

**EAST AYRSHIRE COUNCIL****CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 29 JUNE 2011 AT 1000 HOURS  
IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD,  
KILMARNOCK**

**PRESENT:** Councillors Douglas Reid, Iain Linton, John MacKay, Maureen McKay, Hugh Ross, Robert McDill, Jim Roberts, Barney Menzies and Kathy Morrice; Parent Representative David Fraser; and Teacher Representative Bryce Wilson.

**ALSO PRESENT:** Councillor Tom Cook in respect of Item 2.

**ATTENDING:** Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Alex McPhee, Executive Director of Finance and Corporate Support; Graham Short, Executive Director of Educational and Social Services; Bill Walkinshaw, Head of Democratic Services; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; John Griffiths, Head of Leisure; John Bryson, Head of Roads and Transportation; Eddie Fraser, Head of Service: Community Care; Andrew Sutherland, Head of Service: Schools; Gwen Barker, Community Planning and Partnership Manager; Karl Doroszenko, Development, Planning and Regeneration Manager; Janice Harrison, Senior Practitioner, Community Learning and Development; Ian McArthur, Health and Safety Manager; Robert McCulloch, Outdoor Amenities Manager; David McDowall, Building Standards Manager; and Christine Baillie, Senior Administrative Officer.

**APOLOGIES:** Councillors Jim Buchanan and Jim Todd; and Church Representatives Maria Dorrian and Ian Rennie.

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

**ORDER OF BUSINESS**

1. The Chair at his discretion and in terms of Standing Order 19, agreed to alter the order of business to that shown below.

**STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES****OUTCOME AND RECOMMENDATIONS FROM THE CALL-IN DECISION OF  
CABINET - 1 JUNE 2011: PROVISION OF SERVICES TO GYPSY TRAVELLERS  
(Item 3, Page 1697, 07/12)**

2. There was submitted a report dated 23 June 2011 (circulated) by the Chair of the Governance and Scrutiny Committee which presented the recommendations of the Governance and Scrutiny Committee of 17 June 2011 in respect of the called-in decision of Cabinet which related to the provision of services to Gypsy Travellers.

Cabinet agreed to accept the recommendations of the Governance & Scrutiny Committee namely:-

- (i) that the scoring mechanism be reviewed, including particular consideration as to the introduction of further additional criteria (impact on industry and tourism and contamination issues being 3 possible areas to be considered);

- (ii) that arrangements be made for appropriate Elected Member involvement in that review of the scoring mechanism;
- (iii) that the site selection process thereafter be undertaken of new, with appropriate consultation with (a) Elected Members; (b) all relevant Council Services (including in particular the Environmental Health Service); and (c) the Scottish Gypsy Travellers Association;
- (iv) that in view of recommendations (i) - (iii) above, that no further action be taken in respect of the outcome of the previous site selection process; and

Cabinet also agreed to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to bring back a report to a future meeting of Cabinet setting out proposals to implement the agreed recommendations.

Cabinet also noted the Chair's remarks that for absolute clarity, the decision today meant that nothing else would be done in respect of the previous site selection process and that the Furnace Road site proposals would not be taken forward and in effect, the process would be re-done from the start and the previous list of sites stood down.

## **PROMOTING LIFELONG LEARNING**

### **GLOBAL SCHOOLS EXCHANGE IN PARTNERSHIP WITH SRI LANKA (Item 6E, Page 1422, 07/12)**

- 3E.** There was submitted a report dated May 2011 (circulated) by the Executive Director of Educational and Social Services which updated Cabinet on the Global Schools Partnership between East Ayrshire Council schools and Gampola, Kandy District, Central Province, Sri Lanka, and which sought approval to continue links with the Province.

Cabinet agreed to continue consideration of the item to a future meeting of Cabinet in order that the Executive Director of Educational and Social Services could contact the British Council to relay the concerns raised at Cabinet and seek reassurance on the clear focus of the programme and report back.

### **WIDENING ACCESS TO SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) IN EAST AYRSHIRE**

- 4E.** There was submitted a report dated June 2011 (circulated) by the Executive Director of Educational and Social Services on the progress made in developing Science, Technology, Engineering and Mathematics (STEM) related activity in East Ayrshire in partnership with neighbouring authorities, further and higher education, scientific organisations and local businesses and industry and which sought approval for East Ayrshire's continued involvement in this initiative.

Cabinet agreed:-

- (i) to note the actions taken to develop the sciences across the three Ayrshire Councils in partnership with other learning and skills agencies and science organisations;
- (ii) to approve Appendix 1, with an additional emphasis on the role of STEM in sustainable social and economic development, with a particular focus on the

intellectual property, as the Ayrshire access to Science Reference Group Business Plan;

- (iii) that the Executive Director of Educational and Social Services provide progress reports, as appropriate; and
- (iv) otherwise, to note the contents of the report.

