

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 30 SEPTEMBER 2009 AT  
1000 HOURS IN NEW CUMNOCK COMMUNITY CENTRE, THE CASTLE,  
NEW CUMNOCK**

**PRESENT:** Councillors Iain Linton, John MacKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, 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; David Mitchell, Head of Legal, Procurement and Regulatory Services; Eddie Fraser, Head of Service: Community Care; Gwen Barker, Community Planning and Partnership Manager; and Christine Baillie, Senior Administrative Officer.

**APOLOGY:** Councillor Douglas Reid.

**CHAIR:** Councillor Iain Linton, Depute Leader of the Council.

**COMMUNITY PLANNING AND EQUALITIES****SINGLE OUTCOME AGREEMENT ANNUAL PERFORMANCE REPORT 2008/09  
(Item 1, Page 620, 07/12)**

1. There was submitted a report dated 23 September 2009 (circulated) by the Chief Executive which presented to Cabinet for consideration and endorsement, the first Annual Performance Report (2008/09) in respect of the East Ayrshire Community Planning Partnership Single Outcome Agreement (SOA).

Cabinet agreed:-

- (i) to note that comments made by Elected Members at a Seminar earlier this week would, where appropriate, be incorporated into the report;
- (ii) to note that the updated SOA had been "signed off" by the Scottish Government on 23 July 2009;
- (iii) to note that the first SOA Annual Performance Report on progress made in 2008/09 required to be submitted to the Scottish Government by 30 September 2009;
- (iv) to endorse the first Annual Performance Report as attached as Appendix 1 to the report, subject to minor textual amendment;
- (v) that due to the timescales involved, this decision be implemented prior to any consideration by the Governance and Scrutiny Committee under the call-in process, as to delay the decision would mean that the document would not be submitted to the Scottish Government by the due date of 30 September 2009;
- (vi) to note the proposals to work towards the integration of reporting on the Community Plan Action Plan Annual Performance Report with the SOA reporting process, where possible;

- (vii) to note the key strategic priorities/local outcomes linked to the SOA which had been agreed by the CPP Board;
- (viii) to receive a report back from the Chief Executive on the actions taken from a Council perspective to improve performance; and
- (ix) otherwise, to note the contents of the report.

### **COMMUNITY WELLBEING**

#### **CONSULTATION: THE CARE AND TREATMENT OF PEOPLE WITH MENTAL DISORDER AND LEARNING DISABILITY (SCRUTINY, QUALITY IMPROVEMENT AND PROTECTION) MENTAL WELFARE COMMISSION FOR SCOTLAND: FUTURE STRUCTURE**

2. There was submitted a report dated 9 September 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval of a response from East Ayrshire Council to the public consultation with respect to the future role of the Mental Welfare Commission for Scotland.

Cabinet agreed:-

- (i) to note the consultation response;
- (ii) to approve its submission on behalf of East Ayrshire Council to the Scottish Government; and
- (iii) otherwise, to note the contents of the report.

### **MANAGEMENT AND RESOURCES**

#### **LEASE OF DISUSED ASSLOSS WALLED GARDEN, DEAN CASTLE COUNTRY PARK, KILMARNOCK (Item 7, Page 598, 07/12)**

3. There was submitted a report dated 4 September 2009 (circulated) by the Executive Head of Finance and Asset Management which sought approval to extend the lease between the Council and Heal the Earth Ayrshire in respect of the disused Assloss Walled Garden, Dean Castle Country Park for a period of 5 years to 10 years with an option to extend the lease at the end of the 10 years for a further period to be agreed at that time.

Cabinet agreed to the extension of the lease period of the proposed lease of the disused Assloss Walled Garden, Dean Castle Country Park, Kilmarnock to Heal the Earth Ayrshire from 5 years to 10 years with the option to extend at the end of 10 years for a further period to be agreed at that time.

### **CENTRAL JOINT CONSULTATIVE COMMITTEE**

4. There were submitted and noted the Minutes of the meeting of the Central Joint Consultative Committee held on 10 September 2009 (circulated).

#### **“KEEP JOHNNIE WALKER IN KILMARNOCK” CAMPAIGN**

5. It was agreed to withdraw this item from the Agenda and to note that it would be submitted to Council on 8 October 2009 for consideration.

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

6. 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".

#### **PROPOSED SALE OF GROUND AT SKERNIELAND ROAD, FENWICK (PARA 9) (Item 12, Pages 242, 243, 07/12)**

7. There was submitted a joint report dated 29 June 2009 (circulated) by the Executive Head of Finance and Asset Management and the Solicitor to the Council which provided an update on the proposed disposal of an area of ground at Skernieland Road, Fenwick, to the party identified in the report or their assignees, as approved by Cabinet on 24 January 2008 and which sought authority to dispose of a larger area of ground extending to 2.46 hectares (6.093 acres) or thereby at Skernieland Road, Fenwick to the party identified in the report, on the terms and conditions approved by Cabinet on 24 January 2008 and the revised terms and conditions as detailed within the report.

Cabinet agreed to continue consideration of this item to the next meeting of Cabinet to allow the Executive Head of Finance and Asset Management and the Solicitor to the Council to further discuss the various issues raised concerning the report with the Council's Spokespersons for Management and Resources.

#### **SEVERANCES (PARA 1)**

8. There was submitted a report dated 22 September 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of severance arrangements for three employees within the Department of Educational and Social Services.

Cabinet agreed:-

- (i) having heard an update from the Depute Chief Executive/Executive Director of Corporate Support in connection with the employee detailed in paragraph 2.4 of the report, to note that the employee had now taken up alternative employment within the Department of Educational and Social Services and would, therefore, not leave the Council's service at this time;
- (ii) to note that as a consequence of recommendation (i) above, the financial implications detailed in paragraph 2.6 and Appendix A to the report should now read £14,322 during financial year 2009/10 with no future costs; and
- (iii) to approve the severance arrangements of the other employee as detailed in paragraph 2.3 of the report and the employee as detailed in paragraph 3 of the report.

The meeting terminated at 1050 hours.