

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 2 DECEMBER 2009 AT 1000 HOURS IN NETHERTHIRD COMMUNITY CENTRE, RYDERSTON DRIVE, CUMNOCK**

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

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; Bill Walkinshaw, Head of Democratic Services; 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; Eddie Fraser, Head of Service: Community Care; John Bryson, Head of Roads and Transportation; Ian McArthur, Interim Health and Safety Manager; and Christine Baillie, Senior Administrative Officer.

ALSO ATTENDING: Peter Ralston, Principal Consultant, Chalker Health and Safety.

APOLOGY: Councillor Jim Todd.

CHAIR: Councillor Douglas Reid, Leader of the Council.

MANAGEMENT AND RESOURCES**REVIEW OF HEALTH AND SAFETY (Item 21, Page 768, 07/12)**

- 1E.** There was submitted a report dated 25 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised on the conclusions and recommendations of the review of health and safety carried out by an external consultant and which outlined the steps taken so far to address the matters identified.

Councillors John McGhee and Jim Roberts entered the meeting during discussion of the above item.

Cabinet received a presentation from Peter Ralston, Principal Consultant of Chalker Health and Safety on the compliance review and critical friend analysis undertaken for East Ayrshire Council in July 2009.

Members of Cabinet had the opportunity to ask questions and thereafter the Chair, on behalf of Cabinet, thanked Peter for his presentation.

Cabinet agreed:-

- (i) to note the conclusions of, and to approve the recommendations of, the Ralston Review;

- (ii) to approve the Improvement Plan proposed to address the recommendations of the Ralston Review;
- (iii) to note the action taken so far to implement the Improvement Plan;
- (iv) to approve the negotiated appointment of Peter Ralston for a maximum period of 6 months in terms of Paragraph 20(1) of the Council's Standing Orders Relating to Contracts, as detailed in Paragraph 4.3 of the report;
- (v) that a progress report as detailed in Paragraph 4.3 of the report be submitted to Cabinet in six months time;
- (vi) that following consideration by the Cabinet of the progress report and proposals under the improvement plan to refer the matter to the Governance and Scrutiny Committee for its consideration; and
- (vii) otherwise, to note the contents of the report.

**DEPARTMENTAL HEALTH AND SAFETY ACTION PLANS 2009/2010 -
PROGRESS REPORT (Item 21, Page 768, 07/12)**

2. There was submitted a report dated 25 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented Health and Safety Action Plans 2009/2010 and progress against these in response to the provisions of the Corporate Health and Safety Action Plan 2009/2010 for the Departments of Corporate Support, Educational and Social Services, Neighbourhood Services and the Chief Executive's Office.

Cabinet agreed:-

- (i) to note the progress made against the Departmental Health and Safety Action Plans for 2009/2010;
- (ii) to submit this report to the Governance and Scrutiny Committee for its consideration; and
- (iii) otherwise, to note the contents of the report.

The Church, Teacher and Parent Representative participated in discussion and determination of the above item in respect of the Department of Educational and Social Services' Health and Safety Action Plan only.

Councillor Jim Buchanan left the meeting at this point.

**REVIEW OF DEPARTMENTAL BALANCES
(Item 4E, Page 591, 07/12)**

- 3E. There was submitted a report dated 19 November 2009 (circulated) by the Executive Head of Finance and Asset Management which reviewed departmental balances following the completion of the audit of the 2008/2009 Statement of Accounts.

Cabinet agreed:-

- (i) to approve the transfer of £2.781m of balances to the General Fund uncommitted balance, as these funds were either no longer required or the original commitment has been met from other departmental resources;
- (ii) to approve the retention of previously uncommitted and decommitted departmental balances within Educational and Social Services (£0.486m) and

Corporate Support (£0.400m) to fund in year departmental budget pressures and to reallocate £0.200m within Neighbourhood Services for winter maintenance;

- (iii) to approve the acceleration of the capital programme to fund £0.315m for expenditure on Youth Strategy (£0.047m), Kilmarnock Children's House (£0.050m), Grand Hall Lift (£0.200m) and Members IT (£0.018m); and
- (iv) otherwise, to note the contents of the report.

Councillor Jim Buchanan rejoined the meeting at this point.

ORDER OF BUSINESS

- 4. The Chair at his discretion and in terms of Standing Order 19, agreed to alter the order of business and take Item 13 as shown on the Agenda, at this point.

MANAGEMENT AND RESOURCES

EXTENSION OF CONTRACT WITH GLASGOW SIMON COMMUNITY - ROUGH SLEEPERS INITIATIVE

- 5. There was submitted a report dated 19 November 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval to agree to the extension of the current pan Ayrshire contract with the Glasgow Simon Community for a further six months after the end of the current term of the contract in November 2009.

Cabinet agreed:-

- (i) to the extension of the existing contract with the Glasgow Simon Community for a period of six months from the current termination date;
- (ii) to authorise an evaluation of the current service arrangements as detailed in Paragraph 3.4 of the report; and
- (iii) otherwise, to note the contents of the report.

COMMUNITY PLANNING AND EQUALITIES

RACE EQUALITY SCHEME 2008-2011 - PROGRESS REPORT 2008/09

- 6E. There was submitted a report dated 4 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided an update on progress with the Race Equality Scheme.

Cabinet, having noted that Paragraph 3.1.2 of the report should have read "Multi Discrimination Incident Monitoring", agreed:-

- (i) to approve the Race Equality Scheme Progress Report for 2008/2009; and
- (ii) otherwise, to note the contents of the report.