### **ACTIVITY AGREEMENTS IN EAST AYRSHIRE**

**5E.** There was submitted a report (circulated) by the Executive Director of Educational and Social Services which sought approval to use £98,068 allocated by Scottish Government for "Activity Agreements" in East Ayrshire which aimed to support targeted young people achieve a positive and sustained destination.

Cabinet agreed:-

- (i) to approve the proposed use of Activity Agreement grant to implement a programme of Activity Agreements in East Ayrshire with a strong emphasis on importance of achieving sustainability;
- (ii) that the Executive Director of Educational and Social Services submit a report, to Cabinet and Governance and Scrutiny Committee by December 2011, describing progress in achieving the outcomes outlined; and
- (iii) otherwise, to note the contents of the report.

### **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

#### **HEALTH AND SAFETY PERFORMANCE REPORT 2010-11 QUARTER 4 (JANUARY TO MARCH 2011) AND HEALTH AND SAFETY ANNUAL REPORT 2010-2011 (Item 2E, Page 1644, 07/12)**

**6E.** There was submitted a report dated 22 June 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which provided information on Health and Safety Performance in Quarter 4 (January to March) of 2010-2011 and the Annual Health and Safety performance statistics for 2010-2011. The report also provided an update on consideration of enhanced engagement arrangements with the Trade Unions on health and safety matters.

Cabinet agreed:-

- (i) to note the Health and Safety Performance report for Quarter 4 of 2010-2011 and the annual Health and Safety Performance Report for 2010-2011;
- (ii) to note that a further report on enhanced engagement arrangements on Health and Safety with the Trade Unions would be reported to Cabinet following the next meeting of the Chief Executive's Health and Safety Strategy Group; and
- (iii) otherwise, to note the contents of the report.

Parent Representative David Fraser and Teacher Representative Bryce Wilson left the meeting at this point.

## **IMPROVING COMMUNITY HEALTH AND WELLBEING**

### **REVIEW OF GOLF COURSES**

7. There was submitted a report dated 21 June 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for recommendations to reconfigure the Council's Golf Services and reduce the service's running costs.

It was noted that at Paragraph 3.2, reference to owner of the land should read "William Cunninghame".

Councillor Douglas Reid, seconded by Councillor Iain Linton, moved approval of the recommendations as detailed in the report with the inclusion of an additional recommendation as shown at (vii) below, namely:-

- (i) to approve, subject to landlord's consent, the assignation of the Council's interest in the lease of Caprington Golf Course to Caprington Golf Club with effect from 1 April 2012 with grant funding of £50,000 available in 2012/13 and £25,000 available in 2013/14;
- (ii) to remit to the Executive Director of Finance and Corporate Support to negotiate and conclude agreements with Caprington Golf Club and the landowner to support the proposed assignation;
- (iii) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to negotiate and conclude agreement subject to (ii) above, with Caprington Golf Club, terms and conditions in respect of the proposed grant funding;
- (iv) to remit to the Solicitor to the Council, subject to (ii) and (iii), above, to conclude all necessary legal agreements to finalise the assignation and the terms and conditions of grant;
- (v) to allow Patna Golf Club to increase their voluntary involvement in managing the Doon Valley Golf Course;
- (vi) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to keep the situation at Annanhill Golf Course under review;
- (vii) to remit to the Depute Chief Executive/Executive Director of Neighbourhood Services to work with North and South Ayrshire Council's to promote golfing activity in Ayrshire through the Joint Ayrshire Tourism Strategy; and
- (viii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment:-

- (i) to note the suggestions outlined but to regret the largely negative report which would likely result in the loss of the 9 hole golf course at Caprington Golf Course,
- (ii) that the Council make no assignation of the Council's interest in the lease of Caprington Golf Course; and
- (iii) that a plan be developed for the improvement of existing golf facilities to ensure that they are sufficiently adequate to meet the financial savings required.

On a division by a show of hands, the motion was carried by 7 votes to 2.

### **SOCIAL WORK STAND-BY SERVICE (Item 10, Page 1575, 07/12)**

8. There was submitted a report dated 16 June 2011 (circulated) by the Executive Director of Educational and Social Services (i) which updated Cabinet with respect to the programme to establish an Ayrshire wide Shared Service for a Social Work Out of Hours Response Service; and (ii) which sought agreement of initial management arrangements to support implementation of the service.

Cabinet agreed:-

- (i) to note the progress made to date in establishing a Pan Ayrshire Service;
- (ii) to approve the staffing proposal to appoint a Joint Project Manager for a fixed period;
- (iii) to remit to the Executive Director of Educational and Social Services to provide a further update as the model was developed; and
- (iv) otherwise, to note the contents of the report.

