

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 17 JUNE 2009 AT 1000 HOURS
IN THE MEETING ROOM, 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; 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; David Mitchell, Head of Legal, Procurement and Regulatory Service; John Griffiths, Head of Leisure; John Bryson, Head of Roads and Transportation; Eddie Fraser, Head of Service: Community Care; Kay Gilmour, Head of Service: Community Support; Robin Gourlay, Head of Service: Facilities Management; Andrew Sutherland, Head of Service: Schools; Julie McGarry, Administration Manager; Gwen Barker, Community Planning and Partnership Manager; Angie Bennett, Leisure Development Manager; Karl Doroszenko, Development Planning and Regeneration Manager; Dot Grieve, Principal Officer, Community Learning and Development; and Christine Baillie, Administrative Officer.

APOLOGIES: Church Representatives Bill McGregor and Dr Ivy Barclay.

CHAIR: Councillor Douglas Reid, Leader of the Council.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting Catherine Sibbald, Audit Scotland, part of the BV2 Audit Team. He also advised that Church Representative Dr Ivy Barclay had intimated her resignation with effect from 30 June 2009 and thanked Dr Barclay for all her work and input at Cabinet and the former Education Committee.

LIFELONG LEARNING**CHARGES FOR MEALS**

- 2E. There was submitted a report dated 14 May 2009 (circulated) by the Executive Director of Educational and Social Services which proposed revised charges for school meals and other catering services to be implemented from Monday 3 August 2009.

Cabinet agreed:-

- (i) to approve the annual increase in charges to pupils, and for the equivalent value of free meals which was increased to £1.65 for implementation from 3 August 2009;

- (ii) that Lunch Club and Day Care meals increase to £2.50 from 3 August 2009;
- (iii) that other catering charges increase by 3.86%;
- (iv) that all other food and drink provided in each cafeteria be increased by a similar amount; and
- (v) otherwise, to note the contents of the report.

ADJOURNMENT/RECONVENTION OF MEETING

3. The meeting adjourned at 1007 hours, due to a fire alarm and reconvened at 1028 hours with the same Members and Officers present and in attendance with the exception of William Stafford, Executive Director of Neighbourhood Services who joined the meeting during consideration of Item 5E.

REVIEW OF LETTING CATEGORIES AND CHARGES FOR COMMUNITY USE OF COUNCIL PREMISES 2009/2010 (Item 3, Page 306, 07/12), (Item 2, Page 596, 07/12), (Item 3E, Page 634, 07/12), (Item 4, Page 638, 07/12)

- 4E. There was submitted a joint report dated May 2009 (circulated) by the Executive Director of Educational and Social Services and the Executive Director of Neighbourhood Services which advised Members of Cabinet of the review of letting categories and charges and which sought approval for future changes.

Cabinet agreed:-

- (i) to approve the recommendation detailed in paragraph 3 of the report as undernoted:-
 - categories within the Letting Policy be reduced from 7 to 4 and implemented in August 2009;
 - categories 1 and 2 be merged to become one new category dealing with commercial events;
 - categories 4 and 6 be removed;
 - new letting categories be referenced by letters rather than numbers i.e. category A, B, C and D;
 - any additional janitation and/or cleaning incurred as a result of a let would be charged separately;
 - procedures for booking community facilities to remain the same for both Departments;
 - Community Learning and Development let charges to be increased in April each year in line with Neighbourhood Services;
 - Neighbourhood Services align the charges for community facilities with Community Learning and Development as of April 2010;
 - let charges for Educational and Social Services facilities not be increased until 2010;
 - there be no change to costs in 2009/10 of letting sports facilities within educational establishments, other than an annual increase with the exception of Grange and St Joseph's PPP Campuses; and

- no increase take place in relation to the costs of hiring the all weather pitches in Cumnock and Drongan until April 2010;
- (ii) to remit to Officers to return to Cabinet on the outcome of the review of Community Association letting; and
- (iii) otherwise, to note the contents of the report.

VOLUNTARY SECTOR GRANTS 2009/2010

- 5E.** There was submitted a report dated 4 June 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval for a recommendation of award in respect of Education Voluntary Sector Grants for 2009/2010.

