

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 18 NOVEMBER 2009 AT 1000 HOURS IN THE ROBERT BURNS SUITE, BURNS MONUMENT CENTRE, KAY PARK, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, Iain Linton, John MacKay, John McGhee, Maureen McKay, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts and Kathy Morrice; and Church Representative Maria Dorrian; Parent Representative David Fraser; and Teacher Representative Bryce Wilson.

**ATTENDING:** Fiona Lees, Chief Executive; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Head of Finance and Asset Management; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure; Alan Neish, Head of Planning and Economic Development; John Bryson, Head of Roads and Transportation; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Andrew Sutherland, Head of Service: Schools; Julie McGarry, Administration Manager; Robert McCulloch, Outdoor Amenities Manager; and Christine Baillie, Senior Administrative Officer.

**APOLOGIES:** Councillor Jim Buchanan and Church Representative Bill McGregor.

**CHAIR:** Councillor Douglas Reid, Leader of the Council.

**CHAIR'S REMARKS**

1. The Chair welcomed Maria Dorrian to her first Cabinet meeting and advised that Maria had been nominated as the Roman Catholic Church Representative to serve on Cabinet when it was dealing with Education business, following the resignation of John McHugh.

He also welcomed Jennifer Pittams, sixth year pupil from Grange Academy who was on work experience within Legal Services.

**LIFELONG LEARNING****PRESENTATION BY DARVEL NURSERY SCHOOL ON THE "STITCH IN TIME PROJECT WITH COLUMBA 1400"**

- 2E. Cabinet received a presentation from Vicki Devlin, Head Teacher, Darvel Nursery School and Kit Williamson, parent and Columba guardian in connection with the "Stitch in Time Project for Columba 1400".

Members of Cabinet had the opportunity to ask questions and thereafter the Chair, on behalf of the Cabinet, congratulated Vicki and Kit on their very successful and innovative project.

**NON-ELECTED MEMBER REPRESENTATION - ROMAN CATHOLIC CHURCH REPRESENTATIVE**

- 3E. There was submitted a joint report dated 6 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive

Director of Educational and Social Services which advised that Miss Maria Dorrian had replaced Mr John McHugh as Roman Catholic Church Representative for the remaining life of the Cabinet and the current Council.

Cabinet agreed:-

- (i) to note that Miss Maria Dorrian, who had been nominated by the Bishop of Galloway, would replace Mr John McHugh to serve as Roman Catholic Church Representative for the remaining life of the Cabinet when it was determining Education business; and
- (ii) otherwise, to note the contents of the report.

**HER MAJESTY'S INSPECTORATE OF EDUCATION AND CARE  
COMMISSION INSPECTION REPORTS 2008-2009**

- 4E.** There was submitted a report dated 30 October 2009 (circulated) by the Executive Director of Educational and Social Services which advised of the performance of schools and pre-school centres following external scrutiny by Her Majesty's Inspectorate of Education and the Care Commission during financial year 2008/2009.

Cabinet agreed:-

- (i) to note the overall strong performance of early years centres and schools in East Ayrshire;
- (ii) to invite the Executive Director of Educational and Social Services to provide similar reports on performance on an annual basis;
- (iii) to refer the report to the Governance and Scrutiny Committee for their consideration and to include within that report information on the proposed improvement plan for each school;
- (iv) to note that a report on the inspection carried out at Loanhead Primary School would be reported to a future Cabinet meeting; and
- (iv) otherwise, to note the contents of the report.

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

**ORDER OF BUSINESS**

- 5.** The Chair, at his discretion, and in terms of Standing Order 19, agreed to alter the order of business and take Item 11 as shown on the agenda, at this point.

**COMMUNITY WELLBEING**

**NATIONAL ELIGIBILITY CRITERIA AND WAITING TIMES FOR PERSONAL AND NURSING CARE OF OLDER PEOPLE**

- 6.** There was submitted a report dated October 2009 (copy enclosed) by the Executive Director of Educational and Social Services which (i) informed of the new Guidance on National Eligibility Criteria and Waiting Times for Personal and Nursing Care of Older People; (ii) advised of the implications for East Ayrshire Council; and (iii) which sought approval of a revised eligibility criteria for Community Care Services.

Cabinet agreed:-

- (i) to authorise the Chief Social Work Officer to confirm to the Scottish Government that arrangements in East Ayrshire for access to social care services and timescales for access to free personal and nursing care services were consistent with the guidance;
- (ii) to approve the revised eligibility criteria for community care services; and
- (iii) otherwise, to note the contents of the report.

## **ENVIRONMENT AND REGENERATION**

### **SUSTAINABLE DEVELOPMENT STRATEGY**

7. There was submitted a report dated 11 November 2009 (circulated) by the Executive Director of Neighbourhood Services which presented a progress report as required by the Sustainable Development Strategy: Action Plan Theme 4: Performance Management and Evaluation; and which advised on the current position concerning allocation of the Zero Waste Fund.

