

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 22 APRIL 2009 AT 1000 HOURS IN THE MEETING ROOM, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, 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; Eddie Fraser, Head of Service: Community Care; Bill Walkinshaw, Head of Democratic Services; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; Malcolm Roulston, Head of Information Technology; 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; Lynne Buchanan, Communication and Customer First Manager; Ailie Macpherson, Organisation Development Manager; and Lynn Young, Administrative Officer.

**ALSO ATTENDING:** Tom McGlew, University of Edinburgh.

**APOLOGIES:** Councillors Iain Linton, and Barney Menzies.

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

**CHAIR'S REMARKS**

1. The Chair advised Members of the Cabinet that Councillor Barney Menzies had been appointed as Leader of the Opposition and as such would be a Member of the Cabinet. On behalf of the Cabinet, the Chair intimated his appreciation of the positive contribution that Councillor Knapp had made whilst serving as a Member of the Cabinet.

The Chair then welcomed to the meeting Ailie Macpherson, the Council's newly appointed Organisation Development Manager.

**ORDER OF BUSINESS**

2. The Chair advised that he intended, at his discretion and in terms of Standing Order 19, to determine Agenda Item 14: Employee Attitude Survey 2008 and the presentation by Tom McGlew, University of Edinburgh, as the first item on the Agenda.

Councillor Todd joined the meeting at this point.

**EMPLOYEE ATTITUDE SURVEY 2008****3.1 Presentation by Tom McGlew, University of Edinburgh**

Members of Cabinet received a presentation by Tom McGlew, University of Edinburgh, on the findings of the 2008 Employee Attitude Survey.

Members had the opportunity to ask questions of Mr McGlew, following which the Chair thanked him for an interesting and informative presentation.

### **3.2 Employee Attitude Survey 2008**

There was submitted a report dated 9 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of the findings of the Employee Attitude Survey which was carried out within the Council during September 2008, and which provided a comparison with the 2005 outcomes.

Cabinet agreed to note:-

- (i) the action proposed to advance the issues identified as a result of the survey;
- (ii) that the Chief Executive would be writing to all employees outlining the actions proposed, with particular reference to the establishment of Employee Focus Groups to take the issues forward; and
- (iii) that the Depute Chief Executive/Executive Director of Corporate Support would submit a progress report on the key issues in six months time.

## **COMMUNITY WELLBEING**

### **HOUSING (SCOTLAND) ACT 2006: CHANGES TO LOCAL AUTHORITY STATUTORY OBLIGATIONS**

4. There was submitted a report dated 25 March 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of proposed changes to the statutory obligations as set out within the Housing (Scotland) Act 2006 in terms of the delivery of works currently funded by Private Sector Housing Grant, and which sought approval of an East Ayrshire Scheme of Assistance for implementation, as set out in Appendix 1 of the report.

Cabinet agreed:-

- (i) to approve the East Ayrshire Scheme of Assistance for implementation once full and final guidance was issued by the Scottish Government, as detailed in Appendix 1 of the report;
- (ii) to note that a further report on progress would be submitted following publication of the Scottish Government guidance on the new National Lending Unit and at 12 month intervals thereafter; and
- (iii) otherwise, to note the contents of the report.

### **IMPLEMENTATION OF SECTION 11 OF THE HOMELESSNESS ETC (SCOTLAND) ACT 2003**

5. There was submitted and noted a report dated 7 April 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of the implementation of Section 11 of the Homelessness Etc (Scotland) Act 2003, and the implications thereof for the Council.

## **ENVIRONMENT AND REGENERATION**

### **DALDORCH FOOTBRIDGE, CATRINE - UPDATE (Item 4, Page 523, 07/12)**

6. There was submitted a joint report dated 7 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Director of Neighbourhood Services which sought approval to allocate funds to enable the Council to proceed with the purchase of the temporary replacement footbridge across the River Ayr at Daldorch, Catrine; and which sought the retention of the allocated Corporate Support funds towards the future removal of the old footbridge and the construction of a new permanent footbridge to assist in sourcing external funding for the replacement footbridge.

