

EAST AYRSHIRE COUNCIL**CABINET****MINUTES OF MEETING HELD ON WEDNESDAY 21 APRIL 2010 AT
1000 HOURS IN THE LORENY COFFEE BAR, SHORTLEES
COMMUNITY EDUCATION CENTRE, KILMARNOCK**

PRESENT: Councillors Iain Linton, John McKay, Maureen MacKay, Jim Buchanan, Hugh Ross, Jim Todd, Robert McDill, Jim Roberts, Kathy Morrice and Moira Pirie (for Barney Menzies); Parent Representative David Fraser; and Teacher Representative Bryce Wilson.

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; Bill Walkinshaw, Head of Democratic Services; Chris McAleavey, Head of Housing; Martin Rose, Head of Human Resources; Malcolm Roulston, Head of Information Technology and Asset Management; David Mitchell, Head of Legal, Procurement and Regulatory Services; Susan Taylor, Head of Service: Children, Families and Criminal Justice; Kay Gilmour, Head of Service: Community Support; Andrew Kennedy, Acting Head of Service: Facilities Management; Euan Couperwhite, Head of Service: Resources; Janie Allen, Principal Officer, Early Education and Childcare; and Gillian Hamilton, Administrative Officer.

APOLOGIES: Councillors Douglas Reid and Barney Menzies; Church Representatives Bill McGregor and Maria Dorrian.

CHAIR: Councillor Iain Linton, Depute Leader of the Council.

LIFELONG LEARNING**2010/11 BUDGET PROPOSALS: EARLY EDUCATION AND CHILDCARE**

1E. There was submitted a report dated 22 February 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for a reduction in budgets in relation to early education for financial year 2010/11 onwards.

1.1E Declaration of Interest

Councillor Kathy Morrice declared a non-financial interest in respect of this item, in accordance with paragraphs 5.17 and 5.18 of the Councillors' Code of Conduct and left the meeting.

1.2E Consideration of Item

Councillors Jim Roberts, seconded by Councillor Hugh Ross, moved:-

- (i) that the Council continue to enter into a Service Level Agreement with Burns Bairns Under 5's Group and, therefore, continue to provide current funding levels;
- (ii) that Cabinet approve the proposals contained in the report in respect of Jacaranda Nursery, namely, not to partner Jacaranda Nursery in academic session 2010/11;

- (iii) that Cabinet approve the related proposals in respect of the recurring savings in the Early Education and Childcare Budget detailed in paragraph 5.2.3 of the report; and
- (iv) that the Executive Director of Educational and Social Services report to Cabinet on the outcome of the review of Nursery Schools in June 2010.

Councillor Maureen McKay, seconded by Councillor Moira Pirie, having intimated her support for (i) above moved as an amendment:-

- (i) that following receipt yesterday of letters in respect of Jacaranda Nursery, and a previous letter from the Chief Executive to Jacaranda Nursery, copies of which had not been received by all Cabinet Members, any decision on partnership arrangements with Jacaranda Nursery be deferred pending appropriate consideration of the letters by all;
- (ii) that Cabinet approve the related proposals in respect of the recurring savings in the Early Education and Childcare Budget, detailed in paragraph 5.2.3 of the report; and
- (iii) that the Executive Director of Educational and Social Services report to Cabinet on the outcome of the review of Nursery Schools in June 2010.

On a division by a show of hands the motion was carried by 7 votes to 3.

Councillor Kathy Morrice re-joined the meeting.

EARLY EDUCATION AND CHILDCARE FUNDING TO EXTERNAL AGENCIES 2010/11

2E. There was submitted a report dated 18 March 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval for the allocation of funding to early education and childcare external organisations in financial year 2010/11.

Cabinet agreed:-

- (i) to approve funding to Out of School Care Groups as follows:-
 - (a) £6,550 to Ochiltree Bus Group for academic session 2010/11, in principle, subject to the appropriate grant application;
 - (b) £57,863 to Homestart for financial year 2010/11;
 - (c) £95,144 to Avenue Childcare Services for financial year 2010/11; and
 - (d) £26,000 to Coalfield Communities Transport for financial year 2010/11; and
- (ii) otherwise, to note the contents of the report.

