

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 20 OCTOBER 2010 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

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

ATTENDING: Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Alex McPhee, Executive Director of Finance and Corporate Support; Bill Walkinshaw, Head of Democratic Services; Craig McArthur, Head of Finance; Malcolm Roulston, Head of Information Technology & Asset Management; David Mitchell, Head of Legal, Procurement and Regulatory Services; Eddie Fraser: Head of Service: Community Care; Andrew Sutherland: Head of Service: Schools; Gerry Darroch, Housing Services Manager; Karl Doroszenko, Development Planning and Regeneration Manager; Chris Johnson, Contaminated Land Officer; Paul Todd, Regulatory Services Manager; John Wilson, Links Officer, Educational and Social Services; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillor Barney Menzies; and Church Representative Ian Rennie.

CHAIR: Councillor Douglas Reid, Leader of the Council.

PROMOTING LIFELONG LEARNING**YOUTH MUSIC INITIATIVE**

- 1E.** There was submitted a report dated 29 September 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for a further year of Youth Music Initiative activity in session 2010/11 based on the recent successful funding application to the Scottish Arts Council and which updated Cabinet on a range of associated music opportunities and national awards.

Councillor Jim Buchanan, seconded by Councillor John MacKay moved approval of the recommendations as detailed in the report, namely:-

- (i) to approve the programme of musical activities outlined in the year 8 Youth Music application;
- (ii) to note the external funding available to support this initiative;
- (iii) that the Executive Director of Educational and Social Services provide a further update report and plan of action once future external funding was known;
- (iv) that the Executive Director of Educational and Social Services keep Cabinet informed of future developments; and
- (v) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Parent Representative David Fraser, moved as an amendment to continue consideration of the report to a future meeting to allow the Cabinet to be provided with a detailed programme of musical activities for the Year 8 Youth Music application that Cabinet had been requested to approve.

On a division by a show of hands, the motion was carried by 11 votes to 2.

Cabinet noted that East Ayrshire had recently been advised that they had once again been recognised by the National Music Council making them the only Scottish Local Authority to have been awarded the Major Trophy since 2000, only one of four Local Authorities UK-wide to have received this award twice and the only UK-wide Local Authority to have been recognised in the past six consecutive years (two major trophies and six Diplomas of Merit).

Councillor Jim Todd entered the meeting during discussion of, and prior to the determination of, the above item.

DETERMINED TO SUCCEED ENTERPRISE IN EDUCATION

- 2E.** There was submitted a report dated 29 September 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for the continued development of Enterprise in Education, which included the partnership with the Ayrshire Chamber of Commerce and Industry through the Determined to Succeed Programme.

Cabinet agreed:-

- (i) to approve the continuation of support to establishments in taking forward Determined to Succeed as an integral element of Curriculum for Excellence within the ring-fenced funding in 2010/11;
- (ii) that the Executive Director of Educational and Social Services provide a further report for Cabinet approval detailing future plans once the allocation of funding from the Scottish Government was known;
- (iii) that the Executive Director of Educational and Social Services keep Cabinet informed of future progress; and
- (iv) otherwise, to note the contents of the report.

CREATIVE MINDS CULTURAL CO-ORDINATOR PROGRAMME AND CREATIVE LEARNING NETWORK

- 3E.** There was submitted a report dated 29 September 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for the development of a Creative Learning Network in East Ayrshire following the allocation of £9,600 additional funding and which highlighted the work and impact of the Cultural Co-ordinator Programme.

Cabinet agreed:-

- (i) to approve the development of a Creative Learning Network in East Ayrshire;
- (ii) to note the work and impact of the Creative Minds Cultural Co-ordinator programme;
- (iii) that the Executive Director of Educational and Social Services keep the Cabinet informed of future developments; and

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

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

BUDGET 2011/12 - 2013/14 OUTLINE CONSULTATION STRATEGY

- 4E.** There was submitted a report dated 6 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which proposed a consultation strategy for the preparation of the Council's three year revenue budget for 2011/12 - 2013/14.