Cabinet agreed:-

- (i) to allocate up to £27,000 from the Department of Corporate Support Revenue budget to enable the purchase of the footbridge;
- (ii) to seek external funding to allow the removal of the original footbridge and install a permanent new bridge;
- (iii) to retain the balance of funds allocated from the Department of Corporate Support Revenue budget and General Balances amounting to £83,000 as a contribution to the removal of the original bridge, the installation of a new bridge and as a match fund to attract external funding;
- (iv) to authorise the Solicitor to the Council to enter into a formal agreement with Daldorch Estates to ensure the continued public access over the footbridge; and
- (v) otherwise, to note the contents of the report.

### **REVISION OF CIRCULAR 12/1996: PLANNING AGREEMENTS**

7. There was submitted a report dated 25 March 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought the homologation of a draft Council response already sent to the Scottish Government on a revised Scottish Government publication entitled 'Revision of Circular 12/1996: Planning Agreements, Consultation Paper' which was issued for consultation in December 2008.

Cabinet agreed:-

- (i) to authorise the Depute Chief Executive/Executive Director of Corporate Support to confirm to the Scottish Government that the draft response already sent represents the views of the Council on the draft revision to Circular 12/1996 - Planning Agreements; and
- (ii) otherwise, to note the contents of the report.

### **LEISURE SERVICES CAPITAL PROGRAMME (Item 2, Page 600, 07/12)**

8. There was submitted a report dated 15 April 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for several projects to be implemented by Leisure Services in the 2009/10 Capital Programme.

Cabinet, having noted that Paragraph 3.3.2 of the report should conclude as follows “is also in poor condition and replacement is recommended”, agreed:-

- (i) to approve the proposals as detailed in the report;
- (ii) to remit to the Executive Director of Neighbourhood Services to submit reports regarding the priorities for future years expenditure on Improvements to Major Parks, the Public Arts Initiative, New Sports Pavilions and Cemetery Extensions at an appropriate time;
- (iii) that with regard to public art installations within public parks, including Howard Park for 2009/2010, that the appropriate Local Elected Members be involved in the selection process; and
- (iv) otherwise, to note the contents of the report.

**WAITING RESTRICTIONS AMENDMENT -  
WOODSTOCK PLACE, KILMARNOCK**

9. There was submitted a report dated 8 April 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the amendment of the existing no waiting restrictions at Woodstock Place, Kilmarnock, East Ayrshire.

Cabinet agreed:-

- (i) to approve the making of the amendment to the Waiting Restriction Order;
- (ii) to note that the Head of Roads and Transportation would arrange a meeting with the Leader of the Council and the Environment and Regeneration Portfolio Holders to discuss resident parking arrangements within Kilmarnock Town Centre area; and
- (iii) otherwise, to note the contents of the report.

**PROPOSED WAITING, LOADING AND PARKING RESTRICTIONS, LOANHEAD  
STREET AREA, KILMARNOCK**

10. There was submitted a report dated 8 April 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval to introduce waiting and loading restrictions on various roads in the Loanhead Street area, including restrictions to accommodate school buses and to provide legally enforceable ‘School Keep Clear’ markings at both Loanhead Primary School and Kilmarnock Academy.

Cabinet agreed:-

- (i) to approve the proposal to introduce waiting and loading restrictions on various roads in the area around Loanhead Street, including the introduction of parking restrictions on a section of Dick Road adjacent to Loanhead Primary School to cater for the school buses and to make the advisory “School Keep Clear” markings at both Loanhead Primary School and Kilmarnock Academy, legally enforceable as detailed in Appendix I of the report; and
- (ii) otherwise, to note the contents of the report.

### **COMMERCIAL WASTE AND SPECIAL UPLIFT CHARGES**

11. There was submitted a report dated 3 April 2009 (circulated) by the Executive Director of Neighbourhood Services which advised on the commercial waste and special household waste collection service; and which sought approval for the revised charging structure.

Cabinet agreed:-

- (i) to approve the proposed charging mechanism as detailed in Appendix 1 and 2 of the report;
- (ii) to approve the reduced waste charge to outlets with charitable status as per the Controlled Waste Regulations 1992;
- (iii) to approve the use of a controlled permit system at Western Road Recycling Centre for commercial recyclate; and
- (iv) otherwise, to note the contents of the report.