Cabinet agreed:-

- (i) to make awards as follows:-
KULOC - £3,250; and
IQRAA Asian Women's Group - £1,822; and
- (ii) otherwise, to note the contents of the report.

CONSULTATION ON THE FUTURE STATUS OF THE GENERAL TEACHING COUNCIL FOR SCOTLAND (GTCS)

- 6E.** There was submitted a report dated 21 May 2009 (circulated) by the Executive Director of Educational and Social Services which sought approval to submit a response on behalf of East Ayrshire Educational Services on the future status of the General Teaching Council for Scotland (GTCS).

Cabinet agreed:-

- (i) to approve the response to the consultation on the future status of GTCS; and
- (ii) otherwise, to note the contents of the report.

EXCAMBION OF LAND ADJACENT TO LITTMILL PRIMARY SCHOOL, DRONGAN (Item 2.4E, Pages 300,301, 07/12)

- 7E.** There was submitted a joint report dated 4 June 2009 (circulated) by the Executive Head of Finance and Asset Management and the Executive Director of Educational and Social Services which asked Cabinet to declare surplus to requirements land extending to 647 square metres or thereby, as shown hatched on the attached plan, authorise the disposal of same to John McCaig and Sons Ltd and authorise the acquisition of the former Littlemill Schoolhouse and associated land extending to 647 square metres or thereby, shown cross-hatched on the attached plan from John McCaig and Sons Ltd.

Cabinet having noted that recommendation (i) should refer to 647 square metres and not 629 as detailed in the report, agreed:-

- (i) to declare surplus to requirements land extending to 647 square metres or thereby, as shown hatched on the attached plan and authorise the disposal of same to John McCaig and Sons Ltd;

- (ii) to authorise the acquisition of the former school house and land extending to 647 square metres or thereby, shown cross-hatched on the attached plan from John McCaig and Sons Ltd;
- (iii) to authorise the Solicitor to the Council to conclude missives and thereafter conclude the transaction on the terms and conditions detailed in the report and on such other terms and conditions deemed necessary to protect the interests of the Council;
- (iv) to authorise the proposed demolition of the school house work subject to conclusion of missives but prior to conclusion of the transaction;
- (v) to remit to appropriate Officers to look at the possibility of recycling the sandstone from the school house following demolition; and
- (vi) due to the timescales involved, to implement the recommendation in (iv) above prior to any consideration by the Governance and Scrutiny Committee as to delay implementation would seriously prejudice the Council's ability to ensure demolition could take place within the school holiday period as proposed.

FINANCE AND SERVICE STRATEGY REPORT - OUTTURN TO 31 MARCH 2009

- 8E.** There was submitted a report dated 10 June 2009 (circulated) by the Executive Head of Finance and Asset Management which advised of the unaudited financial position for the year ended 31 March 2009 which took account of information provided by Executive Directors.

Cabinet agreed:-

- (i) to approve the budget virement for contaminated land as detailed in paragraph 2.4 of the report;
- (ii) to approve that funds be earmarked specifically for the Icelandic Bank repayment as detailed in paragraphs 2.9 and 4.2 of the report and departmental earmarked balances as detailed in paragraph 2.11 of the report;
- (iii) to approve the use of £0.200M from Leisure Services as detailed in paragraph 2.12 of the report;
- (iv) to note the adjustment to trading services stock as detailed in paragraph 3.2 of the report;
- (v) to approve the reclassification of the non-HRA balances held in the Repairs and Renewals Fund as detailed in paragraph 5.2 of the report;
- (vi) to approve that the savings due to the fall in school rolls as detailed in paragraph 7.1 of the report be reallocated to fund additional teacher costs;
- (vii) to note that balances would be reviewed following external audit; and
- (viii) otherwise, to note the contents of the report.

Teacher Representative Iain Harvey and Parent Representative David Fraser left the meeting at this point.

COMMUNITY WELLBEING

COMMUNITY HEALTH IMPROVEMENT PARTNERSHIP (CHIP) PROGRESS REPORT

9. There was submitted a report dated 3 June 2009 (circulated) by the Executive Director of Neighbourhood Services which updated Members on the progress of the Community Health Improvement Partnership (CHIP) following the mainstreaming of the initiative in 2008 and completion of the first year of the Council's Service Level Agreement with NHS Ayrshire and Arran.

