

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 4 NOVEMBER 2009 AT 1000 HOURS IN THE BARRHILL COMMUNITY EDUCATION CENTRE, BANK AVENUE, CUMNOCK**

PRESENT: Councillors Douglas Reid, Iain Linton, John MacKay, John McGhee, Maureen McKay, 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; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; Eddie Fraser, Head of Service: Community Care; Robin Baker, Financial Controller; Dot Grieve, Principal Officer, Community Learning and Development; Donald Meldrum, Asset Manager; Julie McGarry, Administration Manager; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Jim Buchanan and Hugh Ross.

CHAIR: Councillor Douglas Reid, Leader of the Council.

COMMUNITY PLANNING AND EQUALITIES**LESBIAN, GAY, BI-SEXUAL OR TRANSGENDERED PEOPLE (LGBT) YOUTH SCOTLAND CHARTER MARK**

1. There was submitted a report dated 13 October 2009 (circulated) by the Executive Director of Educational and Social Services which informed Members of the recently awarded LGBT Charter Mark status to the Community Learning and Development Service in respect of LGBT.

Cabinet agreed:-

- (i) to remit to Officers to consider the recommendations made by LGBT Youth Scotland as detailed in Paragraph 3.4 of the report;
- (ii) that the Executive Director of Educational and Social Services provide an update report to a future meeting of Cabinet; and
- (iii) otherwise, to note the contents of the report.

COMMUNITY WELLBEING**CONSULTATION - REVIEW OF THE MENTAL HEALTH (CARE & TREATMENT) (SCOTLAND) ACT 2003**

2. There was submitted a report dated 26 October 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 a review of the Mental Health (Care & Treatment) (Scotland) Act 2003.

Cabinet agreed:-

- (i) to note the consultation response;
- (ii) to approve its submission on behalf of East Ayrshire Council to the Scottish Government;
- (iii) given that the timescale for submitting a response to the Scottish Government was 6 November 2009, to implement the decision taken at recommendation (ii) above, prior to any consideration of the Governance and Scrutiny Committee under the call-in process on the grounds of urgency;
- (iv) to submit the report to the Governance and Scrutiny Committee with a request that they undertake a review of the resource implications for the retention and expansion of independent advocacy provision with a particular focus on the known gap for Under 14's; and
- (v) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

FUTURE JOBS FUND - UPDATE REPORT

3. There was submitted a report dated 16 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided information on the successful bid by East Ayrshire Skills Development and Employability Service to create jobs funded by the Future Jobs Fund.

Cabinet agreed:-

- (i) to note the significant additional resources secured through the Future Jobs Fund;
- (ii) to note the creation of job opportunities against the current backdrop of the economic recession;
- (iii) to note that Councillor Reid, as Chair of the Community Planning and Partnership Board, would encourage all Community Planning Partners to become involved in creating jobs in the 2nd phase of the project; and
- (iv) otherwise, to note the contents of the report.

KILMARNOCK FLORAL CLOCK - LEGAL AGREEMENT (Item 15, Page 800, 07/12)

4. There was submitted a report dated 22 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which updated Cabinet on the progress with the Kilmarnock floral clock project and which sought agreement for the way forward in relation to a Licence Agreement with Network Rail, to safeguard the Council's investment in the site.

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

- (i) to approve Option 1 as detailed in Paragraph 4.6(i) of the report, on the basis that the proposed compensation clause, as detailed in Paragraph 4.4 of the report, be inserted into the Licence Agreement; and

- (ii) that the relevant insurance cover be arranged to protect the interests of both the contractor and the Council during the works period.

Councillor Maureen McKay, seconded by Councillor John McGhee, moved as an amendment that the report be reassessed and brought back to a future meeting of Cabinet outlining (i) the total spend on the Floral clock project from 2007, to the present date; (ii) details of the anticipated spend over the next 20 years; (iii) a cost/benefit analysis of the project; and (iv) details of any opportunity for additional jobs which the project could generate directly.

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

PROPOSED ONE WAY SYSTEM - DOONSIDE AVENUE, PATNA

5. There was submitted a report dated 22 October 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval of Cabinet for the introduction of a one way traffic system in Doonside Avenue, Patna.

Cabinet agreed:-

- (i) to approve the making of the Order for the introduction of a one way traffic system in Doonside Avenue; and
- (ii) otherwise, to note the contents of the report.

