

**EAST AYRSHIRE COUNCIL**

**CABINET**

**MINUTES OF MEETING HELD ON WEDNESDAY 5 SEPTEMBER 2007 AT 1003 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; Alex McPhee, Executive Head of Finance and Asset Management; Bill Walkinshaw, Head of Democratic Services; Robin Gourlay, Head of Facilities Management; Martin Rose, Head of Personnel; David Mitchell, Head of Legal, Procurement and Regulatory Services; Julie McKinlay, Solicitor; and Anne Marie Carr, Senior Administrative Officer.

**APOLOGIES:** Councillors Iain Linton and Eric Jackson.

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

**CHAIR'S REMARKS**

1. The Chair advised that given his absence Councillor Jackson had submitted a letter to him in respect of issues he wished raised regarding certain items of business on the Agenda. Thereafter, the relevant issues were raised and addressed as each of the related Agenda items were being discussed.

**MANAGEMENT AND RESOURCES**

**LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICIALS - REVISED DISCIPLINARY POLICY AND PROCEDURE**

2. There was submitted a report dated 27 July 2007 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which asked the Cabinet to approve proposed changes to the Council's Disciplinary Policy and Procedure, subject to consultation with Trade Unions. Copies of the revised Disciplinary Policy and Procedures had been made available in the Members' Information Point.

Cabinet agreed to approve the changes to the Council's Disciplinary Policy and Procedures as detailed in the report, subject to consultation with Trade Unions.

**ACCOUNTS COMMISSION FOR SCOTLAND CONSULTATION ON THE 2007 STATUTORY PERFORMANCE INDICATORS - DIRECTION (FOR 2008/09 PERFORMANCE INDICATORS)**

3. There was submitted a report dated 7 August 2007 (circulated) by the Executive Head of Finance and Asset Management which sought Cabinet approval of the Council's response to the Accounts Commission's Consultation Paper on the 2007 Direction for Statutory Performance Indicators that would be reported in 2008/09.

Cabinet agreed:-

- (i) to approve the response on the 2007 Direction for 2008/2009 Performance Indicators as detailed in the Appendix to the report as East Ayrshire Council's response to the Accounts Commission's Consultation; and
- (ii) otherwise, to note the contents of the report.

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

4. 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 shown against each item of Schedule 7A of the Act".

#### **CAPITAL MONITORING REPORT TO PERIOD 4 - 29 JULY 2007 (PARA 8)**

5. There was submitted a report as at 29 July 2007 - Period 4 (circulated) in respect of the Capital Monitoring Programme for 2007/2008.

Cabinet having considered the contents of the report agreed to note the projected financial position for the General Services and Housing Investment Capital Programmes.

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

6. There was submitted a report dated 30 August 2007 (circulated) by the Head of Legal, Procurement and Regulatory Services which sought approval to settle a Sheriff Court Action.

Cabinet agreed:-

- (i) to approve the settlement of the court action by payment of the sum detailed in the report this being the value of the business of the party detailed in the report with an additional element to cover the risks associated with the heads of claim referred to in paragraph 3.3 and 3.4 of the report plus interest from 30 June 2006 at the rate of 8% per annum and the named party's reasonable legal expenses;
- (ii) to approve the lodging of a formal tender with the Court, should negotiations break down for the sum identified in the report plus interest from 30 June 2006 at the rate of 8% per annum and the named party's reasonable legal expenses; and
- (iii) having heard the Head of Legal, Procurement and Regulatory Services, that this decision be implemented prior to any consideration of the Governance and Scrutiny Committee under the call-in process on the grounds of urgency as to delay the lodging of the aforementioned formal tender with the Sheriff Court would seriously prejudice the Council's legal and financial position.

The meeting terminated at 1054 hours.