Cabinet agreed:-

- (i) to approve the timetable and consultation arrangements set out in the report;
- (ii) to approve the arrangements outlined for engagement with employees, community groups and partner organisations; and
- (iii) otherwise, to note the contents of the report.

FINANCE AND SERVICE STRATEGY REPORT (Item 5.4, Page 1159, 07/12)

- 5E.** There was submitted a report dated 14 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised Members of the projected financial position for the year based on expenditure to 19 September 2010 (Period 6) and information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the transfer from departmental budgets in respect of pay inflation as detailed at Paragraph 2.8 of the report;
- (ii) to approve the utilisation of savings within the Housing Revenue Account budget for additional Capital Funded from Current Revenue/Planned Maintenance works within the Housing Revenue Account as detailed at Paragraph 3.1 of the report;
- (iii) to note the re-profiling of budget allocations as detailed in Paragraph 4.2 of the report;
- (iv) to note that the Depute Chief Executive/ Executive Director of Neighbourhood Services would give consideration to including within the performance measure section of future Finance and Service Strategy Reports, progress on resolving outstanding housing repairs; and
- (v) otherwise, to note the contents of the report.

Cabinet noted that the graph shown on page 70 in connection with Kilmarnock Town Centre Regeneration (General Projects) should not show completion.

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

IMPROVING COMMUNITY HEALTH AND WELLBEING

STATISTICS RELEASE: ADULTS WITH LEARNING DISABILITIES IMPLEMENTATION OF "THE SAME AS YOU" 2009 (Item 7, Pages 1160 & 1161, 07/12)

6. There was submitted a report dated 7 October 2010 (circulated) by the Executive Director of Educational and Social Services which updated Cabinet with respect to East Ayrshire Council's performance in terms of services to adults with learning disabilities and which sought approval for future reports to be presented in this area of provision.

Cabinet agreed:-

- (i) to note the ongoing improvement in implementation of the National Learning Disability Strategy;
- (ii) that the Executive Director of Educational and Social Services provide further updates on the development of this area of provision; and
- (iii) otherwise, to note the contents of the report.

Councillor Jim Roberts left the meeting during discussion of the above item.

IMPROVING COMMUNITY REGENERATION

GALSTON: ACHIEVING SUSTAINABLE REGENERATION TOWN CENTRE REGENERATION FUND (TCRF) PROJECT (Item 10, Page 930, 07/12)

7. There was submitted a report dated 13 October 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval to extend the ongoing TCRF project from Church Lane to Polwarth Street, Galston, and which sought authorisation for the Head of Planning and Economic Development to negotiate an extension to the existing TCRF construction and consultation contracts and for the Solicitor to the Council to extend the contracts with Keppie Design and Stewart Landscapes.

Cabinet agreed:-

- (i) to approve the works outlined in Paragraph 4 of the report being undertaken, utilising the remaining unspent funds from the Galston: Achieving Sustainable Regeneration TCRF Project;
- (ii) to approve the expenditure of up to £70,000 from the Fairer Scotland Fund Restoring Communities Programme budget to implement the proposed extension works as detailed at Paragraph 4 of the report;
- (iii) to authorise the Head of Planning and Economic Development to negotiate an extension to the construction and consultancy contracts with Stewart Landscapes and Keppie Design in order to fulfil the requirements of the TCRF budget timeframe and to provide best value;
- (iv) to authorise the Solicitor to the Council to extend the TCRF contracts to Stewart Landscapes and Keppie Design up to a maximum of £127,000 jointly, to achieve the objectives as detailed in Paragraph 4 of the report; and
- (v) otherwise, to note the contents of the report.

Councillor Jim Roberts re-joined the meeting during discussion of the above item.

CONTAMINATED LAND STRATEGY: REVIEW AND UPDATE

8. There was submitted a report 20 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of the review of the Contaminated Land Strategy and which provided an update on the implementation of the Strategy.