PROCEDURES FOR THE OPERATION OF THE RENEWABLE ENERGY FUND (Item 16, Page 884, 07/12)

6. There was submitted a report dated 22 July 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which (i) updated Cabinet regarding the establishment of a Renewable Energy Fund (REF); (ii) presented to Cabinet proposals for the ingathering of contributions to the REF; and (iii) presented to Cabinet proposed principles for the disbursement and detailed operation of the REF and which recommended that these should form the basis of discussion/consultation with Community Representatives.

Cabinet agreed to continue consideration of this matter to allow Officers the opportunity to meet with all Cabinet Members to discuss and clarify the further issues raised at the meeting and thereafter, that the matter be brought back to the next Cabinet meeting for further consideration.

MANAGEMENT AND RESOURCES

ASSET MANAGEMENT STRATEGY

7. There was submitted a report dated 1 October 2009 (circulated) by the Executive Head of Finance and Asset Management which presented a proposed Asset Management Strategy for property assets to the Cabinet for consideration and approval.

The Chief Executive advised, and it was noted (i) that in relation to Paragraph 5.1.2, bullet point 3 of the Strategy, reports on asset performance would be considered by CMT, in the first instance and then by Cabinet and that, therefore, there was no need for a separate Corporate Asset Management Working Group; and (ii) the Council's corporate performance management system would also provide headline information on Asset Management Indicators.

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

- (i) to approve the proposed Asset Management Strategy; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor John McGhee, moved as an amendment:-

- (i) to support, in principle, the proposed Asset Management Strategy;
- (ii) to submit the report to the Governance and Scrutiny Committee for their consideration; and
- (iii) otherwise, to note the contents of the report.

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

PROPOSED LEASE EXTENSION OF OFFICE ACCOMMODATION AT 33 TOWNHEAD STREET, CUMNOCK

8. There was submitted a report dated 21 October 2009 (circulated) by the Executive Head of Finance and Asset Management which sought authorisation for the Solicitor to the Council to extend the lease with the Secretary of State for Communities and Local Government (Department for Work and Pensions) in relation to the office accommodation at 33 Townhead Street, Cumnock, subject to the terms and conditions detailed in Paragraph 3.4 of the report.

Cabinet agreed:-

- (i) to authorise the Solicitor to the Council to extend the lease with the Secretary of State for Communities and Local Government (Department for Work and Pensions) in relation to the office accommodation at 33 Townhead Street, Cumnock, subject to the terms and conditions detailed in Paragraph 3.4 of the report;
- (ii) to approve the contribution of £29,250 from the Capital Budget allocation for Cumnock Town Centre as detailed in Paragraph 4.3 of the report; and
- (iii) to note that the Council were committed to encouraging the Department for Work and Pensions to remain in Cumnock now and in the future, following the expiry of the current lease and would continue to pursue this matter with the Department for Work and Pensions including the possibility of future relocation within the planned new Council Offices in Cumnock.

EXCLUSION OF PRESS AND PUBLIC

9. 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 ACQUISITION OF OFFICE ACCOMMODATION AT 17-19 HILL STREET, KILMARNOCK (PARA 9) (Item 22, Page 886, 07/12)

10. There was submitted a report dated 28 October 2009 (circulated) by the Executive Head of Finance and Asset Management which sought authorisation for the acquisition of office accommodation at 17-19 Hill Street, Kilmarnock, as shown hatched on the plan attached to the report, from Scottish Enterprise.

Cabinet agreed that the Solicitor to the Council be authorised to conclude the acquisition of 17-19 Hill Street, Kilmarnock, for the price detailed and on the terms and conditions specified in the report and on any other conditions deemed necessary by the Solicitor to the Council to adequately protect the interests of the Council.

VOLUNTARY SEVERANCE (PARA 1)

11. There was submitted a report dated 28 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of voluntary severance arrangements on the grounds of redundancy from an employee within the Social Work Service of the Department of Educational and Social Services.

Cabinet agreed to approve the voluntary severance arrangements as detailed in Appendix A to the report.

EARLY RETIREMENTS (PARA 1)

12. There was submitted a report dated 28 October 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of severance arrangements for four employees within the Department of Corporate Support.

Cabinet agreed to approve the early retirement arrangements as detailed in Appendix A to the report.

The meeting terminated at 1202 hours.