Councillor Maureen McKay, seconded by Councillor John McGhee, moved approval of the recommendations outlined in the report, as detailed below, together with an additional recommendation detailed at (iv) below:-

- (i) to note the progress being made in terms of the Sustainable Development Strategy;
- (ii) to note the terms of the draft Year 2 report on the Council's response to climate change as set out in Appendix 2 of the report;
- (iii) to agree the proposals to extend recycling activities in East Ayrshire utilising the Zero Waste Fund as set out in Section 4 of the report, and that the Executive Director of Neighbourhood Services report back with proposals for the introduction of the pilot scheme for the collection of organic kitchen waste and mixed plastics;
- (iv) to submit the report to the Governance and Scrutiny Committee to allow them to undertake an evaluation of the work proposed within this report; and
- (v) otherwise, to note the contents of the report.

Councillor Robert McDill, seconded by Councillor Douglas Reid, moved as an amendment, approval of the recommendations as detailed in the report as shown at items (i), (ii), (iii) and (v) above.

On a division by a show of hands the amendment was carried by eight votes to two.

### **PLAYPARK INVESTMENT PROGRAMME (Item 12, Page 765, 07/12)**

8. There was submitted a report dated 11 November 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for a prioritised programme of playpark investment across East Ayrshire.

Councillor Douglas Reid, seconded by Councillor Robert McDill, moved approval of the recommendations outlined in the report, as detailed below:-

- (i) to approve the proposed priority programme as detailed in paragraph 4.1 of the report; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor John McGhee, moved as an amendment that the report be deferred to the next meeting of the Cabinet and that the report provide a new priority list based on the recommendations made by the external consultant and that the Executive Director of Neighbourhood Services carry out a full consultation with all local Members to gain their local knowledge regarding the playparks within their area.

On a division by a show of hands the motion was carried by eight votes to two.

Councillor Iain Linton left the meeting at this point.

**PROPOSED 30 MPH SPEED LIMIT EXTENSION - B7081 KILMARNOCK ROAD, CROSSHOUSE**

9. There was submitted a report dated 3 November 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for an extension to the existing 30 mph speed limit on the B7081 Kilmarnock Road, Crosshouse.

Cabinet agreed:-

- (i) to approve the making of the Order; and
- (ii) otherwise, to note the contents of the report.

**GALSTON TOWN CENTRE REGENERATION (Item 8, Page 818, 07/12)**

10. There was submitted a report dated 11 November 2009 (copy enclosed) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to take forward an amended regeneration strategy for Galston Town Centre under the Delivering Community Regeneration Action Plan.

Cabinet agreed:-

- (i) to the regeneration strategy as detailed in section 3 of the report;
- (ii) to amend the Capital Investment Plan to include a new Local Office, refurbishment/extension to the existing Social Work Office and refurbished community facilities at Orchard Street;
- (iii) to allocate £700,000 from the general regeneration allocation in the capital investment programme to facilitate the strategy outlined in the report;
- (iv) to authorise the acquisition of the sites at 2-6 Bridge Street, 3-5 Cross Street and the areas of ground required to form the car park to the rear of these sites;
- (v) to remit to the Head of Planning and Economic Development to further develop proposals for utilising the former Provost's Chambers/Council Offices and continue to pursue options for bringing the former Portland Arms back into sustainable use;
- (vi) to remit to the Head of Roads and Transportation to further investigate improvement to roads and footways at Bridge Street/Brewlands Street; and
- (vii) otherwise, to note the contents of the report.

**PROCEDURES FOR THE OPERATION OF THE RENEWABLE ENERGY FUND  
(Item 6, Page 912, 07/12)**

11. There was submitted a report dated 11 November 2009 (copy enclosed) by the Depute Chief Executive/Executive Director of Corporate Support which resubmitted for consideration the report on the Procedures for the Operation of the Renewable Energy Fund previously submitted to Cabinet on 4 November 2009; and which updated Members on the issues raised at that meeting.

Cabinet agreed:-

- (i) to approve the proposals for the ingathering of contributions to the Renewable Energy Fund as detailed in paragraph 3 of the report;
- (ii) to the amendment proposed by Councillor McDill, as set out in Paragraph 2.2 of the report, to the effect that for the next 10 years the funds to be secured from the Whitelee Windfarm community benefit contributions should be used exclusively for local projects within 10km or the approved site boundary or for maintenance of the Whitelee Access Plan beyond financial year 2013/14 and that thereafter 50% of the funds received should be directed to local projects and 50% to the wider East Ayrshire area;
- (iii) that the proposed principles for the disbursement of the Renewable Energy Fund as detailed in Section 4 of the report be used as a basis for discussion/consultation with Community Representatives, subject to the additional requirements with views be sought as to (a) whether a "Rolling" Application Process or a "Phased" Application Process, possibly linked to deadlines for other avenues of funding, e.g. European funding, would be the preferred option; and (b) whether Community Representatives should be involved in the proposed scoring process as part of the overall evaluation of applications;
- (iv) that the proposals for the operation of the Renewable Energy Fund as detailed in Section 5 of the report, be used as a basis for discussion/consultation with Community Representatives subject to an additional requirement for relevant Officers to give further consideration to the greater utilisation of appropriate measurable outputs and outcomes within the proposed application process and to bring back a further report on this specific issue for consideration and approval by Cabinet prior to undertaking the proposed consultation;
- (v) that subject to (iii) and (iv) above, the proposed consultation be undertaken and the outcome reported to the Corporate Management Team, and thereafter to Cabinet;
- (vi) to note the various manpower, workload and financial implications that are likely to arise from the implementation of the Renewable Energy Fund and that as part of any Section 75 Agreement discussions, Council Officers should include a clause to the effect that a proportion of any contributions received should be used to pay for legitimate administrative costs of the Renewable Energy Fund; and
- (vii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to submit a further report within one calendar year to update on the state of the fund, to provide a summary of the community projects supported, and any manpower and personnel issues that may have arisen.