Cabinet agreed:-

- (i) to approve the updated and amended Contaminated Land Strategy; and
- (ii) otherwise, to note the contents of the report.

Cabinet noted that background paper No 3 should have referred to Cabinet and not Community Services Committee and also noted the minor typographical error in Paragraph 4.4.1 of the Strategy.

Councillors Iain Linton and Jim Buchanan left the meeting at this point.

IMPROVING COMMUNITY SAFETY

FOOD SAFETY SERVICE PLAN 2010/11 (Item 8, Page 143, 07/12)

9. There was submitted a report dated 11 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised of the Food Safety Service Plan for 2010/11 which reflected new departmental structures together with legislative arrangements and which requested that Cabinet formally approved the Plan which reflected the Food Law and Enforcement policies and procedures as recommended by the Food Standards Agency.

Cabinet agreed:-

- (i) to approve the Food Service Plan; and
- (ii) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

PROPOSED DISPOSAL OF LAND AT MACDONALD DRIVE, NEW FARM LOCH

10. There was submitted a report dated 7 October 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which requested that Cabinet declare surplus to requirements two areas of land situated to the east of MacDonald Drive, New Farm Loch, which extended to 1.4976 hectares (3.7 acres) and 0.0383 hectares (0.095 acres) or thereby, (shown hatched and cross hatched respectively on the plan attached to the report); and which sought authority to dispose of the composite site to Atrium Homes in accordance with the affordable housing proposals as detailed within the approved East Ayrshire Strategic Housing Investment Plan 2010/11 - 2014/15 and in the event that disposal does not proceed to authorise disposal of same on the open market.

Cabinet agreed:-

- (i) to declare surplus to requirements two areas of land at MacDonald Drive, New Farm Loch, Kilmarnock, which extended to 1.4976 hectares (3.7 acres) and 0.0383 hectares (0.095 acres) or thereby, shown hatched and cross

hatched respectively on the plan attached to the report, surplus to requirement and to authorise disposal of same to Atrium Homes, 39-41 John Finnie Street, Kilmarnock;

- (ii) to authorise the Executive Director of Finance and Corporate Support to finalise negotiations for the disposal of the composite site; and
- (iii) otherwise, to note the contents of the report.

NEGOTIATED EXTENSION TO EXISTING CONTRACT FOR ENGINEERING INSURANCE - ALLIANZ ENGINEERING LIMITED

11. There was submitted a report dated 6 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought approval of the Cabinet for the negotiated extension of the current long term agreement for engineering inspection and insurance with Allianz Engineering Limited for a further period of one year up to and including 30 September 2013.

Cabinet agreed:-

- (i) to approve the negotiated extension of the existing engineering inspection and insurance contract with Allianz in accordance with Paragraph 20(2) of the Council's Standing Orders Relating to Contracts, subject to no challenges arising from the veat notice; and
- (ii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

12. 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 7A of the Act".

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

BUILDING MAINTENANCE AND MINOR WORKS TERM CONTRACT - DELIVERY OF SERVICE FOLLOWING THE ADMINISTRATION OF CONNAUGHT PARTNERSHIPS LIMITED

13. There was submitted a report dated 11 October 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought approval to let a contract for Building Maintenance and Minor Works following the implementation of a court order placing the previous service delivery agent, Connaught Partnerships Limited, into administration.

Cabinet agreed:-

- (i) subject to satisfactory outcome in regards to due diligence checks, to approve the novation of the Building Maintenance and Minor Works Contracts from the former Connaught Partnerships to Lovell Partnerships for an initial term up until 21 October 2012, with an option to contract added years thereafter, and on the same terms as the previous contract with the former Connaught Partnerships; and

- (ii) to note that if a challenge was made to the Voluntary Ex-ante Transparency Notice as detailed in Paragraph 9 of the report then the Executive Director of Finance and Corporate Support would report back to Cabinet to determine the course of action open to the Council.

The meeting terminated at 1254 hours.