### **10 YEAR BRIDGE AND CULVERT STRENGTHENING PROGRAMME (Item 3, Page 392, 07/12)**

12. There was submitted a report dated 8 April 2009 (circulated) by the Executive Director of Neighbourhood Services which sought agreement for (i) the 10 year Bridge and Culvert Strengthening Programme; and (ii) the proposed programme for the construction of a new bridge in Dean Road across the Kilmarnock Water to replace the Ford and adjacent footbridge, which was in poor condition.

Cabinet agreed:-

- (i) to approve the 10 year Bridge and Culvert Strengthening Programme;
- (ii) to approve the proposed programme for the construction of the new bridge in Dean Road across the Kilmarnock Water to replace the Ford and adjacent footbridge which was in poor condition; and
- (iii) otherwise, to note the contents of the report.

### **MANAGEMENT AND RESOURCES**

#### **CENTRAL JOINT CONSULTATIVE COMMITTEE**

13. There was submitted and noted the Minutes of the meeting of the Central Joint Consultative Committee held on 18 March 2009 (circulated).

The Chair acknowledged on behalf of the Cabinet the tributes made at the Central Joint Consultative Committee meeting in respect of the recent sad death of Frank Minnery, Regional Organiser, GMB and to the untimely death of Bobby Brown, Refuse Collector. The Chair also referred to the recent tragic death of Electrician, Robert McGill, who was employed within Building and Works Service, and advised Members of Cabinet that Robert's funeral would be held on the afternoon of Thursday 23 April 2009.

**2009/10 TO 2011/12 INFORMATION TECHNOLOGY CAPITAL EXPENDITURE  
PROGRAMME (Item 5E, Page 591, 07/12)**

14. There was submitted a report dated 15 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for the Information Technology Capital Expenditure Programme for 2009/10, and which provided Members with an early indication of the anticipated programme for years 2010/11 and 2011/12.

Cabinet agreed:-

- (i) to approve the proposed 2009/10 IT Capital Expenditure Programme as detailed in Appendix A to the report;
- (ii) to note the anticipated Capital expenditure in respect of years 2010/11 and 2011/12 as detailed in Appendix B to the report, and which would be subject to review at forthcoming year-ends; and
- (iii) otherwise, to note the contents of the report.

**AFFILIATIONS TO OUTSIDE ORGANISATIONS 2009/10**

15. There was submitted a report dated 23 February 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which invited Cabinet to consider the background, aims and objectives, and activities of those organisations which have sought association with, and affiliation of, the Council.

Cabinet agreed:-

- (i) to approve the applications as detailed in Appendix 1 of the report;
- (ii) that the appropriate Departments make payment of the affiliation fees to those approved organisations; and
- (iii) otherwise, to note the contents of the report.

**BEST VALUE 2 AND EAST AYRSHIRE COUNCIL, A PATHFINDER COUNCIL**

16. There was submitted a report dated 7 April 2009 (circulated) by the Chief Executive which informed of (i) the progress being made by the Accounts Commission and Audit Scotland in their development of an audit framework in relation to the next generation of Best Value and Community Planning Audits (Best Value 2); and (ii) the decision of the Accounts Commission to select East Ayrshire Council as a Pathfinder Council.

The Chief Executive, then advised Cabinet that comments on the draft framework required to be submitted by the end of May 2009, and that a further report on Best Value 2 would be submitted to Cabinet on 20 May 2009. The Chief Executive also advised that further details on the Best Value 2 exercise would be provided to Members of Cabinet at a proposed Seminar, to which the Chair of the Governance and Scrutiny Committee would be invited.

Cabinet agreed:-

- (i) to note the changes to the audit approach taken by the Accounts Commission;
- (ii) to welcome the fact that East Ayrshire Council has been chosen as a Pathfinder Council, and would be subject to audit in 2009;

- (iii) to note that a further report would be submitted to Cabinet on 20 May 2009;
- (iv) to note that arrangements were in hand to organise a seminar to provide further details on the Best Value 2 exercise for Members of the Cabinet and the Chair of Governance and Scrutiny Committee; and
- (v) otherwise, to note the contents of the report.

