribution of pupils. Their focus was to improve and strengthen school education, particularly in rural areas, by creating viable educational communities that would endure into the future, in quality, modern accommodation and with in-built capacity to deliver, develop and strengthen curricular provision. The purpose of the report and its appendices was to ensure best use of available resources and that these were directed to improve learning and teaching and the environment in which it took place. The proposals in the report were designed specifically to strengthen and improve education.

The proposals detailed in the individual appendices were:-

- Project 1 - a proposed merger of Woodstock and Witchhill Schools;
- Project 2 - Crossroads Primary School;
- Project 3 - Primary Schools and Nursery School in New Cumnock;
- Project 4 - Littlemill Primary School and Nursery Class;
- Project 5 - St Xavier's Primary School; and
- Project 6 - Sorn Primary School.

Having heard the Executive Director of Educational and Social Services who outlined the individual projects Cabinet agreed:-

- (i) to note that in relation to all projects, where necessary, to amend the relevant sections of the appendices to the report to reflect that in line with the Council's financial reserves strategy all proceeds of any sites sold would be used to enhance educational provision by reinvestment in the remaining school estate;
- (ii) to instruct the Executive Director of Educational and Social Services to issue consultation documents for the projects detailed in paragraph 6.3 of the report;
- (iii) that a series of public consultation exercises be conducted, commencing in November 2007, with the results being reported to the Cabinet, early in 2008; and
- (iv) otherwise, to note the contents of the report.

The Cabinet heard Councillor Jackson on the undernoted issues which had been responded to at the meeting by the Executive Director of Educational and Social Services and the Chief Executive. The Cabinet acceded to Councillor Jackson's request that these issues be recorded in the Minutes as follows:-

- the costs to make wind and watertight the other schools within the Council's Estate Management portfolio;
- details of the Council's proposals for Phase 2 of the Schools Estate Management Plan; and
- details of the opportunities/possibilities for new build projects.

Bill McGregor, Ivy Barclay, Church Representatives; Iain Harvey, Teacher Representative; and David Fraser, Parent Representative all left the meeting at this point.

MANAGEMENT AND RESOURCES

REVIEW OF PROTOCOL TO BE FOLLOWED FOR COUNCIL EVENTS

10. There was submitted a report dated 12 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which set out, for approval, the considerations which should be followed when determining appropriate arrangements for representation at Council events.

Cabinet agreed:-

- (i) to approve the terms of the protocol detailed in the report;
- (ii) that the Depute Chief Executive/Executive Director of Corporate Support make the appropriate arrangements to implement the protocol across all Council services; and

- (iii) to note that a protocol for dealing with press releases would be submitted to a future meeting of the Cabinet.

APPRAISAL OF EXECUTIVE DIRECTORS AND HEADS OF SERVICE

11. There was submitted a report dated 25 October 2007 (circulated) by the Chief Executive which proposed arrangements for the appraisal of Executive Directors and Heads of Service.

Cabinet agreed:-

- (i) that SOLACE Enterprises be contracted on a preferred provider basis for the appraisal of Executive Directors given their previous work in relation to the appraisal of the Chief Executive; and
- (ii) to note that consideration would require to be given to issuing a competitive tender for the next phase for appraisal of Heads of Service.

EAST AYRSHIRE COUNCIL (RESTRICTION OF ACCESS RIGHTS AT A71 UNDERPASS AT CARRON AVENUE AND QUEENS DRIVE, KILMARNOCK) BYE-LAWS 2007

12. There was submitted a report dated 29 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to promote bye-laws in terms of Section 12(1)(c) of the Land Reform (Scotland) Act 2003 which would restrict the exercise of access rights at the A71 underpass between Carron Avenue and Queens Drive, Kilmarnock.

Cabinet agreed:-

- (i) to approve the proposed East Ayrshire (Restriction of Access Rights at A71, Underpass between Carron Avenue and Queens Drive, Kilmarnock Bye-Laws) 2007;
- (ii) to authorise the Solicitor to the Council to consult on the terms of the proposed bye-laws and thereafter seek confirmation from the Scottish Ministers; and
- (iii) otherwise, to note the contents of the report.

APPOINTMENT TO OUTSIDE ORGANISATION

13. There was submitted a report dated 5 November 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which detailed the invitation to the Chief Executive to become a Trustee of the Great Steward of Scotland's Dumfries House Trust.

Cabinet agreed to appoint the Chief Executive to serve as a Trustee on the Great Steward of Scotland's Dumfries House Trust for a maximum period of six years, with the appointment being reviewable by the Trustees after a period of three years.

Councillor Buchanan left the meeting during consideration of this item.

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

ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN (PARA 13)

- 15.** The Head of Planning and Economic Development presented three inter-related reports and provided a summary thereon.

15.1 ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN - PUBLICITY AND CONSULTATION STATEMENT (PARA 13)

There was submitted a report dated 31 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) informed the Cabinet of the representations received in respect of the consultative draft version of the alteration to the East Ayrshire Local Plan; (ii) presented to Cabinet for consideration and approval a suggested Council response to each of the representations received; and (iii) sought authorisation from the Cabinet for the Head of Planning and Economic Development to inform those individuals and organisations who had submitted representations as to how their representations had been viewed by the Council.

