

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 21 JANUARY 2009 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, John MacKay, Jim Buchanan, John Knapp, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts and Kathy Morrice; Church Representatives Bill McGregor and John McHugh; 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; William Stafford, Executive Director of Neighbourhood Services; Alex McPhee, Executive Head of Finance and Asset Management; Eddie Fraser, Head of Community Care; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Alan Neish, Head of Planning and Economic Development; and Christine Baillie, Administrative Officer.

**APOLOGIES:** Councillor Iain Linton and Church Representative Dr Ivy Barclay.

**CHAIR:** Councillor Douglas Reid, Chair.

**CHAIR'S REMARKS**

1. The Chair advised that he intended, at his discretion and in terms of Standing Order 19, to alter the order of business to that shown below to allow the Non-Elected Members of Cabinet to participate in Items 6 and 7 as shown on the Agenda.

**LIFELONG LEARNING****FINANCE AND SERVICE STRATEGY REPORT TO PERIOD 9 (14 DECEMBER 2008)**

- 2E. There was submitted a report dated 14 January 2009 (circulated) by the Executive Head of Finance and Asset Management which advised Members of the projected financial position for the year based on expenditure to 14 December 2008 (Period 9) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the budget virement for Homecoming events as detailed in paragraph 2.6 of the report;
- (ii) to approve the utilisation of savings within the Housing Revenue Account (HRA) budget for additional Capital Funded from Current Revenue/Planned Maintenance works within HRA as detailed in paragraph 3.1 of the report; and
- (iii) otherwise, to note the contents of the report.

### **STATUTORY PERFORMANCE INDICATORS (Item 12, Page 426, 07/12)**

- 3E.** There was submitted a report dated 8 January 2009 (circulated) by the Executive Head of Finance and Asset Management which presented the Council's 2007/08 Statutory Performance Indicators with comparative performance information from previous years and contextual information on performance trends.

Cabinet agreed:-

- (i) to note the Council's performance for 2007/08 in relation to Statutory Performance Indicators;
- (ii) to note the performance trends for each of the indicators; and
- (iii) otherwise, to note the contents of the report.

### **MANAGEMENT AND RESOURCES**

#### **BUDGET 2009/10-2011/12 (Item 5E, Page 581, 07/12)**

- 4E.** There was submitted a report dated 16 January 2009 (circulated) by the Executive Head of Finance and Asset Management which sought approval of a draft General Services Revenue Budget for 2009/10 to 2011/12 to be issued for consultation to all interested parties. The feedback received during the consultation process will be used to inform the Cabinet's final consideration of the Budget on 11 February 2009.

Having noted that the 3rd column in the table in paragraph 4.2 should read "COST 2009/10" Cabinet agreed:-

- (i) to approve the proposals as detailed in the report and in Appendix 2 of the report, as a basis for consultation;
- (ii) to approve the Reserves and Balances Strategy as detailed in Appendix 1 of the report; and
- (iii) that whilst accepting that the contents of the report could be subject to call-in procedures in the normal way, the decision to issue the draft budget for consultation be exempted from the call-in procedure on the basis that to delay the consultation would be prejudicial to the Council's interests.

#### **DRAFT CAPITAL INVESTMENT PROGRAMME 2009/10-2018/19**

- 5E.** There was submitted a report dated 16 January 2009 (circulated) by the Executive Head of Finance and Asset Management which sought approval of a draft General Services Capital Programme for 2009/10 to 2018/19 to be issued for consultation to all interested parties. The feedback received during the consultation process will be used to inform the Cabinet's final consideration of the Budget on 11 February 2009.

Cabinet agreed:-

- (i) to note that paragraph 3.3.2 of the report "Sports, Leisure & Cultural Activities", Bullet Point 3 - Stewarton Sports Facilities should have made reference to both indoor and outdoor sports facilities;
- (ii) to approve the proposed 10 Year Capital Investment Programme as detailed in the report and in the appendices to the report, as a basis for consultation;
- (iii) that whilst accepting that the contents of the report could be subject to call-in procedures in the normal way, the decision to issue the draft programme for

consultation be exempted from the call-in procedure on the basis that to delay the consultation would be prejudicial to the Council's interests; and

- (iv) otherwise, to note the contents of the report.

Church Representatives Bill McGregor and John McHugh, Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

## **ENVIRONMENT AND REGENERATION**

### **SUSTAINABLE DEVELOPMENT STRATEGY (Item 13, Page 464, 07/12)**

6. There was submitted a report dated 6 January 2009 (circulated) by the Executive Director of Neighbourhood Services which provided Cabinet with a progress report on the development of the East Ayrshire Sustainable Development Strategy (SDS) and which sought Cabinet approval to adopt the finalised Sustainable Development Strategy and to approve proposals for publication of the finalised Sustainable Development Strategy.