SCHOOL ESTATE MANAGEMENT PLAN

3E. There was submitted a report dated 3 March 2010 (circulated) by the Executive Director of Educational and Social Services which sought approval of the School Estate Management Plan dated December 2009 and its submission to the Scottish Government.

Cabinet agreed:-

- (i) to approve the School Estate Management Plan dated December 2009;
- (ii) to submit the School Estate Management Plan to the Scottish Government;
- (iii) that the Executive Director of Educational and Social Services submit future reports on the School Estate Management Plan as necessary to Cabinet; and
- (iv) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

REVIEW OF ICT AND TECHNICAL SUPPORT TO SCHOOLS

- 4E.** There was submitted a report dated 31 March 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought endorsement of the findings and associated actions arising from the review of ICT and Technical Support Provision for Schools.

Councillor Hugh Ross, seconded by Councillor Jim Roberts moved that Cabinet:-

- (i) note the outcome of the review of ICT and Technical Support to schools; and
- (ii) endorse the actions outlined in the Action Plan appended to the report.

Councillor Maureen McKay, seconded by Councillor Moira Pirie, moved as an amendment that Cabinet:-

- (i) note the outcome of the review of ICT and Technical Support to Schools report;
- (ii) endorse the actions outlined in the Action Plan appended to the report; and
- (iii) be provided with all costs/savings associated with the review recommendations detailed under paragraph 5 of the report.

On a division by a show of hands the motion was carried by 8 votes to 2.

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

IMPROVING COMMUNITY HEALTH AND WELLBEING

THE DRAFT NATIONAL STRATEGY FOR SELF DIRECTED SUPPORT

- 5.** There was submitted a report dated 31 March 2010 (circulated) by the Executive Director of Educational and Social Services (i) which advised of consultation on the Draft National Strategy for Self Directed Support in Scotland which has been developed to take forward the personalisation of Health and Social Care Services in Scotland and (ii) sought approval for a response from East Ayrshire Council.

Cabinet agreed:-

- (i) to note the draft proposals outlined in the Draft National Strategy;
- (ii) to approve the draft East Ayrshire Response subject to incorporating into the response to question 2 an exclusive request that any additional financial burden linked to promoting self-directed support as contained within the Draft National Strategy be met by the Scottish Government; and to propose that Level 3 be the minimum requirement for any SVQ qualification to be considered as part of a national training strategy for personal assistants;

- (iii) to note the forthcoming consultation on the proposal for a Self Directed Support (Scotland) Bill;
- (iv) to further consider the outcomes of the national research and the results from the three Scottish pilot sites once these are published; and
- (v) otherwise, to note the contents of the report.

COMMUNITY CARE CONTRACTING 2010/11

6. There was submitted a report (circulated) by the Executive Director of Educational and Social Services which outlined Community Care Commissioning and contracting priorities and proposals for 2010/11 and sought approval for these proposals.

Cabinet agreed:-

- (i) to approve the proposals contained in Sections 3 and 4 of the report;
- (ii) to implement the extension of existing contracts as outlined at Section 3 of the report, subject to the conclusion of satisfactory negotiations on costs and note that the Executive Director of Educational and Social Services would report back to Cabinet on any inability to implement the contract extensions due to a successful outcome to negotiations on costs not being achieved; and
- (iii) otherwise, to note the contents of the report.

DELIVERING COMMUNITY REGENERATION

REPORT ON THE REVIEW TO EXPLORE THE BACKGROUND REASONS FOR THE LEVEL OF COMPLAINTS ON CONTRACT UPGRADES TO THE COUNCIL'S HOUSING STOCK WITHIN THE CAPITAL PROGRAMME

7. There was submitted a report dated 12 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which presented for consideration the recommendations of the Members of the Governance and Scrutiny Committee arising from their recent review to explore the background reasons for the level of complaints on contract upgrades to the Council's housing stock within the capital programme, together with the actions set out within the associated Improvement Action Plan.

Cabinet, having due consideration to the recommendations of the Governance and Scrutiny Committee arising from the review and the further recommendation relative to the potential use by other Departments/Services of the mobile exhibition/information unit agreed:-

- (i) to approve the associated Improvement Action Plan;
- (ii) to notify the Governance and Scrutiny Committee accordingly; and
- (iii) otherwise, to note the contents of the report.

