

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 27 JANUARY 2016 AT 1000 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK**

PRESENT: Councillors Douglas Reid, Tom Cook, Eòghann MacColl, Maureen McKay, Lillian Jones, Iain Linton, Jim Buchanan, Bobby McDill, Stephanie Primrose and Kathy Morrice; Church Representatives Maria Dorrian, Andrew Keachie and Ian Rennie; Parent Representative Jacqueline Livingston and Teacher Representative Graham Boyd.

PRESENT: Fiona Lees, Chief Executive; Alex McPhee, Depute Chief Executive and Chief Financial Officer: Economy and Skills; Chris McAleavey, Depute Chief Executive: Safer Communities; David Mitchell, Chief Governance Officer; Alan Ward, Head of Education; Andrew Kennedy, Head of Facilities and Property Management; Craig McArthur, Head of Finance and ICT; Michael Keane, Head of Planning and Economic Development; Sandy Gallanders, Interim Head of Human Resources; Simon Bell, Capital Programme Manager; Aileen Hollywood, Education Programme Manager; Sam McVie, Estates Manager; John Wilson, Education Manager and Christine Baillie, Democratic Services Team Leader.

APOLOGY: Councillor Hugh Ross.

CHAIR: Councillor Douglas Reid, Leader of the Council.

CHAIR'S REMARKS

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

DECLARATIONS OF INTEREST

2. Parent Representative Jackie Livingston, as a member of James Hamilton Academy Parent Council, declared a non-financial interest in Item 4.2E shown below i.e. "Merger of New Farm Primary School and Early Childhood Centre and Silverwood Primary School; Merger of James Hamilton Academy and Kilmarnock Academy; and 3-18 Gaelic Provision" which she considered significant and advised that she intended to withdraw from the meeting when the item was being considered.

Councillor Lillian Jones, as a Trustee of the Kilmarnock Leisure Centre Trust (Galleon), declared a non-financial interest in those parts of Item 6E below i.e. "East Ayrshire Performs" that referred to the Kilmarnock Leisure Centre Trust (Galleon), and as the nature of the interest was not deemed significant having considered the terms of the objective test as outlined in paragraph 5.3 of the Councillors' Code of Conduct, accordingly remained and participated in consideration and determination of the item.

Councillors Douglas Reid, Eòghann MacColl, Iain Linton and Parent Representative Jackie Livingston, as Trustees of East Ayrshire Leisure Trust each declared a non-financial interest in the part of Item 6E below i.e. "East Ayrshire Performs" that referred to the East Ayrshire Leisure Trust, and as the nature of the interest was not deemed significant, having considered the terms of the Objective Test as outlined in

Paragraph 5.3 of the Councillors' Code of Conduct, they each accordingly remained and participated in consideration and determination of the item.

ECONOMY AND SKILLS

STRATEGIC RANGE OF INTERVENTIONS ADDRESSING SCHOOL EXCLUSIONS AND PUPIL NON-ATTENDANCE IN PARTNERSHIP WITH CENTRESTAGE

- 3E.** There was submitted a report dated 14 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which sought approval to provide a grant to Centrestage (Communities and Leadership through the Arts), to deliver, in partnership with educational establishments, a strategic range of interventions addressing school exclusions and pupil non-attendance.

Cabinet agreed:-

- (i) to approve the direct negotiation of a contract with Centrestage to provide the proposed services, for a period of one year and to a maximum value of £20,000, in accordance with paragraph 21(1) of the Council's Standing Orders relating to Contracts;
- (ii) to remit to the Depute Chief Executive and Chief Financial Officer: Economy and Skills, to agree appropriate monitoring processes and reporting agreement with Centrestage and to report back to Cabinet with an evaluation of this pilot initiative at the appropriate time; and
- (iii) otherwise, to note the contents of the report.

PROCEDURE FOR THE NAMING OF NEW SCHOOLS ETC WITHIN EAST AYRSHIRE (Item 3E, Pages 1395, 07/12)

- 4.1E MERGER OF BELLFIELD PRIMARY SCHOOL AND KIRKSTYLE PRIMARY SCHOOL** - There was submitted a report dated 14 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which outlined the proposals received for a name for the new build establishment to replace the current Bellfield Primary School and Kirkstyle Primary School.

Councillor Douglas Reid, seconded by Councillor Stephanie Primrose, moved, having considered all proposals submitted together with the reasons given for each proposal:-

- (i) that the name for the new build establishment to replace the current Bellfield Primary School and Kirkstyle Primary School be Whatriggs Primary School; and
- (ii) otherwise, to note the contents of the report.