Cabinet agreed:-

- (i) to approve the modifications to the finalised Environment Report as detailed in Appendix A to the report;
- (ii) to approve the responses to the comments received to the Consultative Draft Environmental Report, which were contained within the Strategic Environmental Assessment Statement as detailed in Appendix B to the report;
- (iii) to formally adopt the Sustainable Development Strategy and accompanying Environmental Report as amended by recommendation 8.1(i) above;
- (iv) to approve the proposed publication details for the placing of a Public Notice in the local press and agree the lodgement of final documentation at Council Offices and on the Council website, all in accordance with the advertising requirements of the Environmental Assessment (Scotland) Act 2005;
- (v) to note the relevance and requirement for Strategic Environmental Assessment in future policy direction; and
- (vi) otherwise, to note the contents of the report.

### **FOOD STANDARDS AGENCY AUDIT OF FOOD LAW ENFORCEMENT IN EAST AYRSHIRE: (A) ACTION PLAN PROGRESS ; AND (B) PERFORMANCE REVIEW OF FOOD SERVICE PLANS (Item 5, Pages 433, 434, 07/12)**

7. There was submitted a report dated 12 January 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet (i) of progress made in addressing the issues raised in the Action Plan and agreed with the Food Standards Agency following the Audit of Food Law Enforcement including Food Hygiene, Food Standards and Feeding Stuffs enforcement within East Ayrshire; and (ii) of the completion of the performance review carried out for the 2006 and 2007 Food Service delivery plans formally requested by the Food Standards Agency for appropriate member consideration and approval.

Cabinet agreed:-

- (i) to note the progress in addressing the improvements identified in the Food Standards Agency Audit Action Plan and to remit to the Executive Director of Corporate Support to make arrangements to revert back to the Food Standards Agency on the progress;
- (ii) to approve the Performance Review of the 2006 and 2007 Service Plan; and
- (iii) otherwise, to note the contents of the report.

### **MATCH FUND BUDGET 2008/09 AND 2009/10**

#### **8.1 MAUCLINE BURNS CLUB**

There was submitted a report dated 12 January 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended that Cabinet approve a grant award of £7,700 payable from the 2008/09 Match Fund Budget, to the Mauchline Burns Club to support the costs of running a Horse Ploughing Event.

Cabinet agreed to approve the award of £7,700 to the Mauchline Burns Club for a Horse Ploughing Event to be held in March 2009.

#### **8.2 DARVEL MUSIC COMPANY (Item 7, Page 474, 07/12)**

There was submitted a report dated 12 January 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended that Cabinet approve, in principle, a grant award from the 2009/10 Match Fund Budget to the Darvel Music Company, to support the costs of the Darvel Music Festival in 2009.

Cabinet agreed:-

- (i) to award, in principle, £25,000 to support the costs of the Darvel Music Festival in 2009, pending submission of the completed Business Plan which addresses the issues of the future sustainability of the festival; and
- (ii) to delegate to the Depute Chief Executive/Executive Director of Corporate Support to give final approval to the award of the Match Fund Grant, following receipt of, and agreement that, the Business Plan is satisfactory, failing which the Depute Chief Executive/Executive Director of Corporate Support would report back to Cabinet.

### **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".

### **MANAGEMENT AND RESOURCES**

#### **REQUEST FOR VOLUNTARY SEVERANCE (PARA 1)**

- 10. There was submitted a report dated 6 January 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval of a request for voluntary severance on the grounds of redundancy from an

employee within the Facilities Management Section of the Department of Educational and Social Services.

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

#### **DALMELLINGTON PRIMARY SCHOOL SITE (PARA 12)**

- 11.** There was submitted a report dated 13 January 2009 (circulated) by the Head of Legal, Procurement and Regulatory Services which advised Cabinet on a Sheriff Court Action at the instance of Craigengillan Estates (No 1) Company Limited against East Ayrshire Council.

Cabinet agreed :-

- (i) to approve settlement of the court action by payment of the sum(s) detailed in the report in respect of the sale of the former Dalmellington Primary School site (after the reasonable costs incurred by the Council in marketing and disposing of the site are deducted) to Craigengillan Estates (No 1) Company Limited;
- (ii) to approve the reimbursement to the Council of the expenses incurred in respect of the court action and the demolition costs as well as any expenses occasioned by the Cy Pres application; and
- (iii) to remit to the Solicitor to the Council to initiate the Cy Pres application to the Court of Session.

The meeting terminated at 1050 hours.