KICK START COUNCIL HOUSE BUILDING BID SUBMISSION

8. There was submitted a report dated 9 April 2010 (circulated) by the Depute Chief Executive/Executive Director of Corporate Neighbourhood Services which sought approval to submit to the Scottish Government a bid for funding to assist in the provision of the new Council housing across East Ayrshire on the site at Newlands

Drive, Kilmarnock as identified on the plans appended to the report in accordance with the general aims of the approved East Ayrshire Strategic Housing Investment Plans 2009/10 to 2013/14 and 2010/11 to 2014/15, and sought authority in the event of the submission being successful to appoint Atrium Initiatives as the Council's agents to manage the design and build project in respect of the third phase of the Council's house building programme.

Cabinet agreed:-

- (i) to approve the proposed amendment to the number of housing units to be provided for the reasons set out in paragraph 4.3 on each of the three sites that comprise the approved Phase 2 bid to total 30 units;
- (ii) to authorise the submission of a third phase bid for funding to the Scottish Government and CoSLA to assist in the provision of new Council housing across East Ayrshire in accordance with the total number of new build Council houses as set out within the approved East Ayrshire Strategic Housing Investment Plan 2010/11 to 2014/15 to include the sites of Newlands Drive, Kilmarnock (6 units) and adjacent to the Rosebank Resource Centre, London Road, Kilmarnock (4 units);
- (iii) subject to Scottish Government approval of the third stage bid, to authorise the appointment of Atrium Homes or their subsidiary company Atrium Initiatives to manage the design and build process relative to the third phase of the Council house building programme for the reasons detailed in paragraph 7.1.7 of this report in accordance with the provisions of paragraph 20(1) of the Council's Standing Orders Relating to Contracts;
- (iv) due to the timescales involved, to authorise implementation of the recommendations in (i) above, prior to any consideration by the Governance and Scrutiny Committee as to delay implementation would seriously prejudice the Council's position in relation to achieving a site start at the end of the financial year;
- (v) that a further report on progress be submitted to a future Cabinet meeting; and
- (vi) otherwise, to note the contents of the report.

STRATEGIC PLANNING, MANAGEMENT AND RESOURCES AND EQUALITIES

CIVIL CONTINGENCIES - MUTUAL AID AGREEMENT

9. There was submitted a report dated 15 April 2010 (circulated) by the Depute Chief Executive/Executive Director of Neighbourhood Services which advised Cabinet on the progress made in the development of a Mutual Aid Agreement - Memorandum of Understanding between the 12 Authorities that make up the Strathclyde Emergency Co-ordination Group (SECG) and sought approval to sign the Memorandum of Understanding.

Cabinet agreed:-

- (i) to approve the contents of the SECG Local Authority Mutual Aid Memorandum of Understanding;

- (ii) to agree to the signing of the Local Authority Mutual Aid Memorandum of Understanding on behalf of East Ayrshire Council; and
- (iii) otherwise, to note the contents of the report.

GRANTS TO VOLUNTARY ORGANISATIONS

10. There was submitted a report dated 31 March 2010 (circulated) by the Executive Director of Educational and Social Services which advised of grant applications to voluntary organisations for 2010/11 and made recommendations accordingly.

Cabinet agreed:-

- (i) to approve a grant of £12,000 to Volunteer Centre East Ayrshire;
- (ii) to approve a grant of £500 to the Scottish Domestic Abuse Helpline;
- (iii) to approve a grant of £600 to NSPCC (Childline in Scotland) Bullying Line; and
- (iv) otherwise, to note the contents of the report.

LOCAL COMMUNITY GRANTS SCHEME - DISTRIBUTION OF RESOURCES

11. There was submitted a report dated 14 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which presented to Cabinet for consideration proposals in respect of the distribution of resources for the Council's Local Community Grants Scheme.

Councillor Iain Linton, seconded by Councillor Jim Buchanan moved that Cabinet agree Option 3, detailed in the report, as the preferred distribution formula and resource allocation in respect of the Local Community Grants Scheme in 2010/11 and future years.

