

EAST AYRSHIRE COUNCIL

CABINET

MINUTES OF MEETING HELD ON WEDNESDAY 31 AUGUST 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; Church Representatives Maria Dorrian and Ian Rennie; and Parent Representative David Fraser.

ATTENDING: Fiona Lees, Chief Executive; Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services; Graham Short, Executive Director of Educational and Social Services; Alex McPhee, Executive Director of Finance and Corporate Support; Craig McArthur, Head of Finance; Martin Rose, Head of Human Resources; David Mitchell, Head of Legal, Procurement and Regulatory Services; Kay Gilmour, Head of Service: Community Support; Simon Bell, Project Delivery Manager; Katie Kelly, Section Head, Leisure & Recreation; Alistair Kidd, Acting IT Services Manager; and Christine Baillie, Senior Administrative Officer.

APOLOGIES: Councillors Jim Buchanan and Jim Todd; and Teacher Representative Bryce Wilson.

CHAIR: Councillor Douglas Reid, Leader of the Council.

CHAIR'S REMARKS

1. The Chair welcomed to the meeting Eloise Bickett who was on work experience within Legal Services.

PROMOTING LIFELONG LEARNING

**COMMISSIONING OF PRE-SCHOOL EDUCATIONAL PLACES
(Item 1.2E, Pages 1115 & 1116, 07/12)**

- 2E. There was submitted a report dated 16 August 2011 (circulated) by the Executive Director of Educational and Social Services which made recommendations in respect of the future commissioning of pre-school educational places in East Ayrshire.

Cabinet agreed:-

- (i) to approve the recommendation to carry out a tender exercise for academic session 2012/13; and
- (ii) otherwise, to note the contents of the report.

**KEY MESSAGES ARISING FROM THE EARLY YEARS REVIEW
(Item 2E, Pages 1511-1513, 07/12)**

- 3E.** There was submitted a report dated May 2011 (circulated) by the Executive Director of Educational and Social Services on the key messages arising from the outcome of the Early Years Review.

Councillor Douglas Reid, seconded by Councillor Jim Roberts, moved approval of the recommendations as detailed in the report, namely:-

- (i) to remit to the Executive Director of Educational and Social Services to return to Cabinet with the outcome of work being developed from the work streams; and
- (ii) otherwise, to note the contents of the report.

Councillor Maureen McKay, seconded by Councillor Barney Menzies, moved as an amendment to remit to the Executive Director of Educational and Social Services to circulate the report to all educational establishments within East Ayrshire with comments to be received by the end of October, and, thereafter, to report back to Cabinet for consideration based on all responses received.

On a division by a show of hands, the motion was carried by 9 votes to 3.

Councillors Maureen McKay and Barney Menzies joined the meeting during discussion of the above item.

**MUIRKIRK PRIMARY SCHOOL NURSERY CLASS - STATUTORY
CONSULTATION DOCUMENT (Item 2E, Pages 1511-1513, 07/12)**

- 4E.** There was submitted a report dated 16 August 2011 (circulated) by the Executive Director of Educational and Social Services which sought approval to issue a statutory consultation document for public consultation on the future of ante and pre-school education provision for children on the current site of Muirkirk Primary School Nursery Class.

Cabinet agreed:-

- (i) to approve the proposal document as attached as Appendix A to the report for consultation;
- (ii) to remit to the Executive Director of Educational and Social Services to issue the proposed document for statutory consultation in accordance with statutory requirements;
- (iii) that the statutory consultation document be issued ahead of any consideration by the Governance and Scrutiny Committee due to the timescale required by the statutory consultation period, as detailed in Paragraph 4.1 of the report; and
- (iv) otherwise, to note the contents of the report.

**OUTCOME OF THE STATUTORY CONSULTATION IN RESPECT OF
FLOWERBANK NURSERY AND FAMILY CENTRE
(Item 4E, Page 1632, 07/12)**

- 5E.** There was submitted a report dated 16 August 2011 (circulated) by the Executive Director of Educational and Social Services which informed Cabinet of the responses

and comments which had been received from stakeholders during the public consultation on the proposal to discontinue educational and care provision at the existing Flowerbank Nursery and Family Centre buildings with effect from 19 August 2013, or as soon as possible thereafter, and reopened in a refurbished and extended building on the present Woodstock School site with effect from 19 August 2013, or as soon as possible thereafter.