Cabinet agreed:-

- (i) to note the progress of the Community Health Improvement Partnership in Year 1 of the Service Level Agreement with NHS Ayrshire and Arran; and
- (ii) to welcome the news that East Ayrshire Council had been selected to become one of only eight Local Authorities to implement a pathfinder Community Healthy Weight Programme which would be implemented in Catrine.

RECREATION PARTNERSHIP SERVICE - PROGRESS REPORT

10. There was submitted a report dated 3 June 2009 (circulated) by the Executive Director of Neighbourhood Services which updated Members on the progress of the Recreation Partnership Service following the mainstreaming of the initiative in 2008 and completion of the first year of the Council's Service Level Agreement with NHS Ayrshire and Arran.

Cabinet agreed to note the progress of the Recreation Partnership Service in Year One of the Service Level Agreement with NHS Ayrshire and Arran.

NEW SPORTING FUTURE - 2014: CHARTER FOR SPORT

11. There was submitted a report dated 3 June 2009 (circulated) by the Executive Director of Neighbourhood Services which outlined progress and plans in relation to the implementation of a "2014: Charter for Sport" and which sought approval of Cabinet to implement as part of the Charter, a Talented Athlete Fund to support local sports people in their pursuit of excellence and reduce the prices for qualifying clubs at Council facilities.

Cabinet agreed:-

- (i) to approve the development and implementation of the "2014: Charter for Sport";
- (ii) to approve the implementation of the Talented Athlete Fund;
- (iii) to recommend to Council the appointment of four Elected Members from the Sports Council to the Judging Panel for Talented Athlete Support Funding;
- (iv) to remit to the Executive Director of Neighbourhood Services to bring back to Cabinet, annually, a progress report with details of the number of individuals supported and the level of success they achieved together with details of the support provided to Clubs; and
- (v) otherwise, to note the contents of the report.

ENVIRONMENT AND REGENERATION

PLAYPARK INVESTMENT PROGRAMME (Item 3, Pages 239, 240, 07/12)

- 12.** There was submitted a report dated 11 June 2009 (circulated) by the Executive Director of Neighbourhood Services which updated the Cabinet on the roll-out of the Council's Playpark Investment Programme and which sought approval for the next round of investment in priority sites.

Cabinet agreed:-

- (i) to approve the allocation of funds to complete the existing playpark sites i.e. Greenhead (New Cumnock), Waterside (North), Dean Park, Kilmarnock and Mauchline (site to be confirmed) along with the relocation of the Altonhill Playpark;
- (ii) that the Executive Director of Neighbourhood Services liaise with local Members and the community regarding the most suitable site for the playpark at Mauchline and for the relocation of the Altonhill Playpark;
- (iii) to approve the allocation of funds for new Streetsport cages in Mauchline and Gargieston;
- (iv) to approve the re-tendering of the playpark installation contract after the completion of the existing priority playpark sites and two Streetsport cages;
- (v) to remit to the Executive Director of Neighbourhood Services to submit a report on future priorities for investment in playparks and Streetsport cages in due course; and
- (vi) otherwise, to note the contents of the report.

MORTON PARK, DARVEL

- 13.** There was submitted a report dated 11 June 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval to allocate Capital Programme funding to Morton Park, Darvel in 2010/11 and to seek grant funding from the Heritage Lottery Fund - Parks for People Programme to support a range of improvements to the park, if appropriate.

Cabinet agreed:-

- (i) to approve the allocation of £170,000 from the Capital Programme to Morton Park, Darvel in 2010/11;
- (ii) to remit to the Executive Director of Neighbourhood Services to consider and submit a bid to the Heritage Lottery Fund - Parks for People Programme which related to Morton Park, Darvel if appropriate;
- (iii) to remit to the Executive Director of Neighbourhood Services to submit further reports on the priorities for investment in major parks in due course; and
- (iv) otherwise, to note the contents of the report.

MATCH FUND BUDGET 2009/10

- 14.** There was submitted a report dated 11 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which recommended that Cabinet approved a grant of £7,893.70 payable from the 2009/10 Match Fund budget to

CREATE (Cumnock and Doon Valley Area) and to remit to the Executive Director of Neighbourhood Services to prepare a report on the calendar of similar events held throughout East Ayrshire.