Teacher Representative Graham Boyd, seconded by Church Representative, Ian Rennie, moved, having considered all proposals submitted together with the reasons given for each proposals, as an amendment:-

- (i) that the name for the new build establishment to replace the current Bellfield Primary School and Kirkstyle Primary School be Buchanan Primary School; and
- (ii) otherwise, to note the contents of the report.

On a division by a show of hands, the motion was carried by 11 votes to 4.

Parent Representative Jackie Livingston left the meeting at this point.

4.2E MERGER OF NEW FARM PRIMARY SCHOOL AND EARLY CHILDHOOD CENTRE AND SILVERWOOD PRIMARY SCHOOL; MERGER OF JAMES HAMILTON ACADEMY AND KILMARNOCK ACADEMY; AND NEW 3-18 GAELIC PROVISION

- There was submitted a report dated 14 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which outlined the proposals received for names for the new build establishments to replace the current New Farm Primary School and Early Childhood Centre, Silverwood Primary School, James Hamilton Academy, Kilmarnock Academy and 3-18 Gaelic Provision.

Cabinet having considered all proposals submitted together with the reasons given for each proposal, agreed:-

- (i) that the names for the new build establishments to be located on Sutherland Drive, Kilmarnock be as follows:-
 Secondary School - Kilmarnock Academy;
 Primary School and Early Childhood Centre - James Hamilton Primary School;
 and
 Gaelic Provision - Sgoil na coille nuaidhe; and
- (ii) otherwise, to note the contents of the report.

Thereafter, Councillor Douglas Reid seconded by Councillor Jim Buchanan, moved that the Campus name be either William McIlvanney Campus or Willie McIlvanney Campus, the final determination to be made by Mr McIlvanney's family.

Teacher Representative, Graham Boyd, seconded by Church Representative Ian Rennie, moved as an amendment that the campus name be Kilmarnock Campus.

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

Parent Representative Jackie Livingston re-joined the meeting at this point.

KILMARNOCK LEARNING CENTRE CAMPUS (Item 3E, Page 1547, 12.17)

- 5E.** There was submitted a joint report dated 26 January 2016 (circulated) by the Depute Chief Executive: Safer Communities and Depute Chief Executive and Chief Financial Officer: Economy and Skills which advised of the progress made to date on the East Ayrshire Learning Campus, Kilmarnock (DBFM) (Design, Build, Finance and Maintain) project and which sought agreement for the approach to finalise Financial Close.

Cabinet agreed in terms of Standing Order 40, to reconsider the decision taken by Cabinet on 9 December 2015 in respect of the upgrade of the synthetic sports pitch to accommodate rugby.

Cabinet then agreed:-

- (i) to the immediate payment of £1.21m of fees which related to the project with the reduction of the equivalent amount from the project agreement and the annual unitary charge;
- (ii) to the Council providing a letter of comfort and a commitment to underwrite the £276,000 of additional costs incurred by Kier, in the event the project did not reach financial close;

- (iii) to the amendment to the project to include the upgraded synthetic pitch to support rugby with the associated capital and operational costs;
- (iv) due to the timescale to allow financial close and early site start, the decisions at (i), (ii) and (iii) above be implemented prior to any consideration by the Governance and Scrutiny Committee under the call-in process, as to delay the decisions could mean there was a further delay to the project and it may jeopardise the project funding; and
- (v) otherwise, to note the content of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES

EAST AYRSHIRE PERFORMS SUMMARY REPORT

6E. There was submitted a report dated 20 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which advised of a number of important performance measures as at 13 December 2015 (Period 9), which included the projected financial position for the year, expenditure reduction measures, treasury indicators, progress of the capital programme, absence management, complaints, health and safety and risk management.