Cabinet, having considered the outcome of the findings of the statutory consultation period and associated response from HMIE and the consultation report which had been published as an Appendix to the report, agreed:-

- (i) to approve the proposal to discontinue educational provision and care provision at the existing Flowerbank Nursery and Family Centre building with effect from 19 August 2013, or as soon as possible thereafter, and reopened in a refurbished and extended building on the present Woodstock School site with effect from 19 August 2013, or as soon as possible thereafter;
- (ii) to declare the existing Flowerbank Nursery and Family Centre buildings surplus to operational requirements when the new Flowerbank Nursery and Family Centre was opened; and
- (iii) otherwise, to note the contents of the report.

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

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

EAST AYRSHIRE PERFORMS - SUMMARY REPORT

- 6E.** There was submitted a report dated 24 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised of a number of important performance measures as at 24 July 2011 (Period 4) which included the projected financial position for the year, expenditure reduction measures, progress of the capital programme, absence management, health and safety and risk management.

Cabinet agreed:-

- (i) to approve the use of Educational and Social Services uncommitted balances as detailed in Paragraph 3.2.2 of the report;
- (ii) to approve the virement from General Fund Housing (Waste Management) to Roads and Transportation as detailed in Paragraph 3.2.3 of the report;
- (iii) to approve the utilisation of £0.242m savings within the Housing Revenue Account (HRA) budget for additional planned maintenance works, and noted that the remaining HRA underspend would be retained within HRA balances as detailed in Paragraph 3.2.4 of the report;
- (iv) to approve the naming of the new Children's House "Benrig" as detailed in Paragraph 3.4 of the report;
- (v) to note the absence management position as detailed in Paragraph 3.5 of the report and in the summary report;
- (vi) to note the Health and Safety position as detailed in Paragraph 3.6 of the report and in the summary report;

- (vii) to note the current risks as identified in the Corporate Risk Register in the summary report; and
- (viii) otherwise, to note the contents of the report.

Councillor Jim Roberts rejoined, and Church Representative Maria Dorrian left, the meeting, during discussion of the above item.

TRANSFORMING OUR RELATIONSHIP WITH THE COMMUNITIES WE SERVE

7E. There was submitted a joint report dated 19 August 2011 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services, the Executive Direction of Educational and Social Services and the Executive Director of Finance and Corporate Support which proposed (i) a refreshed approach for the delivery of community based services, strengthening and empowering our local communities, building capacity and resilience and supporting community and neighbourhood management of assets and services; and (ii) a review context and timetable for the further investigation and implementation of the proposals.

Councillor Iain Linton, seconded by Councillor Robert McDill, moved approval of the recommendations as detailed in the report, namely:-

- (i) having considered the content of the report, to agree, in principle, the proposed approach as detailed in Paragraph 3 of the report;
- (ii) to approve the review timescale as detailed at Paragraph 4.6 of the report and the associated transfer of the Management Review of Leisure and Community Learning and Development from Phase 2 (July - September 2011) to Phase 3 (October - December 2011);
- (iii) to approve the organisation of themed workshop sessions in relation to the approach outlined within the report for Elected Members;
- (iv) to note the arrangements in relation to the Lead Officer outlined at Paragraph 4.3 of the report; and
- (v) otherwise, to note the contents of the report.

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

- (i) having considered the content of the report, to note the proposed approach detailed in Paragraph 3 of the report;
- (ii) to approve the review timescale as detailed at Paragraph 4.6 of the report and the associated transfer of the Management Review of Leisure and Community Learning and Development from Phase 2 (July - September 2011) to Phase 3 (October - December 2011);
- (iii) to approve the organisation of themed workshop sessions in relation to the approach outlined within the report for Elected Members;
- (iv) to note the arrangements in relation to the Lead Officer outlined at Paragraph 4.3 of the report; and
- (v) otherwise, to note the contents of the report.