### **ADJOURNMENT/RECONVENTION OF MEETING**

12. The meeting adjourned at 1232 hours and reconvened at 1247 hours with the same Members and Officers present and in attendance under exception of Graham Short, Executive Director of Educational and Social Services, Eddie Fraser, Head of Service: Community Care , Kay Gilmour, Head of Service: Community Support and Andrew Sutherland, Head of Service: School.

### **STRATEGIC HOUSING INVESTMENT PLAN**

13. There was submitted a report dated 3 November 2009 (circulated) by the Executive Director of Neighbourhood Services which recommended that the content of the updated East Ayrshire Strategic Housing Investment Plan which covered the five year period from 2010/11 to 2014/15; and which sought approval to submit the Plan to the Scottish Government for consideration by the due date of 30 November 2009.

Cabinet agreed:-

- (i) to approve the Affordable Housing Investment priorities detailed in the Strategic Housing Investment Plan 2010/11-2014/15 appended to the report for submission to the Scottish Government by 30 November 2009;
- (ii) to note that it would be necessary to review the current Council house rent increase policy of RP1 plus 1% as part of the 2010/11 budget process; and
- (iii) otherwise, to note the contents of the report.

### **GREEN BURIAL SERVICE - GALSTON**

14. There was submitted a report dated 12 November 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of the completion of the works to create a green burial site at Galston Cemetery and which sought approval for charges for the use of this new service.

Cabinet agreed:-

- (i) to note the completion of work to allow green burials at Galston Cemetery;
- (ii) to approve the proposed charges as detailed at paragraph 4.1 of the report; and
- (iii) otherwise, to note the contents of the report.

### **MANAGEMENT AND RESOURCES**

#### **BEVIN BOYS MINERS PERMANENT MEMORIAL CAMPAIGN**

15. There was submitted a report dated 11 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed of correspondence received from the Chairman of the Appeal Committee of the Bevin Boys Miners Permanent Memorial Campaign which invited the Council to contribute to the Memorial Fund; and which recommended that Cabinet agree that East Ayrshire Council make an appropriate donation.

Cabinet agreed that a contribution of £500 be made to the Bevin Boys Miners Permanent Memorial Campaign.

### **EXCLUSION OF PRESS AND PUBLIC**

16. 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 1 of Schedule 7A of the Act".

### **REVISED CONDITIONS OF SERVICE FOR LOCAL GOVERNMENT EMPLOYEES PROGRESS REPORT (Item 14, Page 748, 07/12)**

17. There was submitted a report dated 12 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of progress on the consultations which had taken place to date with the Trade Unions regarding the introduction of revised terms and conditions of service for employees within the Local Government Employees (LGE) employee group.

Cabinet agreed:-

- (i) to approve the amendments to the Council's proposals in respect of shift allowances;
- (ii) to note the preservation arrangements which would apply;
- (iii) to note the outcome of the Employee Briefing Sessions held during the summer;
- (iv) to approve the Head of Human Resources' continued consultations with the Trade Unions with a view to reaching a collective agreement on the proposals;
- (v) that a further report be submitted to Cabinet following the conclusion of the consultation with the Trade Unions; and
- (iv) otherwise, to note the contents of the report.

### **LOCAL GOVERNMENT PENSION SCHEME (SCOTLAND) REGULATIONS EMPLOYERS DISCRETION (Item 16, Page 512, 07/12)**

18. There was submitted a report dated 28 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked Cabinet to consider a request from a former employee of the Council to use its discretion under the Pension Regulations to authorise early payment of deferred pension benefits on compassionate grounds.

Councillor John McGhee, seconded by Councillor Maureen McKay, moved that Cabinet use its discretion under the Pension Regulations to authorise early payment of the former employee's deferred pension benefits.

Councillor Douglas Reid, seconded by Councillor Hugh Ross, moved as an amendment approval of the recommendation outlined in the report as follows:- that Cabinet does not use its discretion under the Pension Regulations to authorise early payment of the former employee's deferred pension benefits due to the "strain on the fund costs" associated with the request.

On a division by a show of hands the amendment was carried by 7 votes to 2.

The meeting terminated at 1340 hours.