### **ACCESS TO FUNDS**

9. There was submitted a report dated 14 June 2011 (circulated) by the Executive Director of Educational and Social Services (i) which provided information on the actions the Council undertook to protect financial interests where individuals lacked the capacity to do this independently; and (ii) which sought approval for proposed actions required in order for the Council to implement the Access to Funds Scheme.

Cabinet agreed:-

- (i) to note the actions the Council undertook to protect the financial interests where individuals lacked the capacity to do this independently;
- (ii) to remit to the Executive Director of Educational and Social Services to make an application to the Office of the Public Guardian for the Council to be recognised as a fit organisation able to undertake duties associated with Access to Funds;
- (iii) to approve the implementation arrangements as detailed in Paragraph 5 of the report;
- (iv) to endorse the Policy, Procedures and Practice Guidance for operation of the Access to Funds Scheme; and
- (v) otherwise, to note the contents of the report.

### **PARTNERSHIP IN PRACTICE AGREEMENT 2011-15**

10. There was submitted a report dated 13 June 2011 (circulated) by the Executive Director of Educational and Social Services which sought Cabinet's endorsement of the Partnership and Practice Agreement 2011-15 entitled Living and Working in Partnership.

Cabinet endorsed the content of the Partnership and Practice Agreement, and in particular recognised the commitment within the Agreement to achieving better chances for paid and voluntary work as follows:-

- pay people/appropriately for work done;
- raise awareness of how social enterprises can offer employment opportunities, and increase the opportunities for individuals to become members of social enterprises;
- increase the opportunities for individuals to get work experience that can train/prepare them for employment; and
- support individuals to access information about employment and volunteering.

Cabinet further agreed:-

- (i) to remit to the Executive Director of Educational and Social Services to provide an annual report to Cabinet providing appropriate statistical information on this activity; and
- (ii) otherwise, to note the contents of the report.

Councillor Hugh Ross left the meeting during discussion of the above item.

## **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

### **GRANT FUNDING APPLICATION**

#### **11.1 VIRTUAL INCLUSION PARTNERS**

There was submitted a joint report dated 30 May 2011 (circulated) by the Executive Directors of Finance and Corporate Support and Educational and Social Services which advised Cabinet of a grant application received from Virtual Inclusion Partners (VIPs) and which made recommendations accordingly.

Cabinet agreed:-

- (i) to approve a grant of up to £4,500 for VIP's subject to the receipt of a 2nd quote in respect of the project and remit the payment of the grant to the Head of Democratic Services, in consultation with the Chair; and
- (ii) otherwise, to note the contents of the report.

## **DELIVERING COMMUNITY REGENERATION/IMPROVING COMMUNITY SAFETY**

### **TRAFFIC, TRANSPORT AND RURAL SAFETY PROGRAMMES 2011/12**

12. There was submitted a report dated 22 June 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for the various traffic, transportation and road safety programmes to be implemented in 2011/2012.

Cabinet agreed:-

- (i) to approve the implementation of the traffic, transportation and road safety programmes as outlined in Section 4 and in Appendix 1 of the report; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay left the meeting during discussion of the above item.

## **DELIVERING COMMUNITY REGENERATION**

### **BRIDGES AND CULVERT STRENGTHENING PROGRAMME**

- 13.** There was submitted a report dated 15 June 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which sought approval for the proposed 2011-12 Bridge and Culvert Strengthening Programme.

Cabinet agreed:-

- (i) to approve the 2011-12 Bridge and Culvert Strengthening Programme as set out in Section 3 of the report; and
- (ii) otherwise, to note the contents of the report.

Councillor Barney Menzies left the meeting during discussion of the above item.

### **BUILDING A SUSTAINABLE FUTURE - REGENERATION DISCUSSION PAPER**

- 14.** There was submitted a report dated 30 May 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which presented for consideration and approval a response to the paper recently issued by the Scottish Government entitled "Building a Sustainable Future".

Cabinet agreed:-

- (i) to approve the summary responses and detailed responses combined within Appendix 1 of the report, to the questions posed in the Regeneration Discussion Paper;
- (ii) that this report be forwarded to the Scottish Government as the Council's formal response to the Regeneration Discussion Paper; and
- (iii) otherwise, to note the contents of the report.

### **STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES**

#### **COMMUNITY PLANNING ACTION PLAN AND SINGLE OUTCOME AGREEMENT ANNUAL PERFORMANCE REPORT 2010/11**

- 15.** There was submitted a report dated 31 May 2011 (circulated) by the Chief Executive which presented for consideration and endorsement, in respect of Council's interest, the consolidated interim Annual Performance Report for 2010/11 in respect of the Community Plan thematic Actions Plans and East Ayrshire Community Planning Partnership Single Outcome Agreement (SOA).