#### **ACCELERATED CAPITAL GRANT**

17. There was submitted a report dated 15 April 2009 (circulated) by the Executive Head of Finance and Asset Management which provided Members with proposals in relation to using Accelerated General Capital Grant in 2009/2010.

Cabinet agreed:-

- (i) to approve the proposals for the utilisation of Accelerated Capital Grant allocations; and
- (ii) otherwise, to note the contents of the report.

#### **PROGRESS REPORT - CROSS CUTTING BEST VALUE SERVICE REVIEW OF PROPERTY MAINTENANCE SERVICES (Item 23, Page 440, 07/12)**

18. There was submitted a report dated 9 April 2009 (circulated) by the Executive Director of Neighbourhood Services which informed of the progress being made to implement the recommendations previously agreed in July 2008, to make changes to the Council's property maintenance arrangements, following the Cross Cutting Best Value Service Review; and which highlighted that a full Service Plan would be submitted for consideration in June 2009.

Cabinet noted the assurance given by Officers that the aspiration was to reduce so far as possible the number of operatives, requiring to transfer from the Council's employment and in terms of the workforce implications of Externalisation of Non-Housing Property also noted that by increasing the amount of work to be undertaken by the new Single Business Unit, as outlined within the report, it would be possible to provide sufficient work for the majority of the current Craft Operative workforce to remain with the Council, following the award of the non-housing property contract to an external provider. The Cabinet further noted that the additional work that may be available would be unable to absorb those painters who were currently engaged on the non-housing works and commercial heating engineers who would potentially transfer to the external provider, but that the report provided recommendations on the way forward.

The Cabinet, having taken into consideration the above, agreed:-

- (i) to note the progress made to date in implementing the Cabinet decisions from July 2008;
- (ii) to note that a detailed Service Plan would be submitted to Cabinet in June 2009;
- (iii) to the principle outlined to increase the capacity of the in-house Single Business Unit provider to carry out housing improvements and repairs as detailed in Paragraph 3.4.4 of the report;

- (iv) to the new arrangements utilising painter and labourer resources to work closely with the new neighbourhood housing teams and community wardens at a local level to respond to low level issues as detailed in Paragraph 3.4.6 of the report;
- (v) that the Commercial Heating Engineers be offered redeployment as domestic gas plumbers at revised terms and conditions appropriate to that trade activity as an alternative to TUPE, as detailed in Paragraph 3.4.8 of the report;
- (vi) to note that no alternative options had been identified for the 5 painters who, if they choose to remain with the Council, would be subject to the Council's agreed policy on redeployment as detailed in Paragraph 3.4.8 of the report;
- (vii) to note that management would seek to exploit opportunities for minimising the impact of the introduction of the Single Business Unit on individuals as detailed in Paragraph 3.3.6 of the report;
- (viii) to note that the Head of Human Resources would submit a report on the principles of the proposed modernisation agreement to Cabinet in May 2009;
- (ix) to note that a report on the new depot facilities would be submitted to Cabinet in June 2009;
- (x) to note the progress in procuring new external work and supply arrangements as detailed in Paragraph 3.7 of the report;
- (xi) that the Executive Director of Neighbourhood Services issue to relevant employees a communication providing a detailed explanation of the proposals and related processes as part of our established communication arrangements; and
- (xii) otherwise, to note the contents of the report.

## **COMMUNITY PLANNING AND EQUALITIES**

### **WEST OF SCOTLAND REGIONAL EQUALITY COUNCIL - APPLICATION FOR FINANCIAL ASSISTANCE**

- 19.** There was submitted a report dated 8 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised of a request for financial assistance which had been received from the West of Scotland Regional Equality Council.

The Head of Human Resources advised that in terms of Paragraph 2.4 of the report, the Ethnic Minority Law Centre had now submitted an application for financial assistance and a report on the application would be brought to the next meeting of Cabinet.

Cabinet agreed:-

- (i) to reject the application for grant funding from the West of Scotland Regional Equality Council;
- (ii) to remit to the Depute Chief Executive/Executive Director of Corporate Support to communicate this decision to the West of Scotland Regional Equality Council;

- (iii) to note that a report on an application for financial assistance from the Ethnic Minority Law Centre would be brought to the next meeting of Cabinet; and
- (iv) otherwise, to note the contents of the report.