Cabinet agreed:-

- (i) to approve an award, subject to the normal conditions and also recommendation (ii) below of £7,893.70 to CREATE (Cumnock and Doon Valley area);
- (ii) that an additional condition of the grant award be imposed, to require CREATE to prepare a short report following conclusion of the festival in accordance with paragraph 3.3 of the report;
- (iii) to remit to the Executive Director of Neighbourhood Services to prepare a calendar of events in East Ayrshire and review the number of festivals that the Council supported financially, or otherwise, and to report back to a future Cabinet meeting; and
- (iv) otherwise, to note the contents of the report.

SCOTTISH PLANNING POLICY (SPP): CONSULTATIVE DRAFT

15. There was submitted a report dated 1 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which advised Cabinet and sought their views on the draft consolidated Scottish Planning Policy document produced by the Scottish Government and issued for consideration in April of this year. This report was based on an Ayrshire-wide response co-ordinated by the Ayrshire Joint Planning Unit.

Cabinet agreed:-

- (i) to approve the contents of the report and in particular Appendix 2 as the Council's formal response to the questions set and to include within the response that East Ayrshire Council would like to see more priority given to Regeneration; and
- (ii) to authorise the Depute Chief Executive/Executive Director of Corporate Support to send a copy of this report to the Scottish Government as representing the Council's views on the consultative draft SPP.

INTRODUCTION OF SHORT STAY PARKING RESTRICTIONS AND CHARGES TO THE EXTENDED QUEEN STREET CAR PARK, KILMARNOCK

16. There was submitted a report dated 5 June 2009 (circulated) by the Executive Director of Neighbourhood Services which sought approval to extend short stay parking restrictions (up to four hours) and parking charges to the area of ground adjacent to the Queen Street Car Park, which was currently leased to Tesco. The locations of the car parks were shown in Appendix 1 to the report.

Cabinet agreed:-

- (i) to approve the making of the proposed Order to incorporate the land owned by the Council, on the termination of the lease by Tesco, into the existing Order controlling the pay and display car parks in Kilmarnock Town Centre; and

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

CUMNOCK CONSERVATION AREA APPRAISAL

17. There was submitted a report dated 1 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval to adopt the Cumnock Conservation Area Appraisal report as supplementary planning guidance.

Cabinet agreed:-

- (i) to approve the Cumnock Conservation Area Appraisal as supplementary planning guidance; and
- (ii) otherwise, to note the contents of the report.

MANAGEMENT AND RESOURCES

LOCAL GOVERNMENT EMPLOYEES, CRAFT EMPLOYEES AND CHIEF OFFICERS REVISED EMPLOYMENT POLICIES

18. There was submitted a report dated 29 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for proposed changes to the Council's Disciplinary Policy and Procedures and the Grievance Procedure.

Cabinet agreed to approve the changes to the Council's Disciplinary Policy and Procedures and the Grievance Procedure as detailed in the report.

CHIEF OFFICERS, LOCAL GOVERNMENT EMPLOYEES, CRAFT OPERATIVES, LOCAL GOVERNMENT PENSION SCHEME EMPLOYERS' DISCRETIONS

19. There was submitted a report dated 29 May 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval for proposed revisions to the current Statement of Policy of Employers' Discretions which were necessary following the implementation of the new Local Government Pension Scheme (LGPS) to meet regulatory requirements, subject to consultation with Trade Unions.

Cabinet agreed:-

- (i) to approve the changes to the Statement of Policy of Employers' Discretions as detailed in the report, subject to consultation with Trade Unions;
- (ii) to note that further revisions would require to be made to the Employers' Discretions when the Local Government (Discretionary Payment and Injury Benefits) (Scotland) Amendment Regulations 2008 were issued; and
- (iii) otherwise, to note the contents of the report.

TRADE UNION CONVENOR/TIME OFF FOR TRADE UNIONS DUTIES, ACTIVITIES AND TRAINING

20. There was submitted a report dated 9 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought Cabinet's approval to:- (i) have one full-time Trade Union Convenor covering all employee groups within the Council other than Teachers for whom there were separate arrangements; and

(ii) proposed amendments to the Council's Time Off for Trade Union Duties, Activities and Training Policy and Procedure.