Cabinet agreed:-

- (i) from a Council perspective, to endorse the consolidated Community Planning/SOA Annual Performance Interim Report for 2010/11, subject to minor textual amendment;
- (ii) to note that work would be taken forward to ensure completion of a comprehensive SOA Annual Performance Report on progress made in 2010/11 to meet the reporting requirements of the Scottish Government by 30 September 2011;
- (iii) to participation in the proposed Elected Members' Seminar to consider 2010/11 reported performance;

- (iv) to remit to the Community Planning and Partnership Manager to make arrangements to have the Community Plan/Single Outcome Agreement Annual Performance Report graphically designed and printed for appropriate distribution;
- (v) to remit officers to work with Scottish Government to ensure appropriate sign-off of the 2011/2014 SOA by the Scottish Ministers; and
- (vi) otherwise, to note the contents of the report.

### **GRANT FUNDING APPLICATIONS**

#### **16.1 SCOTTISH CANCER SUPPORT GROUP**

There was submitted a joint report dated 30 May 2011 (circulated) by the Executive Directors of Finance and Corporate Support and Educational and Social Services which advised of a grant application received from Scottish Cancer Support and which made recommendations accordingly.

Cabinet agreed:-

- (i) to approve a grant of £10,000 to the Scottish Cancer Support Group; and
- (ii) otherwise, to note the contents of the report.

#### **16.2 EAST AYRSHIRE ACCESS PANEL (NORTH DISTRICT) AND CUMNOCK AND DOON VALLEY ACCESS PANEL AND EAST AYRSHIRE (SOUTH) FORUM ON DISABILITY**

There was submitted reports dated 15 June and 17 June 2011, respectively (circulated) by the Executive Director of Finance and Corporate Support which informed Cabinet of a joint grant funding request from the East Ayrshire Access Panel (North District) and Cumnock and Doon Valley Access Panel and from East Ayrshire (South) Forum on Disability and which made recommendations accordingly.

Cabinet agreed:-

- (i) to award a total grant of £8,490 to the Access Panels split as follows - East Ayrshire Access Panel (North District) - £4,641; and Cumnock and Doon Valley Access Panel - £3,849;
- (i) to award a grant of £2,600 to the East Ayrshire (South) Forum on Disability; and
- (iii) otherwise, to note the contents of the report.

### **PROPOSED LEASE OF LAND AND CHANGING PAVILION AT CRAIGENS ROAD, CUMNOCK TO NETHERTHIRD COMMUNITY DEVELOPMENT GROUP**

17. There was submitted a report dated 22 June 2011 (circulated) together with amended recommendations (circulated at the meeting) by the Executive Director of Finance and Corporate Support which sought approval to (i) declare surplus two areas of land comprising (a) an unmaintained grassed area and access track which extended to 1.029 hectares (2.54 acres), or thereby, situated at the rear of Netherthird Primary School, Craigens Road, Cumnock; and (b) Craigens Road Playing Fields, Cumnock, extending to 2.369 hectares (5.84 acres) or thereby, together with the associated Changing Pavilion for the purpose of a lease to the Netherthird Community Development Group; and (ii) lease the subjects identified

above to the Netherthird Community Development Group for a period of 30 years for the purpose of undertaking Community Projects.

Cabinet agreed:-

- (i) to declare surplus the land extending to 1.029 hectares or thereby, situated at the rear of Netherthird Primary School, Craigens Road, Cumnock, shown as site 1 on the plan of the report;
- (ii) to amend the concessionary rental policy in this instance to allow the subjects of let to be used for ancillary commercial development; and
- (iii) to approve the 30 year lease of the area of land identified in (i), above, to the Netherthird Community Development Group, for the purpose of conversion to a Community Garden, on condition that the Group evidence that all necessary finance had been assembled and that all statutory consents had been obtained.

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

- 18.** 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**

#### **SEVERANCES AND UPDATE ON THE COUNCIL'S REDUNDANCY PAYMENTS SCHEME**

- 19.** There was submitted a report dated 20 June 2011 (circulated) by the Executive Director of Finance and Corporate Support (i) which sought approval of requests for voluntary severance from two employees in the Department of Educational and Social Services; and (ii) which advised of the number of employees who had left the Council's service under the Council's Redundancy Payments Scheme via the Head of Human Resources; delegated authority.

Cabinet agreed:-

- (i) to approve the voluntary severance arrangements as detailed in Appendix A to the report; and
- (ii) to note the number of employees who had left the Council's service on the grounds of redundancy in terms of the Head of Human Resources' delegated authority as detailed in Appendix B to the report.

The meeting terminated at 1321 hours.