## **MANAGEMENT AND RESOURCES**

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

- 20.** 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”.

### **TEACHER REFRESH SCHEME - REQUESTS FOR EARLY RETIREMENT (PARA 1)**

- 21.** There was submitted a report dated 9 April 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for 18 teachers in the Department of Educational and Social Services for early retirement, with no financial enhancement, from the Council’s service.

Cabinet agreed:-

- (i) to approve the requests from the 18 teachers to retire early with no enhancement from the Council’s service, effective from 13 August 2009; and
- (ii) otherwise, to note the contents of the report.

Councillor Buchanan left the meeting at this point.

### **LEGAL, PROCUREMENT AND REGULATORY SERVICE BEST VALUE REVIEW (PARA 1)**

- 22.** There was submitted a report dated 9 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented the findings of the Legal, Procurement and Regulatory Service Best Value Review to Cabinet for consideration.

Cabinet agreed:-

- (i) to approve the recommendations as detailed in the Best Value Service Review;
- (ii) to approve the Service Improvement Plan; and
- (iii) otherwise, to note the contents of the report.

### **ROADS AND TRANSPORTATION BEST VALUE REVIEW (PARA 1)**

- 23.** There was submitted a report dated 3 April 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of the findings of the Roads and Transportation Best Value Service Review.

Cabinet agreed:-

- (i) to the service reconfiguration of the Roads and Transportation Service as detailed in Section 11 of the Best Value Service Review report;
- (ii) to the removal of the trading status of Roads Contracts and Roads Lighting Business Units to release budget efficiencies that would be reinvested in the roads and bridges network;
- (iii) to extend the use of framework contracts to promote a mixed economy of service provision and further develop joint working arrangements with other Local Authorities;
- (iv) to compile a 10 year bridge investment programme and a three year rolling carriageway structural maintenance programme which would be reviewed on an annual basis;
- (v) that Roads and Transportation would manage all Council roads related maintenance works which are outwith the public road network and which are the responsibility of other Departments. These works would be procured using the minor works framework contract or carried out in house to benchmarked rates;
- (vi) to the proposed office and depot network changes;
- (vii) to progress further the service planning opportunities not covered by the review: Winter Maintenance, Decriminalisation of Car Parking; and Management Information Systems;
- (viii) to note the financial implications of the enactment of the Flood Risk Management (Scotland) Bill;
- (ix) to remove the trading status of Transport Services; and
- (x) otherwise, to note the contents of the report.

#### **CUMNOCK TOWN CENTRE REGENERATION PROJECT (PARA 6)**

- 24.** There was submitted a joint report dated 15 April 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support and the Executive Head of Finance and Asset Management which advised on the negotiations that had been ongoing with the tenants of Units 4, 7, 8 and 15 Glaisnock Shopping Centre, Cumnock, relative to compensation due to them following the inability of the Council to timeously implement the options to purchase provisions contained in each of their respective leases and which sought approval on the terms of settlement proposed in relation to the claims by each of the tenants in relation to the said failure and to sell the said units together with Units 5 and 12 at the market value determined by the District Valuer again in terms of the option to purchase provisions contained in each lease.

Cabinet agreed:-

- (i) to approve the settlement of the claims for compensation by the tenants of Units 4, 7, 8 and 15 Glaisnock Shopping Centre in accordance with the proposals detailed in the report;
- (ii) to approve the sale of the Units 4, 5, 7, 8, 12 and 15 to the respective tenants at the prices identified within the report, and authorise the Solicitor to the

Council to conclude the sales subject to entering into a satisfactory Deed of Conditions and on other such terms and conditions deemed appropriate by the Solicitor to the Council to protect the interests of the Council;

- (iii) to authorise the Solicitor to the Council to settle the Court of Session action in respect of Unit 12 on the basis of the sale of Unit 12 as recommended in (ii) above and on such other terms and conditions deemed appropriate by the Solicitor to the Council to protect the interests of the Council; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1217 hours.