C

Cabinet agreed, subject to referring the matter to Council for ratification:-

C

- (i) to endorse and approve the suggested Council response to the representations made on the consultative draft version of the Alteration to the East Ayrshire Local Plan, as detailed in Appendix 1 of the Publicity and Consultation Statement;
- (ii) to authorise the Head of Planning and Economic Development to inform each of the respondents to the plan of the views and responses of the Council in respect of the particular representations which they had made; and
- (iii) to authorise the Head of Planning and Economic Development to make any changes, alterations or amendments to the Publicity and Consultation Statement as might be agreed by Cabinet and to make any associated amendments to the Local Plan alteration, as might be considered necessary, prior to individual respondents being informed of the Council's views on their representations and prior to the Local Plan alteration being formally advertised for objection purposes.

Councillor Buchanan rejoined the meeting during consideration of this item.

15.2. ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN - SUSTAINABILITY APPRAISAL (PARA 13)

There was submitted a report dated 31 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) presented to Cabinet for consideration and approval a finalised draft version of the Sustainability Appraisal and new Appropriate Assessment prepared in support of the finalised draft version of the Alteration to the East Ayrshire Local Plan; (ii) presented to Cabinet for consideration and approval suggested Council responses to those representations received in respect of advertising the Sustainability Appraisal in the local press and which invited comment on the documents; (iii) sought authorisation from Cabinet to

inform those persons who had made representations on the Sustainability Appraisal and how their representations had been viewed by the Council.

C

Cabinet agreed, subject to referring the matter to Council for ratification:-

C

- (i) to approve the updated version of the Alteration to the East Ayrshire Local Plan, Sustainability Appraisal and its associated Appropriate Assessment;
- (ii) to authorise the Head of Planning and Economic Development to advertise the updated version of the Sustainability Appraisal and to invite further representations on the document within a stipulated six week period early in the New Year;
- (iii) to authorise the Head of Planning and Economic Development to make any non-substantive changes or alterations/amendments of a technical nature to the Sustainability Appraisal, as may be considered necessary, prior to the document being formally advertised for consultation purposes;
- (iv) to authorise the Head of Planning and Economic Development to inform those persons and organisations who had made representations on the Sustainability Appraisal as to how the Council had viewed their representations; and
- (v) otherwise, to note the contents of the report.

15.3 ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN - FINALISED DRAFT VERSION (PARA 13)

There was submitted a report dated 31 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) presented to Cabinet for consideration and approval, the Finalised Draft Version of the Alteration to the East Ayrshire Local Plan; (ii) sought authorisation from the Cabinet to place the plan on deposit, to invite formal objections on the plan and to implement the necessary statutory procedure to progress the plan to adoption.

C

Cabinet agreed, subject to referring the matter to Council for ratification:-

C

- (i) to approve the Finalised Draft Version of the Alteration to the East Ayrshire Local Plan;
- (ii) to authorise the Head of Planning and Economic Development to advertise the finalised version of the Local Plan alteration and to invite formal objections to the document within an as yet unspecified, six week period early in the New Year;
- (iii) to authorise the Head of Planning and Economic Development to make any non-substantive changes or alterations/amendments of a technical nature to the Local Plan Alteration, as may be considered necessary, prior to the document being formally advertised for objection purposes;
- (iv) to authorise the Head of Planning and Economic Development to treat the Local Plan Alteration, once ratified by the Council, as a material consideration in the determination of planning applications and to sist any planning applications pertaining to development opportunity sites to which objections had been lodged and had not been resolved; and
- (v) otherwise, to note the contents of the report.

15.4 ALTERATION TO THE EAST AYRSHIRE LOCAL PLAN - ELECTED MEMBER SEMINAR

Having considered the reports detailed above and having heard the Chair, the Cabinet also agreed that a seminar for Members regarding the Alteration to the East Ayrshire Local Plan be arranged and that the necessary arrangements be remitted to the Depute Chief Executive/Executive Director of Corporate Support.

MANAGEMENT AND RESOURCES

FINANCE AND ASSET MANAGEMENT SERVICES STAFFING STRUCTURE (PARA 1)

16. There was submitted a joint report dated 16 October 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Head of Finance and Asset Management which asked Cabinet to approve amendments to the staffing structure of the Exchequer Division of the Finance and Asset Management Service within the Chief Executive's Office, subject to consultation with Trade Unions.

Cabinet agreed to approve the staffing amendments detailed in the report and also to approve the request for voluntary redundancy contained within the report, subject to consultation with Trade Unions.

MINOR WORKS AND BUILDING MAINTENANCE TERM CONTRACTS - APPLICATION OF EXTENSION OPTION WITHIN THE TERMS OF THE EXISTING CONTRACT (PARA 8)

17. There was submitted a report dated 1 November 2007 (circulated) by the Executive Head of Finance and Asset Management which sought approval to apply a period of extension of one year to the Minor Works and Building Term Maintenance Contract.

Cabinet agreed to authorise a one year extension of the existing Minor Works and Building Maintenance Term Contract with MITIE Property Services (UK) Ltd, Airdrie.

2007/2008 GENERAL SERVICES REVENUE BUDGET AS AT 23 SEPTEMBER 2007 - PERIOD 6 (PARA 8)

18. There was submitted and noted a report dated 17 October 2007 (circulated) by the Executive Head of Finance and Asset Management which advised of the projected financial position for revenue services based on expenditure to 23 September 2007 (Period 6) and on information provided by Executive Directors.

The meeting terminated at 1158 hours.