Councillor Maureen McKay, seconded by Councillor Moira Pirie moved as an amendment that consideration be continued pending receipt of background information on historic demand for Community Grant funding.

On a division by a show of hands, the motion was carried by 8 votes to 2.

Cabinet also noted the provisions available to it, in terms of the opportunity to review any Local Grants Committee unspent balances from previous financial years, if it so wished.

DEMOLITION OF ST MATTHEWS PRIMARY SCHOOL, KILMARNOCK APPROVAL FOR ADDITIONAL EXPENDITURE

12. There was submitted a report dated 3 March 2010 (circulated) by the Executive Director of Finance and Corporate Support which asked Cabinet to note that the value of the original tendered demolition contract value for St Matthew's Primary School had been exceeded due to unforeseen circumstances on site.

Cabinet agreed:-

- (i) to approve retrospectively the additional expenditure due to the discovery of asbestos during the demolition contract under the terms of paragraph 20.2 and 25.7 of the Council's Standing Orders Relating to Contracts and tendering (applicable from 1 January 2008); and

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

**REVISED CONDITIONS OF SERVICE FOR LOCAL GOVERNMENT
EMPLOYEES (Item 13, Page 996, 07/12)**

- 13.** There was submitted a report dated 6 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which advised Cabinet of the outcome of the Trade Unions' consultations with their members on the Council's proposed revised Conditions of Service for Local Government Employees and recommended further action in order to progress the implementation of the revised Conditions of Service.

Cabinet having heard from the Head of Human Resources, that implementation of the revised Conditions of Service would not be carried out as outlined in paragraph 4.3, namely, employees would not be issued with termination notices, agreed:-

- (i) to note the submission from the Trade Unions following their consultations with their members;
- (ii) to refer the matter to an Appeals Panel to consider representations from the Trade Unions;
- (iii) to note that no action would be taken until a further report has been submitted to Cabinet following the outcome of the Appeals Panel; and
- (iv) otherwise, to note the contents of the report.

**REPLACEMENT OF THE APPROVED ALL-AYRSHIRE APPROVED
LIST OF CONTRACTORS**

- 14.** There was submitted a report dated 13 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought approval for the replacement of the All-Ayrshire Approved List of Contractors with a new process to take effect from 1 October 2010.

Cabinet agreed:-

- (i) to approve the proposal to replace the All-Ayrshire Approved List of Contractors; and
- (ii) otherwise, to note the contents of the report.

EXCLUSION OF PRESS AND PUBLIC

- 15.** 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 of Schedule 7A of the Act as shown against each item".

**PROPOSED AGREEMENT WITH FCC (FIRST CLASS CONSORTIUM) (EAST
AYRSHIRE) LTD (PARA 9)**

- 16.** There was submitted a joint report dated 12 April 2010 (circulated) by the Executive Director of Finance and Corporate Support and the Executive Director of Educational and Social Services which sought approval to enter into a formal legal agreement with FCC (East Ayrshire) Ltd.

Cabinet agreed:-

- (i) to approve the proposals contained in Section 3.5.2 of the report and authorise the Solicitor to the Council to enter into a formal legal agreement with FCC (East Ayrshire) Ltd in the terms thereof;
- (ii) having regard to the matters set out in paragraph 3.5.4 of the report, that the above decision be implemented ahead of any consideration by the Governance an Scrutiny Committee, on the grounds of urgency, as to do otherwise would seriously prejudice the Council's position insofar as it would prevent the soil works to the surplus site on the St Joseph's Campus being commenced on 26 April 2010 as currently proposed by the contractor;
- (iii) to note that discussion in respect of the outstanding issues at Mauchline Primary School and Nursery Class are continuing with a view to identifying suitable solutions; and
- (iv) otherwise to note the contents of the report.

SEVERANCE (PARA 1)

17. There was submitted a report dated 7 April 2010 (circulated) by the Executive Director of Finance and Corporate Support which sought Cabinet's approval of a severance arrangement for an employee within Housing Services of the Department of Neighbourhood Services.

Cabinet agreed:-

- (i) to approve the severance arrangements detailed in the Appendix to the report; and
- (ii) otherwise to note the report.

The meeting terminated at 1210 hours.