On a division by a show of hands, the motion was carried by 7 votes to 4.

Councillors Iain Linton and Kathy Morrice, Church Representative Ian Rennie and Parent Representative David Fraser left the meeting at this point.

“MAKE IT KILMARNOCK” INITIATIVE - 2011/12 EXPENDITURE

8. There was submitted a report dated 18 August 2011 (circulated) by the Chief Executive which sought approval for expenditure within the “Make It Kilmarnock” budget for 2011/12 which specifically related to the extension of a negotiated contract with an independent consultant, for the provision of specialist support to the “Make It Kilmarnock” Project.

Cabinet agreed:-

- (i) that Stephen Chorley be appointed to provide services which related to the support of the “Make It Kilmarnock” work for a 12 month period from 1 September 2011 in accordance with Paragraph 20(1) of the Council’s Standing Orders Relating to Contracts at a cost not exceeding £20,000; and
- (ii) otherwise, to note the contents of the report.

Councillor Kathy Morrice rejoined the meeting during discussion of the above item.

Councillors Maureen McKay and Barney Menzies left the meeting at this point.

EXCLUSION OF PRESS AND PUBLIC

9. 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 Paragraphs of Schedule 7A of the Act as shown against each item”.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

PROPOSED DISPOSAL OF LAND AND GRANT OF VEHICULAR SERVITUDE TOGETHER WITH RIGHT OF SUPPORT AT QUEEN’S DRIVE, KILMARNOCK (PARA 9)

10.1 Declaration of Interest

Councillor Hugh Ross, as a former member of Kilmarnock Rugby Football Club, declared a non-financial interest in respect of this item and having deemed that the interest was significant, having considered the terms of the objective test, as outlined in Paragraph 5.3 of the Councillors’ Code of Conduct, accordingly withdrew from the meeting.

10.2 Consideration of Item

There was submitted a report dated 17 August 2011 (circulated) by the Executive Director of Finance and Corporate Support which sought Cabinet approval (i) to dispose of a strip of land which extended to 820 square metres or thereby, situated adjacent to Kilmarnock Rugby Football Club’s ground at Queen’s Drive, Kilmarnock, to the party identified in the report; and (ii) to grant the party identified in the report a servitude right of vehicular and pedestrian access over land forming part of Kilmarnock Academy Playingfields at Queen’s Drive, Kilmarnock, together with a right of support for the purpose of constructing an elevated flood relief road.

Cabinet agreed:-

- (i) to dispose of the strip of land which extended to 820 square metres or thereby, situated between the boundary of the land owned by Kilmarnock Rugby Football Club and the public footpath/road at Queen's Drive, Kilmarnock, to the party identified in the report;
- (ii) to grant the party identified in the report a servitude right of vehicular and pedestrian access over land which formed part of Kilmarnock Academy Playingfields at Queen's Drive, Kilmarnock, together with a right of support for the purpose of constructing an elevated flood relief road;
- (iii) to authorise the Solicitor to the Council to conclude both transactions subject to payment of the capital consideration identified within Paragraph 4.2 of the report and inclusion of all other terms and conditions as deemed necessary to safeguard the interests of East Ayrshire Council; and
- (iv) otherwise, to note the contents of the report.

REVIEW OF MANAGEMENT STRUCTURES - LEGAL, PROCUREMENT AND REGULATORY SERVICES (PARA 1) (Item, 8E, Page 1501, 07/12)

11. There was submitted a report dated August 2011 (circulated) by the Executive Director of Finance and Corporate Support which advised on the outcome of the review of management structures within the Legal, Procurement and Regulatory Services and which recommended that there be no changes to the management arrangements of this Service.

Cabinet agreed:-

- (i) to approve the status quo with regard to the management structure of the Legal, Procurement and Regulatory Service;
- (ii) to approve the exceptions to the guide in principles as highlighted in Section 4 of the report; and
- (iii) otherwise, to note the contents of the report.

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

The meeting terminated at 1238 hours.