Cabinet agreed:-

- (i) to note the financial management position as detailed in paragraphs 6 to 19 and in the summary report and approve the transfers totalling £0.529m detailed at paragraph 8 of the report;
- (ii) to approve the £0.70m allocation from the General Fund uncommitted balance to Bonnyton Thistle Football Club as noted at paragraph 14 of the report;
- (iii) to approve the request from Sportscotland that the Council would provide an undertaking to assume responsibility for the new Bonnyton Thistle facility, in the event of the club being unable to operate the facility during the period of their grant award as detailed at paragraph 15 of the report, noting that the award period was up to 25 years and not 10 as stated in the report;
- (iv) to approve the allocation of £0.070m to CVO (East Ayrshire) for continuation of the GRAFT project, to be funded from the Welfare Reform Fund and with appropriate terms and conditions as noted at paragraph 16 of the report;
- (v) to approve the £0.005m transfer from the Transformation Fund as noted in paragraph 17 of the report;
- (vi) to approve the utilisation of £0.020m from the Transformation Fund as noted at paragraph 18 of the report;
- (vii) to approve the allocation of up to £0.100m from the General Fund uncommitted balance to the Kilmarnock Leisure Centre Trust over a two year period as noted at paragraph 19 of the report;
- (viii) to approve the allocation of £0.400m from the Capital Investment Programme Project Contingency fund to meet the additional costs associated with the proposed works at Hurlford Primary School and Early Childhood Centre as detailed at paragraph 22 of the report;

- (ix) to approve the additional scope of services with AECOM at an additional cost of £0.017m as detailed in paragraph 25 of the report;
- (x) to approve the allocation of £0.400m from the Capital Investment Programme Project Contingency Fund as detailed at paragraph 27 of the report to meet the additional costs associated with the extensions/adaptations to Lainshaw, Cairns and Auchinleck Early Childhood Centre;
- (xi) to approve the allocation of £0.740m from the Galleon Centre capital investment programme budget to undertake re-roofing works as detailed at paragraph 28 of the report;
- (xii) to note the absence management information as detailed at paragraph 30 of the report and in the summary report;
- (xiii) to note the health and safety position as detailed in paragraphs 31 to 32 of the report and in the summary report;
- (xiv) to note the current risks as identified in the Corporate Risk Register in the summary report; and
- (xv) otherwise, to note the contents of this report.

Church Representative Maria Dorrian and Parent Representative Jackie Livingston left during and Church Representative Andrew Keachie and Teacher Representative Graham Boyd left at the conclusion of, the above item.

ECONOMY AND SKILLS

GALSTON CONSERVATION AREA REGENERATION SCHEME (CARS) - UPDATE AND REVISED ACTION PLAN PROJECT SCHEDULE

7. There was submitted a report dated 20 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which provided an update on the progress made under the Galston CARS and which sought approval of a revised Action Plan Project Schedule and the associated revision of the delegated authority to the Head of Planning and Economic Development to determine all grant applications and to arrange its subsequent dispersal based on the approved Action Plan Project Schedule.

Cabinet agreed:-

- (i) to approve the revised Galston CARS Schedule shown at Appendix 2 to the report;
- (ii) to recommend to Council to amend the current delegated authority to enable the Head of Planning and Economic Development to approve grant applications for all the Galston CARS building projects that were within 20% of the Indicative Total Grant Allocations contained in the Galston CARS Revised Schedule, Appendix 2 of this report;
- (iii) to remit to the Head of Planning and Economic Development to seek additional external funding to enable grant aid to be provided for those potential CARS projects as detailed in Appendix 3 of this report and report back to Cabinet on progress in obtaining additional funding; and
- (iv) otherwise, to note the contents of this report.

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CENTRAL JOINT CONSULTATIVE COMMITTEE

8. There were submitted and noted the Minutes of Meeting held on 26 November 2015 (circulated).

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Schedule 7A of the Act.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES

**PROPOSED LEASE OF INDUSTRIAL UNIT AT MOORFIELD PARK,
KILMARNOCK AND PROPOSED ACQUISITION OF INDUSTRIAL UNIT AT
BONNYTON INDUSTRIAL ESTATE**

10. There was submitted a report dated 14 January 2016 (circulated) by the Depute Chief Executive and Chief Financial Officer: Economy and Skills which sought Cabinet approval (i) to enter into a lease agreement with the Company identified in the report in respect of a new industrial unit to be constructed at Moorfield Park, Kilmarnock subject to the terms and conditions identified within the report; and (ii) to acquire from the Company their current premises as specified within the report subject to the terms and conditions detailed.

Cabinet agreed:-

- (i) to approve the lease of the new unit to be constructed at Moorfield Park, Kilmarnock to the company identified in the report in accordance with the terms and conditions detailed;
- (ii) to approve the acquisition of the Company's current premises in accordance with the terms and conditions identified within the report;
- (iii) to authorise the Solicitor to the Council to conclude the transactions referred to in recommendations (i) and (ii) in accordance with the terms and conditions identified within the report and subject to any other conditions deemed necessary to protect the interest of the Council; and
- (iv) otherwise, to note the contents of the report.

The meeting terminated at 1225 hours.