Cabinet agreed:-

- (i) to approve the appointment of one Full-Time Trade Union Convenor covering all employee groups within the Council other than teachers, with effect from 1 September 2009;
- (ii) to approve the proposed changes to the Time Off for Trade Union Duties, Activities and Training Policy and Procedure, subject to ongoing Trade Union consultation;
- (iii) to note that the finalised Policy and Procedure would be submitted to the LNCT for approval in respect of Teachers; and
- (iv) otherwise, to note the contents of the report.

Councillor Maureen McKay, having moved the status quo as an alternative proposal with regard to recommendation (i) above and having failed to receive a seconder, asked that her dissent be recorded.

CORPORATE HEALTH AND SAFETY ACTION PLAN 2009/2010

- 21.** There was submitted a report dated 4 June 2009 (circulated) by the Chief Executive which reported progress on the Corporate Health and Safety Action Plan 2008/2009, submitted for approval the Corporate Health and Safety Action Plan for 2009/2010 and which brought to Cabinet's attention certain other matters relating to Health and Safety.

Cabinet agreed:-

- (i) to note progress on the Corporate Health and Safety Action Plan 2008/2009;
- (ii) to approve the proposed Corporate Health and Safety Action Plan 2009/2010;
- (iii) to note the involvement of the "critical friend" as detailed in paragraph 6 of the report;
- (iv) to remit to the Chief Executive to seek the views of the Health and Safety Executive on the use of the RoSPA Quality Safety Audit and report back to Cabinet with the outcome; and
- (v) otherwise, to note the contents of the report.

GENDER EQUALITY SCHEME - PROGRESS REPORT

- 22.** There was submitted a report dated 3 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which provided Cabinet with a progress report on the Gender Equality Scheme.

Cabinet agreed:-

- (i) to approve the Gender Equality Progress Report;
- (ii) to note that a Seminar for Members would be arranged to discuss issues around Violence Against Women and associated issues; and
- (ii) otherwise, to note the contents of the report.

**COUNCIL-WIDE STRATEGIC SELF-ASSESSMENT OF PERFORMANCE -
IMPROVEMENT ACTION PLAN**

- 23.** There was submitted a report dated 10 June 2009 (circulated) by the Chief Executive which sought consideration by Cabinet of the high level Improvement Action Plan in response to the Improvement Agenda which arose from the second Council-Wide Strategic Self Assessment of Performance.

Cabinet agreed:-

- (i) to approve the high level Improvement Action Plan to address the Improvement Agenda which had arisen from the second Council-Wide Strategic Self Assessment of Performance by the Corporate Management Team;
- (ii) that appropriate senior officers implement the actions detailed within the Improvement Action Plan;
- (iii) that this report be referred to the Governance and Scrutiny Committee for their interest and that the Governance and Scrutiny Committee be tasked with receiving annual progress updates against the Improvement Action Plan; and
- (iv) otherwise, to note the contents of the report.

CENTRAL JOINT CONSULTATIVE COMMITTEE

- 24.** There were submitted and noted Minutes of the meeting held on 13 May 2009 (circulated).

EXCLUSION OF PRESS AND PUBLIC

- 25.** 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 Paragraph 1 of Schedule 7A of the Act"

COMMUNITY PLANNING AND EQUALITIES

**COMMUNITY PLANNING AND PARTNERSHIP UNIT BEST VALUE
SERVICE REVIEW**

- 26.** There was submitted a report dated 8 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which presented the findings of the Community Planning and Partnership Unit (CPPU) Best Value Service Review.

Having noted that discussions with the Trade Unions had now taken place and that they were happy to endorse the report, Cabinet agreed:-

- (i) to approve the recommendations arising from the report as detailed in paragraph 4.1 and related staffing implications as detailed at paragraph 5.1 of the report;
- (ii) to approve the related Service Improvement Plan;
- (iii) to note the cross-cutting review which had been implemented at the request of the Chief Executive; and
- (iv) otherwise, to note the contents of the report.

MANAGEMENT AND RESOURCES

SEVERANCE ARRANGEMENTS

- 27.** There was submitted a report dated 10 June 2009 (circulated) by the Depute Chief Executive/Executive Director of Corporate Support which sought approval of severance arrangements for seven employees within the Departments of Corporate Support and Educational and Social Services.

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

The meeting terminated at 1250 hours.