EQUALITY MONITORING

- 7E. There was submitted a report dated 3 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which informed Cabinet of statutory obligations to compile and publish information in respect of equality, and which sought approval of a corporate equality monitoring questionnaire.

Cabinet agreed:-

- (i) to approve the Equality Monitoring Questionnaire appended to the report which would ensure a consistent approach to monitoring across all service areas; and
- (ii) otherwise, to note the contents of the report.

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

COMMUNITY WELLBEING

INTEGRATED RESOURCE FRAMEWORK PROGRAMME

8. There was submitted a report dated 20 November 2009 (circulated) by the Executive Director of Educational and Social Services which informed on the Integrated Resource Framework Programme and advised on the involvement of East Ayrshire Council as a Phase 2 pilot site through Community Health Partnership arrangements; and thereafter sought agreement for a partnership approach to service redesign and endorsement of the East Ayrshire Integrated Resource Framework Project Initiation Document.

Cabinet agreed:-

- (i) to approve the partnership approach to service redesign;
- (ii) to endorse the East Ayrshire Project Initiation Document appended to the report; and
- (iii) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

CUMNOCK TOWN CENTRE REGENERATION - OFFICE DEVELOPMENT PROJECT UPDATE AND PROPOSED ALTERATION OF CONTRACTUAL ARRANGEMENTS (Item 16, Pages 146 & 147, 07/12)

9. There was submitted a report dated 19 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which apprised Cabinet on the current status of the Cumnock Town Centre Regeneration Project proposed office development, and which sought approval in relation to the restructuring of existing contractual arrangements with the Council's development partner Deanway Muir Ltd (Deanmuir) in respect of the joint venture company Cumnock Regeneration (Office) Limited.

Cabinet agreed:-

- (i) to approve the proposed change of approach from a Joint Venture arrangement to an Alliance Agreement, as detailed in the Appendix to the report;
- (ii) that the Solicitor to the Council conclude the proposed Alliance Agreement on behalf of the Council; and
- (iii) otherwise, to note the contents of the report.

CHAIR'S REMARKS

10. At this point the Chair welcomed to the meeting Amna Ashraf who was on work experience within Legal Services and Paul Todd, Iain Harper and Brian Murphy from the Council's Corporate Enforcement Unit.

CORPORATE ENFORCEMENT UNIT INITIATIVES AND 2010 PLAN (Item 10, Page 657, 07/12)

11. There was submitted a report dated 18 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised on the completed initiatives carried out during 2009 and the proposed initiatives to be carried out by the Corporate Enforcement Unit in 2010.

Cabinet agreed:-

- (i) to note the progress with the initiatives carried out by the Corporate Enforcement Unit during 2009;
- (ii) to approve the proposed programme of initiatives for 2010;
- (iii) to note that details of each initiative would be placed on the Members' Information Portal;
- (iv) to note that a report would be submitted to the Council meeting in March 2010 on proposals for a No Smoking Policy for Kilmarnock Bus Station; and
- (v) otherwise, to note the contents of the report.

A76 CORRIDOR PARTNERSHIP GROUP (Item 15, Page 347, 03/07)

12. There was submitted a report dated 25 November 2009 (circulated) by the Executive Director of Neighbourhood Services which requested that Cabinet recommend to Council, Member representation at future A76 Corridor Partnership Group Meetings.

Cabinet agreed:-

- (i) to recommend to Council that East Ayrshire Council be represented at future A76 Corridor Partnership Group meetings by the Spokesperson for Environment and Regeneration representation by one Member from each of the three Electoral Wards that the A76 passes through, Ward 6 (Irvine Valley), Ward 7 (Ballochmyle) and Ward 8 (Cumnock & New Cumnock);
- (ii) that the representation from the three Electoral Wards be made on a cross party basis; and
- (iii) otherwise, to note the contents of the report.

MANDATORY 20MPH SPEED LIMIT ORDERS FOR VARIOUS RESIDENTIAL AREAS IN EAST AYRSHIRE (Item 5, Page 757, 07/12)

13. There was submitted a report dated 18 November 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval for the introduction of mandatory 20mph speed limits in residential areas in East Ayrshire.

Cabinet agreed:-

- (i) to approve the making of the Orders for 20mph speed limits at the locations outlined in the report; and
- (ii) otherwise, to note the contents of the report.

**PROPOSED INSTALLATION OF SPEED TABLES -
HOLMES ROAD, KILMARNOCK**

- 14.** There was submitted a report dated 26 November 2009 (circulated) by the Executive Director of Neighbourhood Services which advised of objections received to the Road Humps Notice published in respect of proposed speed tables in Holmes Road, Kilmarnock, and which sought approval for the speed tables as proposed.

Cabinet, having considered the objections and the corresponding comments by the Head of Roads and Transportation as detailed at Paragraph 4.4.1 of the report, agreed:-

- (i) not to hold a local inquiry;
- (ii) to approve the speed tables as advertised; and
- (iii) otherwise, to note the contents of the report.

**DEVELOPMENT OF THE SOCIAL ECONOMY
(Item 9, Pages 797 & 798, 07/12)**

- 15.** There was submitted a report dated 6 November 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support on opportunities and proposals to develop the social economy in East Ayrshire, as remitted by Cabinet on 8 July 2009.

Cabinet agreed:-

- (i) to approve proposed initial actions to take forward the development of the social economy in East Ayrshire including the re-establishment of the Local Social Enterprise Partnership;
- (ii) that the Depute Chief Executive/Executive Director of Corporate Support submit an update report to a future meeting of Cabinet; and
- (iii) otherwise, to note the contents of the report.

The meeting terminated at 1306 hours.